

111058

TO: Board of Acquisition and Contract

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

DATE: April 29, 2025

SUBJECT: Resolution for the County of Westchester to approve Change Order No. 1 in order to extend the term of Contract No. 20-512 with Montesano Brothers Inc. for Rehabilitation of Midland Avenue, C.R. #72, from Playland Parkway to the Port Chester/ Rye Border Line, a Total distance of Approximately 1.76 Miles, City of Rye, New York through May 1, 2026

By Resolution approved on May 4, 2023 your Honorable Board awarded Contract No. 20-512 for Rehabilitation of Midland Avenue, C.R. #72, from Playland Parkway to the Port Chester/ Rye Border Line, a Total distance of Approximately 1.76 Miles, City of Rye, New York, to Montesano Brothers Inc., New Rochelle, New York ("the Contractor"), in the amount of \$3,649,925.85 for the period of June 1, 2023 through May 1, 2025 ("Agreement"). The Agreement was subsequently executed.

Pursuant to the Agreement, the Contractor agreed to provide all necessary labor, material and equipment required to repair, clean and replace select drainage structures within the project limits as shown on the project plans, and maintain flow of all drainage structures, culverts, ditches and pipes.

During construction, flooding was observed on Midland Avenue following rainfall events and upon further investigation, the Contractor identified a section of the Midland Avenue storm water drainage system that is partially collapsed and in need of replacement. Due to the investigation period and subsequent engineering, the work under Contract No. 20-512, including the additional work identified by the Contractor, was unable to be accomplished within the term of the Agreement.

The scope of work for this unexpected additional work could not have been anticipated at the time of bid, and therefore a Change Order to Contract 20-512 is hereby requested.

Based on the above, the Contractor is requesting an extension of the Agreement through May 1, 2026 to accommodate for the delays due to the unforeseen conditions. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The Department will track scheduling and accomplishments by Montesano Brothers Inc. and perform on-site 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. 1:

Total Amount of Change Order No. 1

\$0.00

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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/15/2025 - RAYMOND SCULKY, SECRETARY

RESOLUTION

RE: CONTRACT NO. 20-512
CONTRACT AMOUNT: \$ 3,649,925.85
CHANGE ORDER NO. 1 \$ 0.00
AMENDED CONTRACT AMOUNT: \$ 3,649,925.85

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. 20-512, between the County of Westchester and Montesano Brothers Inc. New Rochelle, New York, for Rehabilitation of Midland Avenue, C.R. #72, from Playland Parkway to the Port Chester/ Rye Border Line, a Total distance of Approximately 1.76 Miles, City of Rye, New York, in order to extend the term of the Agreement through May 1, 2026, and

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

RESOLVED, that Change Order No. 1 on Contract No. 20-512, between the County of Westchester and Montesano Brothers Inc., be and the same is hereby approved in order to extend the term of Contract No. 20-512 through May 1, 2026; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of Contract No. 20-512, shall remain the same; 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.

Total Amount of Change Order No. 1 \$0.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	366	46	RB13601C	6210-99	BA #135-2019	\$0.00

Budget Funding Year(s) 2025 **Start Date:** June 1, 2023 **End Date:** May 1, 2026

(must match resolution)

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

State Aid _____

\$ _____ **Federal Aid** _____

(must match resolution)

Other _____