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**TO:** Board of Acquisition and Contract

**FROM:** Hugh J. Greechan, Jr., P.E.  
Commissioner of Public Works and Transportation

**DATE:** September 3, 2019

**SUBJECT:** Resolution to Award to the Low Bidder  
Contract No. **19-208**  
Milling, Resurfacing and Additional Improvements  
Various County Roadways  
Westchester County, New York  
**Contractor:** ELQ Industries, Inc.  
**Amount:** \$717,326.00

On August 14, 2019, the County of Westchester ("County") received and opened four (4) bids for Contract No. 19-208 for Milling, Resurfacing and Additional Improvements, Various County Roadways, Westchester County, New York.

The bids were reviewed by the Department of Public Works and Transportation ("Department") and it was determined that ELQ Industries, Inc. submitted the low bid in the amount of \$717,326.00.

The low bidder has been investigated and it has been found that ELQ Industries, 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

This contract is in the public's best interest because it will promote the health and safety of the general public by ensuring that portions of the Bronx River Parkway, Hardscrabble Road (C.R. 138), Central Park Avenue (C.R. 47-II), and Mamaroneck Avenue (C.R. 8 and 8C) meet current codes and standards as well as reducing the County's annual maintenance costs.

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. 19-208 be awarded to ELQ Industries, Inc. in the amount of \$717,326.00, subject to appropriations.

# RESOLUTION

## CONTRACT NO. 19-208

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

**RESOLVED**, that Contract No. 19-208 for Milling, Resurfacing and Additional Improvements, Various County Roadways, Westchester County, New York be and is hereby awarded by the County of Westchester ("County") to the low bidder, ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, New York 10801, in the amount of \$717,326.00; 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
	101	46	6000	4310		\$717,326.00

**Budget Funding Year(s):** 2019      **Start Date:** October 10, 2019      **End Date:** June 9, 2021  
(must match resolution)

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

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

\$717,326.00      **Federal Aid** \_\_\_\_\_  
(must match resolution)

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