

102934

TO: Board of Acquisition and Contract

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

DATE: August 18, 2023

SUBJECT: Resolution for the County of Westchester to approve Change Order No. 1 to Contract No. 16-517 with Remus Industries/Laura Li Industries, JV Inc., for Dam Rehabilitation, Sal J. Prezioso Mountain Lakes Park, Town of North Salem, New York, in the amount not to exceed of \$1,140,204.00 increasing the total contract amount to \$ 5,704,343.80 and extend the term of the Contract through August 10, 2024.

On February 25, 2021, your Honorable Board awarded Contract No. 16-517 for Dam Rehabilitation, Sal J. Prezioso Mountain Lakes Park, Town of North Salem, New York, to Remus Industries/Laura Li Industries, JV Inc., 9 Old Albany Post Road, Ossining, New York 10562 ("Contractor"), in the amount of \$4,564,139.80.

The work under this contract consists of providing all necessary labor, materials and equipment required to rehabilitate three (3) dams located at the Sal J. Prezioso Mountain Lakes Park, which includes demolition, excavation, tree removal, spillways, stone and masonry work, drainage piping and valves, and associated site work and landscaping.

After award of Contract No. 16-517 and as demolition of the existing dams progressed, the Contractor discovered that two out of the three existing dams were built using a core wall which was not known to the County at the time of design. Upon discovering the existence of these core walls, the Contractor evaluated the integrity of the core walls and tested the surrounding soil conditions. The Contractor advised that the old core walls were in significant disrepair and as such would need to be replaced.

The additional work was reviewed and approved by the Department of Public Works and Transportation ("Department") and the cost of this additional work is estimated to be \$1,140,204.00 and is based upon the lump sum price proposed by the Contractor, which has also been reviewed and approved by the Department. 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 16-517 is hereby requested.

In light of the above facts, the County seeks authority from your Honorable Board to extend the completion date for Contract No. 16-517 from November 10, 2023 through August 10, 2024.

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

\$1,140,204.00

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.

NS _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/14/2023 - RAYMOND SCULKY, SECRETARY

RESOLUTION

RE: CONTRACT NO. 16-517
CONTRACT AMOUNT: \$ 4,564,139.80
CHANGE ORDER NO. 1 \$ 1,140,204.00
AMENDED CONTRACT AMOUNT: \$ 5,704,343.80

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. 16-517, between the County of Westchester and Remus Industries/Laura Li Industries, JV Inc., 9 Old Albany Post Road, Ossining, New York 10562 for Dam Rehabilitation, Sal J. Prezioso Mountain Lakes Park, Town of North Salem, New York, and

WHEREAS, it is requested that Contract No. 16-517 be amended to replace the old core walls in two of the dams as they are in a state of significant disrepair and as such need to be replaced; and.

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

RESOLVED, that said Change Order No. 1 on Contract No. 16-517 between the County of Westchester and Remus Industries/Laura Li Industries, JV Inc., be and the same is hereby approved in the amount of \$1,140,204.00 and the completion date of the agreement is extended from November 10, 2023 through August 10, 2024; and be it further

RESOLVED, that all other terms and conditions of Contract No. 16-517 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 \$1,140,204.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	372	42	RML0301C	6210-99	BA #75-2020	\$1,140,204.00

Budget Funding Year(s) 2023 **Start Date:** March 11, 2021 **End Date:** August 10, 2024
(must match resolution)

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

State Aid _____

\$1,140, 204.00 **Federal Aid** _____
(must match resolution)

Other _____