

34 Freeman's Bridge Road Soil Remediation Project
NYSDEC Site Number: 4-47-028
State Contract Number: D005813
Change Order Number: 02

Change Order Amount: \$2,306,233.00
Date of Draft Issue: September 21, 2007

Contractor: D.A. Collins Environmental (DAC)
101 Route 67, PO Box 191
Mechanicville, NY 12118-0190

Engineer: Earth Tech Northeast, Inc.
40 British American Boulevard
Latham, New York 12110

Change Order Items: This Change Order comprises 12 items as negotiated with the Prime Contractor (DAC) and discussed below.

I. CHANGE ORDER ITEMS

1. Change order to increase the quantity of Bid Item UP-3 - Excavation of Soil and Debris.

DESCRIPTION OF CHANGE:

Revised quantity and price based on the implementation of the Explanation of Significant Differences (ESD, NYSDEC May 2007):

- Adjust the Unit 3 quantity – 69,000 CY (scheduled) plus 13,366 CY (actual excavated) = 82,366 CY

REFERENCES: Attachment 2 (Revised Bid Tab)
SPECIFICATION REFERENCE: Section 02225 - Excavation
CONTRACT PAY ITEM No.: Payment of UP - 3

REASON FOR CHANGE:

Increase in excavation quantity based on existing site conditions.

COST:

Item UP-3: Excavation of Soil and Debris (base bid increase)	13,366	CY	\$ 8.75	\$ 116,952.50
Subtotal Item 1: \$				116,952.50

2. Change order to decrease quantity for Bid Item UP-4 – LTTD Treatment of Non-TSCA Soils.

DESCRIPTION OF CHANGE:

Revised quantity (decrease) for Bid Item 4 from 46,000 CY (Non-TSCA) to 45,386.25 CY = (613.75 CY)

REFERENCE: Attachment 2 (Revised Bid Tab)

SPECIFICATION REFERENCE: Section 13560 - Low Temperature Thermal Desorption

CONTRACT PAY ITEM No.: Payment Item UP-4

REASON FOR CHANGE:

Decrease UP-4 for quantities not used.

COST:

Item UP-4: Low Temperature Thermal Desorption	(614)	CY	\$ 121.71	\$ (74,699.51)
Subtotal Item 2:			\$	(74,699.51)

3. Change order to increase quantity for Bid Item UP-5A - offsite disposal of metals Non-RCRA/Non-TSCA debris. Decreases to UP-5 (Offsite disposal of RCRA Metals Contaminated Soil) and UP-5C (Offsite disposal of TSCA Debris).

DESCRIPTION OF CHANGE:

Revised quantity (increase) for Bid Item UP-5A from 15,000 to 21,000 tons = 6,000 tons.

Revised quantity (decrease) for Bid Item 5 from 1,459 to 0 tons = (1,459) tons

Revised quantity (decrease) for Bid Item 5C from 3,703 to 3,428 tons = (275) tons

REFERENCE: Attachment 2 (Revised Bid Tab)

SPECIFICATION REFERENCE: Section 02230 - Transportation and Disposal

CONTRACT PAY ITEM No.: Payment Item UP-5A, UP-5, and UP-5C

REASON FOR CHANGE:

Increase quantity of Unit Price Item 5A based on increased percentage of oversized debris not amenable for LTTD Treatment. Decrease UP-5 and UP-5C for quantities not used.

COST:

Item UP-5A: Off-Site Disp.of Non-RCRA/Non-TSCA Debris	6,000	Ton	\$ 72.00	\$ 432,000.00
Item UP-5: Off-Site Disp.of RCRA Metals Cont. Soil	(1,459)	Ton	\$ 160.00	\$ (233,440.00)
Item UP-5C: Off-Site Disp.of TSCA Debris	(275)	Ton	\$ 180.00	\$ (49,500.00)
			Subtotal Item 2:	\$ 149,060.00

4. Change order to increase quantity for Bid Item UP-5D, Off-Site Disposal of TSCA Soil from 22,400 tons to 29,450 tons = 7,050 tons.

