

41667

TO: Board of Acquisition and Contract

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

DATE: August 5, 2014

SUBJECT: Resolution to Award to the Second Low Bidder
Contract No. **13-528**
Exterior Repairs – Phase III
Michaelian Office Building
White Plains, New York
Contractor: Caladri Development Corp.
Amount: \$3,265,589.80
Subcontractor(s): CS Plumbing Consultants Inc.
LK Equities LLC

On July 2, 2014, six (6) bids were received and opened for Contract No. 13-528 for Exterior Repairs – Phase III, White Plains, New York, whereby Olympic Contracting Corp. submitted the apparent low bid in the amount of \$2,467,364.00. However, on July 3, 2014, the apparent low bidder, Olympic Contracting Corp., notified the County that it had made an unintentional omission of a substantial quantity of labor and materials and requested to withdraw its bid. Specifically, Olympic Contracting Corp. informed the County that incorrect calculations on its summary worksheet resulted in errors in its final tabulations for unit prices for Removal and Replacement of Brick Masonry, Cast Stone Replacement, and General Conditions resulting in an error in the amount of \$928,000.00.

Pursuant to New York General Municipal Law Section 103(11), a bid may be withdrawn by a bidder after a showing of the following: (1) the mistake is known or made known to the awarding officer, board or agency prior to the awarding of the contract or within three days after the opening of the bid, whichever period is shorter; and (2) the price bid was based on an error of such magnitude that enforcement would be unconscionable; and (3) the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error; and (4) the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, goods or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and (5) it is possible to place the public agency, board, officer, or subdivision in status quo ante.

The Department of Public Works and Transportation (the “Department”) has performed a detailed analysis of Olympic Contracting Corp.’s bid to verify the validity of this error and has determined that Olympic Contracting Corp. has met all of the criteria set forth in GML Section 103(11), and thus, can withdraw its bid of \$2,467,364.00. The Department of Law has concurred, that based on the Department’s determination that all the criteria set forth in GML Section 103(11) have been met, Olympic Contracting Corp. may withdraw its bid.

Therefore, it is requested that the bid submitted by Olympic Contracting Corp. be deemed withdrawn and that Contract No. 13-528 be awarded to the apparent second low bidder, Caladri Development Corp. in the amount of \$3,265,589.80.

August 5, 2014

The bids were reviewed by the Department and it was determined that Caladri Development Corp. submitted the low bid in the amount of \$3,265,589.80 and has proposed the utilization of the following subcontractors: CS Plumbing Consultants Inc. (Plumbing Work), 395 White Plains Road, Eastchester, New York 10709; and LK Equities LLC (Electrical Work), 1992 Commerce Street, Yorktown Heights, New York 10598.

The low bidder has been investigated and it has been found that Caladri Development Corp.:

- 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 repair structural elements and to maintain the weather tightness of the existing structure, thus addressing the County Executive's priority area: Safety and Security (SS).

This contract is in the public's best interest because it will extend the life of the existing structure.

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. 13-528 be awarded to Caladri Development Corp. in the amount of \$3,265,589.80.

This Resolution has been reviewed by the Law Department.

RESOLUTION

CONTRACT NO. 13-528

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, on July 2, 2014, six (6) bids were received and opened for Contract 13-528 for Exterior Repairs – Phase III, Michaelian Office Building, White Plains, New York; and

WHEREAS, the apparent low bidder, Olympic Contracting Corp., made an unintentional omission of a substantial quantity of labor and materials, and therefore has requested that its bid proposal of \$2,467,364.00 be withdrawn in accordance with New York General Municipal Law Section 103(11); and

WHEREAS, the apparent second lowest bidder, Caladri Development Corp., complied with all bid specifications; now, therefore, be it

RESOLVED, that it has been determined that Olympic Contracting Corp.'s bid error meets all of the criteria set forth in New York General Municipal Law Section 103(11), and that Olympic Contracting Corp. be permitted to withdraw its bid submitted on July 2, 2014 for Contract 13-528 in the amount of \$2,467,364.00; and be it further

RESOLVED, that Contract No. 13-528 for Exterior Repairs – Phase III, Michaelian Office Building, White Plains, New York be and is hereby awarded to Caladri Development Corp., 1223 Park Street, Peekskill, New York 10566, in the amount of \$3,265,589.80; and be it further

RESOLVED, that the use of the following subcontractors also be approved: CS Plumbing Consultants Inc. (Plumbing Work), 395 White Plains Road, Eastchester, New York 10709; and LK Equities LLC (Electrical Work), 1992 Commerce Street, Yorktown Heights, New York 10598; and be it further

RESOLVED, that this contract is subject to County appropriations; 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	Bond Act No.	Dollars
	346	46	B014C01C	6210-99	BA #20-2012	\$ 773,112.00
	346	46	B014C02C	6210-99	BA #34-2014	\$2,492,477.80

Budget Funding Year(s) 2014 **Start Date:** September 11, 2014 **End Date:** March 10, 2017
 (must match resolution)

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

Contractor Federal I.D. No./
Social Security No.: _____

State Aid _____

\$3,265,589.80 **Federal Aid** _____
 (must match resolution)

Vendor No.: _____

Other _____

Encumbrance No.: _____