

**13094**

**TO:** Board of Acquisition and Contract

**FROM:** John J. Hsu, P.E.  
Commissioner

**DATE:** July 22, 2010

**SUBJECT:** Final Acceptance Resolution  
Contract No. **96-203-GC**  
General Construction Work  
Additions and Alterations  
Huston-Cortez Facility  
Valhalla Campus, Valhalla, New York

<b>Contractor:</b>	Labbe Demar, Inc.
<b>Surety:</b>	Ullico Casualty Company
<b>Final Payment Amount:</b>	\$28,131.00
<b>Contract Reimbursement</b>	\$16,497.78

The work required under Contract No. 96-203-GC between the County of Westchester and Labbe Demar, Inc., 93 Elm Street, Yonkers, New York 10701 has been substantially completed.

The department tracked scheduling and accomplishments by the contractor and performed on-site inspections to ensure the successful completion of this project.

Labbe Demar, Inc., was declared to be in default in accordance with the terms of the contract. The Surety, Ullico Casualty Company ("Ullico"), P.O. Box 5131, Chino, CA 91708-5131, was responsible for the payment of outstanding claims of subcontractors and material. Ullico has asserted a claim for the contract balance under an assignment from Labbe Demar, Inc.

The County did not receive all the final paperwork, including as-builts and warranties, and incurred additional engineering and legal fees to close out this contract. Therefore, \$16,497.78 has been deducted, as contract reimbursement, to arrive at the final contract amount.

A final inspection has been made which indicates that the work substantially meets the terms and requirements of the contract.

It is recommended that your Honorable Board take appropriate action to accept the completed work and approve the Final Contract Amount of \$347,933.22. The work required under Contract No. 96-203-GC consists of all necessary labor, materials and equipment for General Construction Work, Additions and Alterations, Huston-Cortez Facility, Valhalla Campus, Valhalla, New York.

Payment shall be made to the Surety in accordance with all applicable laws, including, without limitation, the New York State Lien Law.

A proposed form of Resolution is attached.

MC/

APPROVED BOARD OF ACQUISITION & CONTRACT - 8-5-2010 - JOMARY VIEIRA, SECRETARY

# RESOLUTION

## ACCEPTANCE OF COMPLETED WORK AND APPROVAL OF FINAL ESTIMATE

RE: **CONTRACT NO. 96-203-GC**  
**CONTRACT AMOUNT: \$354,300.00**  
**CHANGE ORDER NO. 1: \$ 10,131.00**  
**REVISED CONTRACT AMOUNT: \$364,431.00**  
**CONTRACT REIMBURSEMENT \$ 16,497.78**  
**VALUE OF COMPLETED WORK: \$347,933.22**

Upon communication from the Commissioner of Public Works, be it

**RESOLVED**, that the work performed by Ullico Casualty Company, P.O. Box 5131, Chino, CA 91708-5131 for General Construction Work, Additions and Alterations, Huston-Cortez Facility, Valhalla Campus, Valhalla, New York is accepted and Requisition No. 7 in the Final Contract Amount of \$347,933.22 is approved, and be it further

**RESOLVED**, that the Commissioner of Finance be and hereby is authorized to pay Ullico Casualty Company, P.O. Box 5131, Chino, CA 91708-5131 the balance due on the net Final Estimate in the amount of \$28,131.00.

Value of Completed Work	\$364,431.00
Total Previously Paid Estimates	\$319,802.22
Contract Reimbursement	(\$ 16,497.78)
Completed Work Balance	\$11,299.29
Released Retainage + Liens	\$16,831.71
<b>BALANCE DUE IN FULL</b>	<b>\$ 28,131.00</b>

and be it further

**RESOLVED**, that payment shall be made in accordance with all applicable laws, including, without limitation, the New York State Lien Law.

Account to be  
Charged/Credited

Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
101	22	8900	5850		

Budget Funding Year(s) 1997 Start Date September 30, 1996 End Date: December 31, 1997  
(must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_ Contractor Federal I.D. No./  
Social Security No: 13-3760649  
State Aid \_\_\_\_\_  
Federal Aid 100% Vendor No. \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_ Encumbrance No. \_\_\_\_\_