WESTCHESTER COUNTY

Memorandum
Department of Public Works and Transportation

ID #112182

TO: Board of Acquisition and Contract

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

DATE: October 8, 2025

SUBJECT: Resolution for the County of Westchester to approve Change Order No. 1 to Contract No. 21-501 with ELQ Industries, Inc. for Reconstruction of Parking Lots, Driveways, and Sidewalks, and New Electric Vehicle Charging Stations, 100 East First Street and 450 Saw Mill River Road, City of Mount Vernon and Village of Ardsley, New York in the amount not to exceed of $300,000 increasing the total contract amount to $3,080,939.20.

On September 5, 2024, your Honorable Board awarded Contract No. 21-501 for Reconstruction of Parking Lots, Driveways, and Sidewalks, and New Electric Vehicle Charging Stations, 100 East First Street and Saw Mill River Road, City of Mount Vernon and Village of Ardsley, New York, to ELQ Industries, Inc., New Rochelle, New York in the amount of $2,780,939.20.

The work under this contract includes parking facility rehabilitation at five (5) District Office Building lots along East 1st Ave. and South 1st Ave. in Mount Vernon, and at the District Office Building lot at 450 Saw Mill River Rd. in Ardsley. Scope of work includes pavement restoration, sidewalk and curb replacement, drainage, lighting improvements, site work related to electric vehicle charging infrastructure, fencing, pavement markings, and all associated work. Also included is reconstruction of public sidewalks at the Mount Vernon site along some parking lot and building frontages.

On March 3, 2025, ELQ Industries, Inc. commenced work on the site. During the course of construction of the electric vehicle-charging infrastructure, ELQ Industries, Inc. encountered field conditions not reasonably anticipated in the original design, including unsuitable subsurface soil conditions that could not be re-used. It was necessary for ELQ Industries, Inc. to arrange for the removal, transport, and lawful disposal of this unsuitable soil, rock and debris, and installation of clean soil and subsurface soil stabilization measures. This required specialized handling, testing, and off-site disposal and compliance measures. Further, additional electric vehicle infrastructure improvements are necessary to comply with Con Edison utility requirements, and New York State Uniform Fire Prevention and Building Code. Such modifications include the installation of additional vehicle impact protection at electric vehicle charging stations, new Con Edison compliant property line box, power panel, and modifications to the conduit layout to facilitate the delivery of electrical service from a nearby Con Edison power source to the project site. These changes are essential to ensure proper utility coordination and the successful energization of the EV charging stations at the South 1st Ave. in Mount Vernon and 450 Saw Mill River Rd. in Ardsley.

The cost of this additional work is estimated to not exceed $300,000.00 and is based upon ELQ Industries, Inc. unit price labor rates, unit price equipment rates and unit price rates of material, which have been reviewed and approved, by the Department of Public Works and Transportation ("Department"). The scope of work for these unexpected conditions could not have been anticipated at the time of bid, and therefore a Change Order to Contract 21-501 is hereby requested.

The Department will track scheduling, actual costs 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 $300,000.00

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.

BS________

RESOLUTION

RE: CONTRACT NO. <u>21-501</u>
CONTRACT AMOUNT: $ 2,780,939.20
CHANGE ORDER NO. 1 $ 300,000.00
AMENDED CONTRACT AMOUNT: $ 3,080,939.20

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. 21-501, between the County of Westchester and ELQ Industries, Inc., New Rochelle, New York**,** for Reconstruction of Parking Lots, Driveways, and Sidewalks, and New Electric Vehicle Charging Stations, 100 East First Street and 450 Saw Mill River Road, City of Mount Vernon and Village of Ardsley, New York; and

WHEREAS, it is requested that Contract No. 21-501 be amended as it was necessary for ELQ Industries, Inc. to arrange for the removal, transport, and lawful disposal of unsuitable soil and installation of clean soil and subsurface soil stabilization measures; and

WHEREAS, it is requested that Contract No. 21-501 be amended for additional electric vehicle infrastructure improvements that are necessary to comply with Con Edison utility requirements and New York State Uniform Fire Prevention and Building Code; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 21-501 between the County of Westchester and ELQ Industries, Inc., be and the same is hereby approved in the amount of $300,000.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. 21-501 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 ……… $300,000.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	346	46	BPF39-03-C	6210-99	BA #6-2023	$300,000.00

Budget Funding Year(s) <u>2024</u> **Start Date:** <u>October 3, 2024</u> **End Date:** <u>October 3, 2026</u>
(must match resolution)

Funding Source: **Tax Dollars**<u>100% County</u>

State Aid____________________

Federal Aid____________________

<u>$ 300,000.00</u> **Other**____________________
(must match resolution)