

94229

To: Board of Acquisition and Contract

From: Vincent F. Kopicki, P.E.
Commissioner of Environmental Facilities

Date: June 23, 2022

Re: Authority to (i) exercise the option to renew an agreement with American Petroleum Equipment & Construction Company Incorporated, to provide for Maintenance Service for Fuel Systems and Related Equipment of the Department of Environmental Facilities, at various County locations, Westchester County, New York for the renewal term commencing on November 3, 2022 and continuing through November 2, 2024, for an additional sum of \$263,800, and (ii) approve Change Order No. 1 to amend the agreement to cover additional necessary services for an additional sum of \$483,900, for a new total amount not to exceed \$913,620.

By resolution approved on October 24, 2019, your Honorable Board awarded Contract No. EF-1905, a three (3) year contract for Maintenance Service for Fuel Systems and Related Equipment of the Department of Environmental Facilities (“Department”), various County locations, Westchester County, New York., to the low bidder, American Petroleum Equipment & Construction Company Incorporated (“American Petroleum”) for an amount not to exceed \$165,920 (“Agreement”). Pursuant to the terms of the Agreement, American Petroleum agreed to provide the County of Westchester (“County”) with maintenance services for the fuel systems and related equipment of the Department for an initial term of three (3) years, commencing on November 3, 2019 and continuing through November 2, 2022, for the amount of \$165,920.00 with the County reserving an option to renew the Agreement for one (1) additional (2) two-year term by mutual consent of the parties, with all prices, terms and conditions remaining the same as the original contract.

The County desires to exercise the option to renew the Agreement for the renewal term commencing on November 3, 2022 and continuing through November 2, 2024, for an additional sum over the two-year option of \$263,800.

In addition to extending the term of the Agreement, the Department is also requesting approval of Change Order No. 1 in an amount not to exceed \$483,900, which amends the Agreement to address non-compliance issues that American Petroleum identified during routine inspections required by the Westchester County Sanitary Code – Article XXV. Time frames required to correct a non-compliance issue varies based on the severity of it with associated penalties, if any, to be determined by the Westchester County Commissioner of Health. Minor issues are addressed with County personnel. The higher level/complex issues require the technical expertise and specialized equipment which the Department does not have and therefore requires the assistance of American Petroleum.

The additional work resulting from the inspections could not have been anticipated or quantified prior to award of this Agreement and is now required to bring the Department's facilities into compliance with the Westchester County Sanitary Code – Article XXV. This additional work is incidental to the original work and does not materially alter the main purpose of the contract so as to constitute a new undertaking. The work is of the same nature as the initial work, is to be performed in the same general vicinity, is necessary to efficiently complete the project and was unanticipated until work under the contract commenced.

Accordingly, the County now seeks authority from your Honorable Board to (i) exercise the two (2) year renewal option in order to extend the term of the Agreement through November 2, 2024 for an amount not to exceed \$263,800, and (ii) authorize Change Order No. 1 in order to amend the Agreement to address non-compliance issues that American Petroleum identified during routine inspections which must be addressed, for an amount not to exceed \$483,900, bringing the total Agreement amount not to exceed to \$913,620.

This Change Order has been reviewed by the Law Department and a proposed form of Resolution is attached hereto for your approval.

All other terms and conditions of the Agreement shall remain in full force and effect.

The Operating Budget and Capital Budgets contain funds for the above referenced project. The Capital Budget portion of the work will provide for the removal of an existing underground fuel tank at the Blind Brook Water Resource Recovery Facility.

The goals and objectives of the contract are to obtain services that will allow the Department to maintain the continued compliance with regulatory requirements and, efficient operation of the fuel systems at the Department's facilities. As expenditures are made pursuant to this authorization, detailed records will be kept in the County's online financial system. These records will be easily accessible by Finance, Budget and Department staff and will be reviewed regularly to ensure that funds are used appropriately. Personnel from the Department will manage and supervise the work performed by the contractor.

Approval of the attached resolution is respectfully requested.

APPROVED BOARD OF ACCOUNTS FOR CONTRACT # 2504/2022 - RAYMOND SCULLY, SECRETARY

RESOLUTION

CONTRACT No. EF-1905

Upon communication from the Commissioner of the Department of Environmental Facilities, be it

RESOLVED, that the County of Westchester (the “County”) is authorized to: (i) exercise the two (2) year renewal option for Contract No. EF-1905 with American Petroleum Equipment & Construction Company Incorporated for Maintenance Service for Fuel Systems and Related Equipment of the Department of Environmental Facilities, Various County locations (“Agreement”) by extending the term of the Agreement through November 2, 2024 for an amount not to exceed \$263,800, and (ii) approve Change Order No. 1 in order to amend the Agreement to address non-compliance issues that American Petroleum identified during routine inspections which must be addressed, for an amount not to exceed \$483,900, bringing the total Agreement amount not to exceed to \$913,620; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect and unchanged; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute all documents and take all actions necessary to effectuate the purpose hereof.

Original Agreement	\$165,920.00
This Amendment	\$747,700.00
 TOTAL	 \$ 913,620.00

	Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub Object	Bond Act No.	Trust Account	Dollars
2022	221	60	0110	4380			\$273,100.00
2023	221	60	0110	4380			\$192,800.00
2024	221	60	0110	4380			\$81,800.00
Capital			SBB07-01-C	6120	BA# 131-2021		\$200,000.00

Budget Funding Year (s) 2022-2024 Start Date: _ 11/03/2019 End Date_ 11/02/2024

Funding Source: Tax dollars 100% County Contractor -
 State Aid _____ Federal I.D. No.
 Federal Aid _____
\$747,700.00 Other _____
 (Must match resolution)