DESCRIPTION OF CHANGE:

Increase quantity of Unit Price Item 5D based on increased percentage of TSCA Soils not amenable for LTTD Treatment.

REFERENCE: Attachment 2 (Revised Bid Tab)

SPECIFICATION REFERENCE: Section 02230 - Transportation and Disposal

CONTRACT PAY ITEM No.: Payment Item UP-5D

REASON FOR CHANGE:

Part of contract adjustment to implement off-site disposal of TSCA soils non-amenable for on-site LTTD treatment

COST:

Item UP-5D: Off-Site Disposal of TSCA soils	7,050	Ton	\$ 140.00	\$ 987,000.00
			Subtotal Item 3:	\$ 987,000.00

5. Change order to add Bid Item UP-5E - Off-Site Disposal of TSCA/RCRA soils for transportation and disposal of 1,200 tons of TSCA/RCRA regulated soil.

DESCRIPTION OF CHANGE:

Original contract did not have a Bid Item for TSCA/RCRA regulated waste.

REFERENCE: Attachment 2 (Revised Bid Tab)

SPECIFICATION REFERENCE: Section 02230 - Transportation and Disposal
 CONTRACT PAY ITEM No.: Payment Item UP-5E

REASON FOR CHANGE:

Add new item for transportation and disposal of TSCA/RCRA soil volumes based on existing site conditions.

COST:

Item UP-5E: Off-site disposal of TSCA/RCRA soil	1,302	Ton	\$ 240.00	\$ 312,480.00
Subtotal Item 4:			\$	312,480.00

6. Change order to increase the estimated quantity for Bid Item UP-7, Post Excavation soil sampling from 150 samples to 173 samples = 23 additional samples.

DESCRIPTION OF CHANGE:

Revised quantity based on existing site conditions and failures of several cells of acceptable bottom soil samples.

REFERENCE: Attachment 2 (Revised Bid Tab)
 SPECIFICATION REFERENCE: Section 01400 - Sampling and Analysis
 CONTRACT PAY ITEM No.: Payment Item UP-7

REASON FOR CHANGE:

Increase in verification samples for cells based on existing site conditions.

COST:

Item UP-7: Post Excavation Soil Sampling	23	samples	\$ 880.00	\$ 20,240.00
Subtotal Item 4:			\$	20,240.00

7. Change order to increase quantity for Bid Item UP-8A (Water Management – Phase II) from 5,175,000 gallons to 8,445,000 gallons = 3,270,000 gallons

DESCRIPTION OF CHANGE:

Proposed change order to increase quantity for Bid Item UP-8A (Water Management – Phase II). Increase in quantity result of existing site conditions.

DRAWING REFERENCE: Attachment 2 (Revised Bid Tab)

SPECIFICATION REFERENCE: Section 02240 Construction Water NAPL Management

CONTRACT PAY ITEM No.: Payment Item UP-8A

REASON FOR CHANGE:

Part of contract adjustment to continue effective dewatering measures and address existing site conditions.

COST:

Unit price adjustment negotiated (\$0.185 /gallon) applies to an additional 3,125,000 gallons.

Item UP-8A: Water Treatment - Phase II	3,270,000	gallon	\$ 0.185	\$ 604,950.00
Subtotal Item 5:				\$ 604,950.00

8. Change order to increase Bid Item UP-2 - Health and Safety from 210 days to 217 days = 7 days.

DESCRIPTION OF CHANGE:

Increase quantities of item UP-2 for additional health and safety days used during TSCA soil excavation.

REFERENCE: Attachment 2 (Revised Bid Tab)

SPECIFICATION REFERENCE: Sections 00003, 01392, 01400

CONTRACT PAY ITEM No.: Payment Item UP-2

REASON FOR CHANGE:

Increased TSCA excavation volumes extended health and safety schedule.

