

58088

**TO:** Board of Acquisition and Contract

**FROM:** Vincent F. Kopicki, P.E.  
Commissioner of Public Works and Transportation

**DATE:** July 18, 2017

**SUBJECT:** Cancellation of Contract and Release of Performance Bond  
Contract No. 15-544  
Hunts Place Infrastructure Improvement Project  
New Castle, New York  
**Contractor:** McNamee Construction Corporation

On November 3, 2016, your Honorable Board awarded Contract No. 15-544 for the Hunts Place Infrastructure Improvement Project, New Castle, New York to McNamee Construction Corporation, 154 Route 202, P.O. Box 182, Lincolndale, New York 10540 in the amount of \$1,291,298.00. McNamee Construction Corporation and the County of Westchester executed the contract and McNamee Construction Corporation provided a performance bond for Contract No. 15-544.

Subsequent to the award and execution of Contract No. 15-544, it was determined that due to the unforeseen delayed commencement of construction not caused by the contractor, and construction sequencing, the project will require design modification.

Eventually, it was determined that modification to Contract No. 15-544 would be required before construction could begin.

After detailed review of all issues, the Department of Public Works and Transportation determined that it would be in the best interest of the County to cancel Contract No. 15-544, perform a redesign of the construction documents and re-advertise the project at a later date. McNamee Construction Corporation has concurred with this decision and has executed a release.

Therefore, it is requested that your Honorable Board take action on the following:

Cancellation of Contract No. 15-544; refund the contractor's cost of the performance bond and insurance totaling \$21,900; and release of performance bond for the Hunts Place Infrastructure Improvement Project, New Castle, New York with McNamee Construction Corporation, 154 Route 202, P.O. Box 202, Lincolndale, New York 10540.

This request for contract cancellation has been reviewed by the Law Department and a proposed form of Resolution is attached hereto for your approval.

Approval is recommended.

# RESOLUTION

## CONTRACT NO. 15-544

Upon communication from the Commissioner of Public Works and Transportation,

**WHEREAS**, on November 3, 2016, your Honorable Board awarded for construction Contract No. 15-544 for the Hunts Place Infrastructure Improvement Project, New Castle, New York to the low bidder, McNamee Construction Corporation, 154 Route 202, P.O. Box 182, Lincolndale, New York 10540, in the amount of \$1,291,298.00; and

**WHEREAS**, subsequent to the award of Contract No. 15-544 it was determined that due to the unforeseen delayed commencement of construction not caused by the contractor; required design modifications; and revised construction sequencing of Contract No. 15-544; it would be in the best interest of the County to cancel Contract No. 15-544, and prepare revised plans and bid specifications; now, therefore, be it

**RESOLVED**, that Contract No. 15-544 for the Hunts Place Infrastructure Improvement Project, New Castle, New York with McNamee Construction Corporation, 154 Route 202, P.O. Box 182, Lincolndale, New York 10540, in the amount of \$1,291,298.00 be and is hereby cancelled; and be it further

**RESOLVED**, that the County is authorized to refund the contractor's cost of the performance bond and insurance totaling \$21,900; and be it further

**RESOLVED**, that the performance bond for Contract 15-544 be released to McNamee Construction Corporation, 154 Route 202, P.O. Box 182, Lincolndale, New York 10540.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	318	19	BPL5015S	6050-01	BA #214-2014	\$21,900.00

**Budget Funding Year(s):** 2017      **Start Date:** November 7, 2016      **End Date:** December 31, 2017  
(must match resolution)

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

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

\$21,900.00      **Federal Aid** \_\_\_\_\_

(must match resolution)

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