

36924

**TO:** Board of Acquisition and Contract

**FROM:** Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation

**DATE:** November 12, 2013

**SUBJECT:** Resolution to Award to the Low Bidder  
Contract No. **13-216**  
Environmental Remediation for Petroleum Based Products  
Various County Facilities  
Westchester County, New York  
**Contractor:** American Petroleum Equipment & Construction Co., Inc.  
**Amount:** \$457,110.00

On November 6, 2013, six (6) bids were received and opened for Contract No. 13-216 for Environmental Remediation for Petroleum Based Products, Various County Facilities, Westchester County, New York.

The bids were reviewed by the Department and it was determined that American Petroleum Equipment & Construction Co., Inc. submitted the low bid in the amount of \$457,110.00.

The low bidder has been investigated and it has been found that American Petroleum Equipment & Construction Co., 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 provide necessary services to address petroleum based fuel spills.

This contract is in the public's best interest because it will promote the health and safety of the general public by meeting all mandated codes and requirements in relation to fuel spills, thus addressing the County Executive's priority area: Health and the Environment (HE).

This project will provide an environmental benefit by removing hazardous materials which will eliminate the possibility of future contamination.

As expenditures are made pursuant to this authorization, detailed records will be kept in the County's on-line financial system. These records will be easily accessible by Finance, Budget and department staff and will be reviewed regularly to ensure that funds are used appropriately.

This contract is for a term of three (3) years with one two (2) year renewal at the discretion of the County.

It is my recommendation that Contract No. 13-216 be awarded to American Petroleum Equipment & Construction Co., Inc. in the amount of \$457,110.00, subject to appropriations.

APPROVED BOARD OF ACQUISITION & CONTRACTS 12/05/2013 ROMARY VIEIRA, SECRETARY

# RESOLUTION

## CONTRACT NO. 13-216

Upon communication from the Commissioner of Public Works and Transportation, be it

**RESOLVED**, that Contract No. 13-216 for Environmental Remediation for Petroleum Based Products, Various County Facilities, Westchester County, New York be and is hereby awarded to the low bidder, American Petroleum Equipment & Construction Co., Inc., 63 Orange Avenue, Walden, New York 12586, in the amount of \$457,110.00; and be it further

**RESOLVED**, that as set forth in the Contract No. 13-216 bid specifications this contract is for a term of three (3) years with one two (2) year renewal at the discretion of the County; 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
			TO BE DETERMINED			\$152,370.00 (2014)
			TO BE DETERMINED			\$152,370.00 (2015)
			TO BE DETERMINED			\$152,370.00 (2016)

**File Price Contract. Price to be paid by user Department**

**Budget Funding Year(s)** 2014-2016    **Start Date:** January 1, 2014    **End Date:** December 31, 2016  
(must match resolution)

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

**Contractor Federal I.D. No./**  
**Social Security No.:** \_\_\_\_\_

**State Aid** \_\_\_\_\_

\$457,110.00    **Federal Aid** \_\_\_\_\_  
(must match resolution)

**Vendor No.:** \_\_\_\_\_

**Other** \_\_\_\_\_

**Encumbrance No.:** \_\_\_\_\_