COST:

Item UP-2: Health and Safety	7	Day	\$ 4,200.00	\$ 29,400.00
			Subtotal Item 9: \$ 29,400.00	

9. Change order to add new Bid Item TM-02 – Drum Handling resulting from the discovery and requisite handling, characterization, transportation and disposal of buried drums and drum fragments.

DESCRIPTION OF CHANGE:

Original contract did not have any Bid Item for the management of buried drums.

REFERENCE: Attachment 2 (Revised Bid Tab)
 SPECIFICATION REFERENCE: None
 CONTRACT PAY ITEM No.: Payment Item TM-02

REASON FOR CHANGE:

New task required for the handling, overpacking, characterization, transportation and disposal of buried drums and drum fragments.

COST:

Item TM-02: Drum Handling	1	LS	\$ 106,068.26	\$ 106,068.26
(cost based on T&M sheets plus \$55k for pending waste disposal costs.				
			Subtotal Item 9: \$ 106,068.26	

10. Change order to add new Bid Item TM-03 – Permanent Fence & Gates resulting from request by NYS DEC to install 850 linear feet of 6’ permanent chain link fence and two 24’ wide double drive gates.

DESCRIPTION OF CHANGE:

New scope of work ordered by NYS DEC.

REFERENCE: Attachment 2 (Revised Bid Tab)
 SPECIFICATION REFERENCE: None
 CONTRACT PAY ITEM No.: Payment Item TM-03

REASON FOR CHANGE:

New scope of work requested by NYS DEC to provide long-term site security.

COST:

Item TM-03: Permanent Fence & Gates	1	LS	\$ 23,031.75	\$ 23,031.75
			Subtotal Item 9: \$ 23,031.75	

- Change order to add new Bid Item TM-17 – TSCA Upgrade Pile Handling resulting from additional costs incurred by upgrading the status of 5,000 tons of Non-TSCA soil to TSCA regulated soil.

DESCRIPTION OF CHANGE:

Additional costs incurred by unplanned upgrade of 5,000 tons of Non-TSCA soil to TSCA regulated status. Unplanned upgrades resulted in additional handling and stockpile management, and additional PCB sampling and analysis.

REFERENCE: Attachment 2 (Revised Bid Tab)
 SPECIFICATION REFERENCE: None
 CONTRACT PAY ITEM No.: Payment Item UP-17

REASON FOR CHANGE:

Soil piles intended to Non-TSCA treatment were upgraded to TSCA status, requiring the soil piles to be relocated, stored temporarily, and re-sampled for PCBs.

COST:

Item UP-17: TSCA Upgrade Pile Handling	4,250	Ton	\$ 3.00	\$ 12,750.00
			Subtotal Item 10: \$ 12,750.00	

12. Change order to add new Bid Item TM-04 – Revised grading plan to ensure proper site drainage due to loss of backfill material. Loss of backfill caused by unexpected quantity of oversize debris considered not amenable for treatment coupled with volume of TSCA soil trucked off site for disposal.

DESCRIPTION OF CHANGE:

Additional costs incurred by unplanned change of grading plan requiring additional effort to shape site to ensure proper draining. Revision of grading plan caused by loss of approximately 26,000 cubic yards of material composed of oversize debris not amenable for treatment and TSCA soil removed for off site disposal.

REFERENCE: Attachment 2 (Revised Bid Tab)

SPECIFICATION REFERENCE: Section 02900 - Finish Grading, Topsoil and Seeding

CONTRACT PAY ITEM No.: Payment Item TM-04

REASON FOR CHANGE:

Original grading plan called for preparation of flat surface across entire site. Revised grading plan requires additional effort in grading to shape drainage swale through site to allow for proper drainage site at conclusion of project. Areas that would not have required grading by original grading plan, will require cutting and grading due to revised grading plan.

