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TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner of Environmental Facilities

DATE: May 31, 2018

SUBJECT: Resolution to Award to the Sole Bidder
Contract No. **EF-1708**
Chemical Bulk Storage Rehabilitation
Kensico Reservoir Facility
Valhalla, New York

Contractor: Mace Contracting, Inc.
Contract Amount: \$425,000.00

On May 16, 2018, one (1) bid was received and opened for Contract No. EF-1708 for the chemical bulk storage rehabilitation, Kensico Reservoir Facility, Valhalla, New York as follows:

Base Bid: \$543,000.00

Base Bid w/Add Alternates (1+2+3): \$653,000.00

Note: DEF is proceeding with Base Bid work only.

Only one (1) contractor submitted a bid. Limited participation may be attributed to special testing equipment, and experience required to rehabilitate seven (7) chemical tanks and requirements to meet the Dept. of Environmental Protection's applicable standards; such as, the storage of hazardous chemicals. The Department has canvassed potential bidders and there are a limited number of contractors who are equipped to perform this type of specialty work.

The original amount of Mace Contracting, Inc.'s base bid was \$543,000.00 which was subsequently negotiated down to \$425,000.00 in order to fall within the County's budgeted amount for this project. In accordance with the law, the negotiated amount does not decrease, in any way, the scope of work set forth in the bid specification for the Base Bid work.

In accordance with County policy, the project advertisement for bids was published in the legal notices section of The Journal News and it was posted on the Empire State Purchasing Group ("ESPG") website. Online records from the ESPG website indicate that this project notification was sent to 276 area suppliers and contractors and the project link was viewed by 46 entities.

The department held a Mandatory Pre-bid Inspection for interested parties at the project site on 04/25/2018, which was attended by representatives from five (5) firms.

Although we only received one (1) bid for this project, we feel the pricing amount as negotiated is fair

and reasonable for the following reasons:

- This is specialty-type work that involves detailed knowledge of chemical tank rehabilitation. The sole bidder, Mace Contracting, Inc, is a firm capable of performing this project.
- Before bidding this work, the department received a preliminary estimate from the Design Consultant and the preliminary estimate was comparable and consistent with the negotiated base bid price.
- Very few firms have the ability to perform this work in the New York metropolitan area so we do not believe re-bidding the work would attract additional bidders or result in lower bid prices.

The bid package was reviewed by the Department, and it was determined that Mace Contracting, Inc submitted a complete and responsible bid having the negotiated amount of \$425,000.00. The Contract is for 195 consecutive calendar days (starting date – 07/02/2018 and a completion date of 01/12/2019).

The project is within our Engineer's Estimate and as discussed above, I recommend award of this contract now rather than rebidding the project.

The sole bidder has been investigated and it has been found that Mace Contracting, Inc.

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

Department representatives will track and monitor the chemical bulk storage rehabilitation by inspecting the progress of the work in coordination with payment requests. The Contractor will be responsible to comply with all applicable regulations and industry standards.

Issuing this contract is fiscally responsible because the specialized tools, equipment and materials needed to perform the work are not readily available and it would be more costly for DEF personnel to procure these items independently. A specialty contractor who is regularly engaged in similar type of chemical storage tank rehabilitation work has the necessary manpower, training and equipment resources to cost effectively perform the work.

This Contract is deemed to fulfill a public purpose as the services provided under this Contract protect the drinking water supply systems owned by the County of Westchester and enable the Department to carry out its basic mission to provide wastewater treatment and maintaining satisfactory water quality.

It is my recommendation that Contract No. EF-1708 be awarded to Mace Contracting, Inc. in the amount of \$425,000.00, subject to County appropriations.

A proposed form of Resolution is attached.

RESOLUTION

Upon communication from the Commissioner of the Department of Environmental Facilities, be it hereby

RESOLVED, that Contract No. EF-1708 for Chemical Bulk Storage Rehabilitation, Kensico Reservoir Facility, Valhalla, New York, for a period of 195 consecutive calendar days be and is hereby awarded to the sole bidder, Mace Contracting, Inc., 35 Portman Rd, New Rochelle , NY 10801 in the amount of \$425,000.00, subject to approved Budgets; and be it further

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

RESOLVED, that this Agreement 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 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
324	60	WD104-01 C	6120		\$395,000
241	60	5110:5110	4420		\$30,000

Budget Funding Year (s) 2018-2019 Start Date: 07/02/2018 End Date: 01/12/2019

Funding Source: **Tax dollars** 100% County **Contractor -**
 State Aid -0- **Federal I.D. No.**
 Federal Aid -0-
\$425,000 **Other** -0-
 (Must match resolution)