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TO: Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation

DATE: September 6, 2022

SUBJECT: Approval of Change Order No. 2 to Contract 20-504 with Tully-Arben LLC for Rehabilitation of Pool and Bathhouse, Playland Park, Rye, New York in an amount not to exceed \$475,000.00 increasing the total contract amount to \$21,273,848.00.

On February 4, 2021, your Honorable Board awarded Contract No. 20-504 for Rehabilitation of Pool and Bathhouse, Playland Park, Rye, New York to Tully-Arben LLC, 127-50 Northern Boulevard, Flushing, New York 11368 ("Tully-Arben") in the amount of \$19,878,848.00.

Subsequently, on February 10, 2022, your Honorable Board approved Change Order No. 1 to Contract No. 20-504 for Rehabilitation of Pool and Bathhouse, Playland Park, Rye, New York to Tully-Arben in an amount not to exceed \$920,000.00 increasing the total contract amount to \$20,798,848.00.

The scope of work of the base contract consisted of providing all necessary labor, material and equipment required for the reconstruction of the Playland Pool and the rehabilitation of the Playland Bathhouse. Work included all associated mechanical, electrical and site work.

The scope of work of Change Order No. 1 consisted of providing all necessary labor, material and equipment required for additional unforeseen sub-grade construction and debris removal.

During fit-out of the facility by the County's management company Standard Amusements LLC ("Standard"), it was determined that additional electrical and IT infrastructure was required in order for Standard's vendors to complete their installations. Provision by the County of this additional infrastructure is a requirement of the Second Restated and Amended Playland Management Agreement between the County and Standard. The work that the County is required to undertake pursuant to its agreement with Standard, is the type of work being performed by Tully-Arben under Contract No. 20-504 and must be done in the area where the contract work is ongoing. Specifically, the additional work to be performed under contract 20-504 included installation of electrical cabling, fiber optic cabling, in-wall electrical and data boxes along with installation of panel boards and their associated in-wall supports. This additional work needed to be coordinated and constructed simultaneously with the work of the base contract.

The cost of this additional electrical and IT infrastructure work is estimated to be \$475,000.00 and is based upon Tully-Arben's unit prices, which were reviewed and approved by the Department. The scope of work for this additional electrical and IT infrastructure work could not have been anticipated at the time of bid, and therefore a change order to contract 20-504 is hereby requested.

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The objective of this contract is to maintain the weather tightness and structural stability of the Playland Bathhouse along with constructing a new zero-depth entry recreational swimming pool.

This contract is in the public's best interest because it will rehabilitate these historic structures which are integral contributing historic elements of Playland Park and help define Playland Park's landmark status.

The department will track scheduling and accomplishments by the contractor and perform on-site inspections to ensure the successful completion of this project

This additional work is incidental to the original work and does not materially alter the main purpose of the contract 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 began. The term of the contract is February 18, 2021 to October 28, 2023.

It is requested that your Honorable Board take action on the following:

Approval of Change Order No. 2:

Total Amount of Change Order No. 2

\$475,000.00

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

Approval is recommended.

RESOLUTION

RE: CONTRACT NO. 20-504
CONTRACT AMOUNT: \$19,878,848.00
CHANGE ORDER NO. 1: \$ 920,000.00
CHANGE ORDER NO. 2: \$ 475,000.00
AMENDED CONTRACT AMOUNT: \$21,273,848.00

CHANGE ORDER NO. 2

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, Hugh J. Greechan, Jr., P.E. Commissioner of Public Works and Transportation, requests approval of Change Order No. 2 on Contract No. 20-504, between the County of Westchester ("County") and Tully-Arben LLC, 127-50 Northern Boulevard, Flushing, New York 11368 ("Tully-Arben") for Rehabilitation of Pool and Bathhouse, Playland Park, Rye, New York; and

WHEREAS, it is requested that Contract No. 20-504 be amended to provide for additional electrical and IT infrastructure work at the Playland Park Bathhouse; and

WHEREAS, this matter has been discussed by the Board; now, therefore, be it

RESOLVED, that said Change Order No. 2 on Contract No. 20-504 between the County and Tully-Arben be and the same is hereby approved in the amount of \$475,000.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. 20-504 shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Total Amount of Change Order No. 2 \$475,000.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	372	42	RP02501C	6210-99	BA# 148-2020	\$475,000.00

Budget Funding Year(s): 2022
(must match resolution)

Start Date: February 18, 2021 **End Date:** October 28, 2023

Funding Source: **Tax Dollars** 100% County

State Aid _____

\$475,000.00 **Federal Aid** _____

(must match resolution)

Other _____