COST:

Item TM-04: Revised Grading Plan	1	LS	\$ 20,000.00	\$ 20,000.00
			Subtotal Item 11:	\$ 20,000.00

13. Change order to decrease quantity for Bid Item UP-10 – Monitoring Well Decommissioning.

DESCRIPTION OF CHANGE:

Revised quantity (decrease) for Bid Item 10 from 21 wells to 20 wells = (1 well)

REFERENCE: Attachment 2 (Revised Bid Tab)

SPECIFICATION REFERENCE: Section 02200 – Monitoring Well Decommissioning

CONTRACT PAY ITEM No.: Payment Item UP-10

REASON FOR CHANGE:

Decrease UP-10 for quantities not used.

COST:

Item UP-10: Monitoring Well Decommissioning	(1)	Well	\$ 1,000.00	\$ (1,000.00)
			Subtotal Item 2:	\$ (1,000.00)

II. CHANGE ORDER NUMBER 02 SUMMARY

Item No.	Description	Item Subtotals
1	UP-3: Excavation of Soil and Debris	\$ 116,952.50
2	UP-4, Low Temperature Thermal Desorption	\$ (74,699.51)
3	UP-5A, UP-5, UP-5C: Offsite Disposal Adjustments	\$ 149,060.00
4	UP-5D: Off-Site Disposal of TSCA Soil	\$ 987,000.00
5	UP-5E: Off-site disposal of TSCA/RCRA soils	\$ 312,480.00
6	UP-7: Post Excavation Soil Sampling	\$ 20,240.00
7	UP-8A: Water Treatment (phase II bid adjustment-qty/price)	\$ 604,950.00
8	UP-2: Health and Safety	\$ 29,400.00
9	TM-02: Drum Handling	\$ 106,068.26
10	TM-03: Permanent Fence & Gates	\$ 23,031.75
11	UP-17: TSCA Upgrade Pile Handling	\$ 12,750.00
12	TM-04: Revised Grading Plan	\$ 20,000.00
13	UP-10: Monitoring Well Decommissioning	\$ (1,000.00)
Total This Change Order:		\$ 2,306,233.00

III. CHANGE IN CONTRACT PRICE

Original Contract Price:	\$16,853,015.00
Contract Price after previous approved Change Orders:	\$19,337,093.00
Net Increase/Decrease Due to this Change Order:	\$ 2,306,233.00
New Contract Price including this Change Order:	\$21,643,326.00

IV. CHANGE IN CONTRACT TIME

Notice to Proceed: November 27, 2006

	<u>Calendar Days</u>	<u>Date</u>
Original Contract Time	315	October 7, 2007
Contract Time after previous change orders	0	October 7, 2007
Net Increase due to This Change Order	0	October 7, 2007

It is understood and agreed that, unless expressly so stated above, the work herein authorized will not extend the time for completion of the Contract.

It is understood and agreed that this change ordered represents full and complete compensation for all work described herein.

This work is to be performed in accordance with the terms of the Contract and original plans and specifications, except as herein modified. It is also understood and agreed that this change order shall be deemed executory only to the extent of moneys available and no liability shall be incurred by the State beyond the moneys available for the purpose.

IN WITNESS WHEREOF, representatives of the Department and Contractor have executed this contract on the day and year written beneath their respective signatures. The signatory for the Department provides the following Agen Certifications: "In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other copies of this contract."

FOR DEPARTMENT

By: *[Signature]*
Title: DIRECTOR OF MANAGEMENT & BUDGET SVCS
Date: OCT 31 2007

FOR CONTRACTOR

By: *[Signature]*
Title: Director of Remediation

Date: September 26, 2007
APPROVED AS TO FORM
NYS ATTORNEY GENERAL
Approved as to Form: NOV 26 2007
By: *Lorraine L. Remo*
LOBBAIN L. REMO
Attorney General ASSOCIATE ATTORNEY

APPROVED
NOV 29 2007
Approved: Thomas P. DiNapoli State Comptroller

Date: _____ Date: _____

STATE OF)) SS:
COUNTY OF)

On the ___ day of _____, 20 , before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, New York; that (s)he is _____ of _____, the corporation described in and which executed the above instrument; that (s)he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said corporation and that (s)he signed his/her name thereto by the same authority.

