

17050

TO: Board of Acquisition and Contract
FROM: John J. Hsu, P.E.
Commissioner of Public Works and Transportation
DATE: January 24, 2011
SUBJECT: Resolution to Award to the Second Low Bidder
Contract No. 10-552
Replace HVAC Unit No. 3
Central Maintenance Facility
475 Saw Mill River Road
Yonkers, New York
Contractor: J&M Heating & Air Conditioning, Inc.
Amount: \$312,000.00
Subcontractor(s): Talt, Inc. d/b/a Talt Electric

On December 15, 2010, eight (08) bids were received and opened for Contract No. 10-552 to Replace HVAC Unit No. 3, Central Maintenance Facility, 475 Saw Mill River Road, Yonkers, New York.

The apparent low bidder, Joe Lombardo Plumbing & Heating of Rockland, Inc. ("Joe Lombardo") promptly notified the County that it had made an unintentional omission of a substantial quantity of work, labor, material and goods in the amount of \$40,000.00, which is a justifiable reason to allow it to withdraw its bid of \$294,900.00. Specifically, several of Joe Lombardo's subcontractors omitted from their quotes key components for the installation of the new HVAC unit and the required temporary heating and air conditioning systems as required by the bidding documents. The Department of Law has been consulted and agrees, that based on the facts as presented, it would be lawful to allow Joe Lombardo Plumbing & Heating of Rockland, Inc. to withdraw its bid.

Therefore, it is requested that the bid submitted by Joe Lombardo Plumbing & Heating of Rockland, Inc. be deemed withdrawn and that Contract No. 10-552 be awarded to the second low bidder, J&M Heating & Air Conditioning, Inc. in the amount of \$312,000.00.

The bids were reviewed by the Department and it was determined that J&M Heating & Air Conditioning, Inc. submitted the low bid in the amount of \$312,000.00, and has proposed the utilization of the following subcontractor: Talt, Inc. d/b/a Talt Electric (Electric Work), 410 Fifth Avenue, New Rochelle, New York 10801.

The low bidder has been investigated and it has been found that J&M Heating & Air Conditioning, Inc.:

- Performed satisfactory work in the past for the County.
 Past experience has been investigated and found satisfactory.

Funds for this project are available in the:

- Capital Budget
 Non-Recurring Budget
 Operating Budget

The objective of this contract is to replace obsolete heating and air conditioning equipment that has reached the end of its useful life.

This contract is in the public's best interest because it will promote the health and safety of the general public by providing an efficient work environment at the Central Maintenance Facility.

The project will include the installation of more efficient rooftop HVAC units which will be connected to the direct digital controlled HVAC system thereby reducing overall energy usage, thus addressing the County Executive's priority area: Health and the Environment (HE).

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

It is my recommendation that Contract No. 10-552 be awarded to J&M Heating & Air Conditioning, Inc. in the amount of \$312,000.00.

Payment for this contract will be made from New York State Dedicated Transit Funds, not the County General Fund, and will not impact the County tax levy.

This resolution has been reviewed by the Law Department.

JA/

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-10-2011 - SOMARY MEIRA, SECRETARY

RESOLUTION

CONTRACT NO. 10-552

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, On December 15, 2010, eight (08) bids were received and opened for Contract No. 10-552 to Replace HVAC Unit No. 3, Central Maintenance Facility, 475 Saw Mill River Road, Yonkers, New York; and

WHEREAS, the apparent low bidder, Joe Lombardo Plumbing & Heating of Rockland, Inc., made an unintentional omission of a substantial quantity of work, labor, material, and goods, and therefore has requested that its bid proposal of \$294,900.00 be withdrawn; and

WHEREAS, the second lowest bidder, J&M Heating & Air Conditioning, Inc., complied with all bid specifications; now, therefore, be it

RESOLVED, that due to an unintentional omission of a substantial quantity of work, labor, material, and goods Joe Lombardo Plumbing & Heating of Rockland, Inc. be permitted to withdraw its bid submitted on December 15, 2010 for Contract No. 10-552 in the amount of \$294,900.00; and be it further

RESOLVED, that Contract No. 10-552 to Replace HVAC Unit No. 3, Central Maintenance Facility, 475 Saw Mill River Road, Yonkers, New York be and is hereby awarded to J&M Heating & Air Conditioning, Inc., 48 Grand Street, New Rochelle, New York 10801, in the amount of \$312,000.00; and be it further

RESOLVED, that the use of the following subcontractor also be approved: Talt, Inc. d/b/a Talt Electric (Electric Work), 410 Fifth Avenue, New Rochelle, New York 10801; and be it further

RESOLVED, that this contract is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

| Account to be Charged/Credited | Fund | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
|--------------------------------|------|-------|--|--------------------|---------------|--------------|
| | 365 | 44 | T003400S | 6210-99 | | \$312,000.00 |
| | | | | | | |

Budget Funding Year(s) 2011 **Start Date:** February 24, 2011 **End Date:** August 23, 2012
(must match resolution)

| | | |
|--|---|--|
| Funding Source: | Tax Dollars _____ | Contractor Federal I.D. No./ Social Security No.: _____ |
| | State Aid <u>100% State Dedicated Transit Funds</u> | |
| \$312,000.00 _____ <small>(must match resolution)</small> | Federal Aid _____ | Vendor No.: _____ |
| | Other _____ | Encumbrance No.: _____ |