

95629

TO: Board of Acquisition and Contract

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

DATE: August 23, 2022

SUBJECT: Resolution for the County of Westchester to approve Change Order No. 1 to Contract No. 20-508 with MPCC Corp for Various Paving and Drainage Improvements, South County Trailway, Barney Street, Yonkers to Main Street, Elmsford, Westchester County, New York in the amount not to exceed of \$332,262.00 increasing the total contract amount to \$3,445,585.00

On August 20, 2020, your Honorable Board awarded Contract No. 20-508 for Various Paving and Drainage Improvements, South County Trailway, Barney Street, Yonkers to Main Street, Elmsford, Westchester County, New York to MPCC Corp. 31 Rockdale Avenue, New Rochelle, New York 10801 (the "Contractor") in the amount of \$3,113,323.00.

The work under this contract consists of providing all necessary labor, materials and equipment required for rehabilitation and repair of existing segments of the South County Trailway and associated parking lots including, but not limited to, pavement resurfacing, shoulder rehabilitation, drainage, fencing and barrier rails, signage and associated site work and landscaping.

After award of this contract and as construction progressed, the Contractor unearthed railroad ties. There was no way to have known that these railroad ties were buried in this location. In order to proceed with the work and provide a sturdy subbase for the new asphalt that is to be placed on the trailway it was necessary to remove and dispose of these railroad ties. In addition to the unforeseen railroad ties, the Contractor encountered multiple areas of the existing trailway that had further deteriorated since Contract No. 20-508 was awarded. These areas require excavation, filter fabric, subbase and asphalt which was unforeseen at the time of contract award.

The cost of this additional work is estimated to be \$332,262.00 and is based upon MPCC Corp.'s unit prices, which was reviewed and approved by the Department of Public Works and Transportation ("Department"). The scope of work for this unexpected event could not have been anticipated at the time of bid, and therefore a Change Order to Contract 20-508 is hereby requested.

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

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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 \$332,262.00

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

RESOLUTION

RE: CONTRACT NO. 20-508
CONTRACT AMOUNT: \$ 3,113,323.00
CHANGE ORDER NO. 1: \$ 332,262.00
AMENDED CONTRACT AMOUNT: \$ 3,445,585.00

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. 20-508, between the County of Westchester and MPCC Corp., 31 Rockdale Avenue, New Rochelle, New York 10801, for Various Paving and Drainage Improvements, South County Trailway, Barney Street, Yonkers to Main Street, Elmsford, Westchester County, New York; and

WHEREAS, it is requested that Contract No. 20-508 be amended to provide for the removal of newly discovered railroad ties and to provide additional unforeseen repairs to the existing trailway which were not known at the time of contract award; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 20-508 between the County of Westchester and MPCC Corp, be and the same is hereby approved in the amount of \$332,262.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. 20-508 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 \$332,262.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	372	42	RPA0302C	6210-99	BA #74-2020	\$332,262.00

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

Start Date: September 3, 2020 **End Date:** March 2, 2023

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

State Aid _____

\$ 332,262.00
(must match resolution) **Federal Aid** _____

Other _____