

95994

TO: Board of Acquisition and Contract

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

DATE: September 14, 2022

SUBJECT: Resolution for the County of Westchester to approve Change Order No. 1 to Contract No. 20-518 with ELQ Industries, Inc. for Roadway Rehabilitation, Mamaroneck Avenue (C.R. #8, 8A, 8B, 8C & 8D), from Bryant Avenue to Mount Pleasant Avenue, a Distance of 5.09 Miles, City of White Plains, Town of Harrison and Village of Mamaroneck, New York, in the amount not to exceed of \$625,000.00 increasing the total contract amount to \$12,321,187.14.

On July 1, 2021, your Honorable Board awarded Contract No. 20-518 for Roadway Rehabilitation, Mamaroneck Avenue (C.R. #8, 8A, 8B, 8C & 8D), from Bryant Avenue to Mount Pleasant Avenue, a Distance of 5.09 Miles, City of White Plains, Town of Harrison and Village of Mamaroneck, New York, to ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, New York 10801 in the amount of \$11,696,187.14.

The work under this contract consists of roadway rehabilitation, including milling existing asphalt concrete pavement, filling and sealing joints and cracks, full depth pavement repairs, adjusting castings and utility structures, repairing catch basins, replacing existing inlet frames and grates, curb repair/replacement, replacing driveway aprons as required, replacing/upgrading traffic signal loops, bus stop improvements, installing ADA sidewalk ramps, addressing drainage issues and roadside safety, resurfacing roadway with asphalt, and installing pavement markings.

During the course of the work, after the top course layer of asphalt was removed by milling, it became apparent that the roadway had undergone additional deterioration. More areas were uncovered that necessitated full depth pavement repair than were anticipated at the time of bidding, requiring more excavation and asphalt. In addition, all paving contracts included a line item for an Asphalt Adjustment Factor, based on a NYSDOT published monthly index. Due to the rapid increase in the price of fuel, the Asphalt Adjustment Factor resulted in unanticipated additional costs for this two-season construction project since the price of asphalt is highly dependent on the price of fuel, both for its manufacture and for trucking to the site.

The cost of this additional work is estimated to be \$625,000.00 and is based upon ELQ Industries, Inc. itemized bid prices and asphalt adjustment factor calculations, which were reviewed and approved by the Department of Public Works and Transportation ("Department"). The scope of work for these items could not have been anticipated at the time of bid, and therefore a Change Order to Contract 20-518 is hereby requested.

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The Department will track scheduling and accomplishments by ELQ Industries, Inc. and perform on-site inspections to ensure the successful completion of the work under Change Order No. 1.

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.

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

Approval of Change Order No. 1:

Total Amount of Change Order No. 1	\$625,000.00
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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.

NS

RESOLUTION

RE: CONTRACT NO. 20-518

CONTRACT AMOUNT: \$ 11,696,187.14

CHANGE ORDER NO. 1: \$ 625,000.00

AMENDED CONTRACT AMOUNT: \$ 12,321,187.14

CHANGE ORDER NO. 1

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. 1 on Contract No. 20-518, between the County of Westchester and ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, New York 10801, for Roadway Rehabilitation, Mamaroneck Avenue (C.R. #8, 8A, 8B, 8C & 8D), from Bryant Avenue to Mount Pleasant Avenue, a Distance of 5.09 Miles, City of White Plains, Town of Harrison and Village of Mamaroneck, New York; and

WHEREAS, it is requested that Contract No. 20-518 be amended to provide for additional material for excavation and asphalt as well as an increase based on the Asphalt Adjustment Factor contained in the agreement resulting from increased fuel prices; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 20-518 between the County of Westchester and ELQ Industries, Inc., be and the same is hereby approved in the amount of \$625,000.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. 20-518 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. 1 \$625,000.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	366	46	RB17201C	6210-99	BA #75-2021	\$109,000.00
	366	46	RB17301C	6210-99	BA #76-2021	\$166,000.00
	366	46	RB17401C	6210-99	BA #77-2021	\$350,000.00

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

Start Date: July 22, 2021

End Date: January 17, 2024

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

State Aid _____

\$625,000.00
(must match resolution) **Federal Aid** _____

Other _____