Notary Public

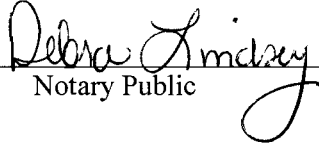
STATE OF) _____
) SS:
COUNTY OF)

On the ___ day of _____, 20___, before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, New York; that (s)he is _____ of _____, the corporation described in and which executed the above instrument; that (s)he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said corporation and that (s)he signed his/her name thereto by the same authority.

Notary Public

STATE OF) New York
) SS:
COUNTY OF) Saratoga

On the 26 day of September, 2007, before me personally came David MacDougall to me known and, who being duly sworn, stated that he is a member or employee of D.A. Collins Environmental Services, LLC, the firm described in and which executed the foregoing instrument, and he acknowledged to me that he subscribed his name thereto on behalf of said firm.



Notary Public

DEBRA LINDSEY
Notary Public, State of New York
01116072389
Qualified in Saratoga County
Commission Expires April 1, 2010

STATE OF) _____
) SS:
COUNTY OF)

On the ___ day of _____, 20___, before me personally came _____, to me known and, who being duly sworn, stated that (s)he is a member or employee of _____, the firm described in and which executed the foregoing instrument, and (s)he acknowledged to me that (s)he subscribed his/her name thereto on behalf of said firm.

