



Kenneth W. Jenkins
County Executive

Department of Environmental Facilities
Vincent F. Kopicki, P.E.
Commissioner

111420

TO: Board of Acquisition and Contract

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

DATE: July 2, 2025

SUBJECT: Resolution for the County of Westchester to approve Change Order No. 2
Contract No. **EF-2301** with ELQ Industries, Inc., for Emergency Repair of Leaks
for Westchester County Sewer and Water Districts Various locations throughout
Westchester County, New York in order to increase the contract amount by
\$900,000.00.

On April 13, 2023, your Honorable Board awarded Contract No. EF-2301, Emergency Repair of Leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York to ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, N.Y. 10801 ("Contractor") in the amount of not to exceed \$1,500,000.00 for a three (3) year term commencing May 23, 2023 expiring on May 22, 2026 ("Agreement"). The Agreement was subsequently fully executed.

On October 3, 2024, your Honorable Board awarded Change Order No. 1 for Contract No. EF-2301, Emergency Repair of Leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York to ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, N.Y. 10801. The amount of Change Order No. 1 was \$750,000.00, thereby increasing the not-to-exceed amount of \$1,500,000.00 to \$2,250,000.00.

During the two years of the Agreement, the Contractor has performed a significant number of emergency repairs. Many of these were unforeseen at the time the Agreement was bid and, in some instances, were more complex than anticipated, utilizing a considerable portion of the budgeted amount of the Agreement. In addition, the County anticipates the need for additional emergency repairs, which the Contractor will continue to address in accordance with the terms of the Agreement. This request for Change Order No. 2 is to provide additional funding to cover costs from the higher-than-anticipated volume of emergency repair work, as well as the costs of future emergency repairs anticipated during the remainder of the contract. These repairs are essential for maintaining proper treatment operations, protecting the integrity of the County's Water Resource

Recovery Facilities, and ensuring the continued operation of sewer and water infrastructure. The requested funding will also support restoration of site conditions following the completion of emergency repair work at various locations throughout Westchester County, New York.

It is recommended that the contract amount be increased to add funds to allow payment for higher than anticipated volume of emergency work and for future costs for the final year of Contract EF-2301 associated with the emergency repairs of leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York and restoration of site conditions after completion of the emergency repairs.

Accordingly, it is requested that your Honorable Board approve the attached Resolution for Change Order No.2 in the amount of \$900,000 to cover the cost of additional required work, which brings the amended Contract amount to a total of \$3,150,000

This requested additional work is consistent with the original work and does not materially alter the main purpose of the Agreement as to constitute a new undertaking. The work is of the same nature as the initial work, and is to be performed in the same vicinity.

The goal and/or objective of this Agreement is for a prompt response to a sewer system or water system emergencies which requires an immediate repair on a 24/7 basis. The response and repair work are monitored by representatives of the Department of Environmental Facilities ("Department") throughout the emergency to make sure all applicable regulations, safety precautions and codes regarding the protection of persons and property are adhered to and that a cost-effective project is the end product.

This Agreement is deemed to fulfill a public purpose as the services provided protect the building and facilities owned by the County and enable the Department to carry out its basic mission to provide wastewater treatment and maintaining satisfactory water quality.

The Department will track scheduling and accomplishments by the Contractor and perform onsite inspections to ensure the successful completion of the work.

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	\$900,000.00
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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.

RESOLUTION

RE: CONTRACT NO. **EF-2301**

CONTRACT AMOUNT:	\$1,500,000
CHANGE ORDER NO. 1	\$ 750,000
<u>CHANGE ORDER NO. 2</u>	<u>\$ 900,000</u>
REVISED CONTRACT AMOUNT:	\$3,150,000

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

WHEREAS, the Commissioner, Department of Environmental Facilities, requests approval of Change Order No. 2 for Contract No. EF-2301, between the County of Westchester and ELQ Industries, Inc. 567 Fifth Avenue, New Rochelle, N.Y. 10801 for the Emergency Repair of Leaks for Westchester County Sewer and Water Districts, at various locations, Westchester County, New York; and

WHEREAS, it is requested that Contract No. EF-2301, be amended due to the expenses associated with emergency services related to numerous large repairs during the original contract that were not anticipated during the contract; and

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

RESOLVED, that said Change Order No. 2 for Contract No. EF-2301 be and the same is hereby approved in the amount of \$900,000: and be it further

RESOLVED, that all other terms and conditions of Contract No. EF-2301 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.

Account to be Charged/Credited

	Fund	Dept	Major Program, Program &Phase or Unit	Object/Sub Object	Trust Account	Dollars
2025	221	60	0110	4310		\$500,000
2026	221	60	0110	4310		\$400,000

Budget Funding Year (s) 2023-2026 **Start Date:** 05/23/2023 **End Date:** 05/22/2026

Funding Source:	Tax dollars	<u>100% County</u>	Contractor -
	State Aid	_____	Federal I.D. No.
	Federal Aid	_____	
\$900,000	Other	_____	
(Must match resolution)			