



Memorandum
Department of Public Works and Transportation

18610

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Commissioner of Public Works and Transportation

DATE: April 21, 2011

SUBJECT: Resolution to Award to the Second Low Bidder
Contract No. **10-560**
Mamaroneck River Buffer Restoration
Saxon Woods Park
Towns of Harrison and Mamaroneck, Village of Scarsdale, and,
City of White Plains, New York
Contractor: Galvin Brothers, Inc./Madhue Contracting, Inc., a Joint Venture
Amount: \$322,060.50

On March 30, 2011, eight (08) bids were received and opened for Contract No. 10-560 for Mamaroneck River Buffer Restoration, Saxon Woods Park, Towns of Harrison and Mamaroneck, Village of Scarsdale, and, City of White Plains, New York.

The apparent low bidder, Acocella Contracting, Inc., notified the County that it had made an unintentional omission of a substantial quantity of labor, specifically, Acocella Contracting, Inc.'s bid did not reflect the correct cost of labor for the "clearing and grubbing" item in the amount of \$109,000.00, which is a justifiable reason to allow it to withdraw its bid of \$213,746.25. The Department of Law has concurred, that based on the facts as presented, Acocella Contracting, Inc., can withdraw its bid.

Therefore, it is requested that the bid submitted by Acocella Contracting, Inc., be deemed withdrawn and that Contract No. 10-560 be awarded to the second low bidder, Galvin Brothers, Inc./Madhue Contracting, Inc., a Joint Venture in the amount of \$322,060.50.

The bids were reviewed by the Department and it was determined that Galvin Brothers, Inc./Madhue Contracting, Inc., a Joint Venture submitted the low bid in the amount of \$322,060.50.

The low bidder has been investigated and it has been found that Galvin Brothers, Inc./Madhue Contracting, Inc., a Joint Venture:

- 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 remove invasive plant species and upgrade the plant material in the area adjacent to the Mamaroneck River in a portion of Saxon Woods Park, as required by the Order-On-Consent with the New York State Department of Environmental Conservation

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This contract is in the public's best interest because it will promote the health and safety of the general public by providing the environmental benefits of reducing river bank erosion, improving water quality along with enhancing the natural habitat, 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. 10-560 be awarded to Galvin Brothers, Inc./Madhue Contracting, Inc., a Joint Venture in the amount of \$322,060.50.

This resolution has been reviewed by the Law Department.

JA/



RESOLUTION

CONTRACT NO. 10-560

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, on March 30, 2011, eight (08) bids were received and opened for Contract No. 10-560 for Mamaroneck River Buffer Restoration, Saxon Woods Park, Towns of Harrison and Mamaroneck, Village of Scarsdale, and, City of White Plains, New York; and

WHEREAS, the apparent low bidder, Acocella Contracting, Inc., made an unintentional omission of a substantial quantity of labor, and therefore has requested that its bid proposal of \$213,746.25 be withdrawn; and

WHEREAS, the second lowest bidder, Galvin Brothers, Inc./Madhuc Contracting, Inc., a Joint Venture, complied with all bid specifications; now, therefore, be it

RESOLVED, that due to an unintentional omission of a substantial quantity of labor Acocella Contracting, Inc. be permitted to withdraw its bid submitted on March 30, 2011 for Contract No. 10-560 in the amount of \$213,746.25; and be it further

RESOLVED, that Contract No. 10-560 for Mamaroneck River Buffer Restoration, Saxon Woods Park, Towns of Harrison and Mamaroneck, Village of Scarsdale, and, City of White Plains, New York be and is hereby awarded to Galvin Brothers, Inc./Madhuc Contracting, Inc., a Joint Venture, 149 Steamboat Road, Great Neck, New York 11024, in the amount of \$322,060.50; 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
	322	60	SLI0201C	6210-99		\$322,060.50

Budget Funding Year(s) 2011 **Start Date:** May 19, 2011 **End Date:** November 18, 2013
(must match resolution)

Funding Source:	Tax Dollars <u>100% County</u>	Contractor Federal I.D. No./
	State Aid _____	Social Security No.: _____
<u>\$322,060.50</u> <small>(must match resolution)</small>	Federal Aid _____	Vendor No.: _____
	Other _____	Encumbrance No.: _____