Notary Public

**D.A. Collins Environmental Services
NYS DEC - 34 Freeman's Bridge Road
Project No. 2006-516**

Schedule of Values **Month Ending: 8/31/2007**

Unit Price Summary					Approved Contract	Quantity Remaining	Budget Remaining	Projected Quantity	Projected Contract
Item	Description	Est. Qty.	Units	Unit Price					
LS-1	Mobilization / Demobilization	1	LS	\$ 3,400,000.00	\$3,400,000.00	21.7%	\$737,800.00	100%	\$ 3,400,000.00
LS-2	Building Demolition	1	LS	\$ 61,000.00	\$61,000.00	0.0%	\$0.00	100%	\$ 61,000.00
LS-3	WWTP Mob., Start-up, Testing	1	LS	\$ 147,000.00	\$147,000.00	30.7%	\$45,129.00	100%	\$ 147,000.00
LS-4	LTTD Demonstration Pilot Test	1	LS	\$ 188,000.00	\$188,000.00	0.0%	\$0.00	100%	\$ 188,000.00
UP-1	Site Facilities and Utilities	285	Days	\$ 2,160.00	\$615,600.00	45.0	\$97,200.00	285	\$ 615,600.00
UP-2	Health and Safety	217	Days	\$ 4,200.00	\$911,400.00	19.8	\$82,950.00	217	\$ 911,400.00
UP-3	Excavation of Soil and Debris	82,366	CY	\$ 8.75	\$720,702.50	8,463.0	\$74,051.25	82,366	\$ 720,702.50
UP-4	LTTD Treatment of Non-TSCA Soils	45,386.25	CY	\$ 121.71	\$5,523,960.49	3,005.4	\$365,784.19	45,386.25	\$ 5,523,960.49
UP-4A	LTTD Treatment of TSCA Soils	541.00	CY	\$ 153.91	\$83,265.31	0.9	\$134.67	541	\$ 83,265.31
UP-5	Off-site Disposal of RCRA Metals Contaminated Soils	-	Ton	\$ 160.00	\$0.00	-	\$0.00	-	\$ -
UP-5A	Off-Site Disposal of Non-RCRA / Non-TSCA Debris	21,000	Ton	\$ 72.00	\$1,512,000.00	1,393.5	\$100,330.56	21,000	\$ 1,512,000.00
UP-5B	Off-site Disposal of RCRA Debris	-	Ton	\$ 160.00	\$0.00	-	\$0.00	-	\$ -
UP-5C	Off-site Disposal of TSCA Debris	3,428	Ton	\$ 180.00	\$617,040.00	(0.1)	(\$10.80)	3,428	\$ 617,040.00
UP-5D	Off-site Disposal of TSCA Soil	29,450	Ton	\$ 140.00	\$4,123,000.00	475.7	\$66,598.00	29,450	\$ 4,123,000.00
UP-5E	Off-site Disposal of TSCA / RCRA Soil	1,302	Ton	\$ 240.00	\$312,480.00	499.9	\$119,978.40	1,302	\$ 312,480.00
UP-6	Backfill with Treated Soil or PCO	50,000	CY	\$ 9.90	\$495,000.00	6,689.0	\$66,221.10	50,000	\$ 495,000.00
UP-7	Post Excavation Soil Sampling	173	Sample	\$ 880.00	\$152,240.00	9.0	\$7,920.00	173	\$ 152,240.00
UP-8	Water Treatment	1,150,000	Gal.	\$ 0.36	\$414,000.00	-	\$0.00	1,150,000	\$ 414,000.00
UP-8A	Water Treatment - Phase II	8,445,000	Gal.	\$ 0.185	\$1,562,325.00	678,246	\$125,475.51	8,445,000	\$ 1,562,325.00
UP-9	NAPL Disposal Off-site	-	Gal.	\$ 1.27	\$0.00	-	\$0.00	-	\$ -
UP-10	Monitoring Well Decommissioning	20	Wells	\$ 1,000.00	\$20,000.00	-	\$0.00	20	\$ 20,000.00
UP-11	Site Restoration-Topsoil & Seeding	10	Acres	\$ 30,000.00	\$300,000.00	8.5	\$255,000.00	10	\$ 300,000.00
Alt.1	Pollution Insurance	1	LS	\$ 20,000.00	\$20,000.00	0%	\$0.00	100%	\$ 20,000.00
UP-12	Clean Concrete Crushing	200	CY	\$ 25.00	\$5,000.00	-	\$0.00	200	\$ 5,000.00
UP-13	Impacted Debris Crushing	12,882	CY	\$ 7.25	\$93,394.50	-	\$0.00	12,882	\$ 93,394.50
UP-14	Off-site Disposal - Chemung Surcharge	1,714	Ton	\$ 7.00	\$11,998.00	6.62	\$46.34	1,708	\$ 11,956.00
UP-15	Off-site Disposal of Non-Haz Metals Contaminated Soils	1,079	Ton	\$ 61.00	\$65,819.00	(1.46)	(\$89.06)	1,080	\$ 65,880.00
UP-16	Dust Screen Barrier	300	LF	\$ 80.00	\$24,000.00	-	\$0.00	300	\$ 24,000.00
UP-17	TSCA Upgrade Pile Handling	4,250	Ton	\$ 3.00	\$12,750.00	4,250	\$12,750.00	4,250	\$ 12,750.00
LS-5	TDX Condensate Cleanout & Handling	1	LS	\$ 100,000.00	\$100,000.00	0%	\$0.00	100%	\$ 100,000.00
TM-01	Removal & Handling of ACM Cabinets	1	LS	\$ 2,250.77	\$2,250.77	-	\$0.00	-	\$ 2,250.77
TM-02	Drum Handling	1	LS	\$ 106,068.26	\$106,068.26	100%	\$106,068.26	100%	\$ 106,068.26
TM-03	Permanent Fence & Gates	1	LS	\$ 23,031.75	\$23,031.75	100%	\$23,031.75	100%	\$ 23,031.75
TM-04	Revised Grading Plan	1	LS	\$ 20,000.00	\$20,000.00	100%	\$20,000.00	100%	\$ 20,000.00
					\$ 21,643,325.58		\$ 2,306,369.17		\$ 21,643,344.58