

**TO:** Board of Acquisition and Contract

**FROM:** John J. Hsu, P.E.  
Acting Commissioner of Public Works

**DATE:** February 2, 2010

**SUBJECT:** Emergency Resolution to Award Contract No. 10-002  
Emergency Building Repairs  
Building No. 3  
Westchester County Airport  
Towns of Harrison and North Castle and Village of Rye Brook, New York

**Contractor:** C.W. Brown, Inc. (**WBE**)  
**Amount:** \$116,695.00

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On January 26, 2010, Acting Commissioner John J. Hsu, P.E., notified your Honorable Board of an emergency situation involving the collapse of a cinderblock wall at Building No. 3 at the Westchester County Airport.

The wall, approximately 60 feet wide by 15 feet high, at Building No. 3 collapsed as a result of wind gusts in excess of 60 miles per hour. This building was originally constructed circa 1940 when the Airport was controlled by the United States government and ownership was transferred to the County shortly thereafter. A full inspection conducted by the Department of Public Works' Structural Division indicated that the cinderblock wall was not properly installed.

The wall's collapse caused damage to the exterior windows and roofing of the adjoining lower portion of the building. The building has two (2) sections, one (1) with a higher roof and one (1) with a lower roof, connected and supported by the wall that collapsed. The wall fell onto the lower roof and not only damaged it, but also impaired the structural support for the lower roof. In addition, there is interior damage to the lower portion of the building with damage to the structural cross members of its roof, dangling light fixtures and wiring that are an imminent safety hazard.

It is imperative to complete this emergency work as soon as possible in order to reduce the risk to Airport Operations' Personnel and an adjoining building that is leased by a private tenant.

In accordance with the emergency contracting procedures utilized since April 8, 2002, the Department of Public Works immediately prepared documents to solicit bids from responsible general contractors on the County's Emergency Contractor List and requested bids from three (3) contractors on that list. Three (3) contractors attended the site inspection and submitted bids (bid sheet attached). C.W. Brown, Inc. (**WBE**), 1 Labriola Court, Armonk, New York 10504 submitted the low bid in the amount of \$116,695.00.

Funds for this project are available in the:

Capital Budget  
 Non-Recurring Budget  
 Operating Budget

Board of Acquisition and Contract  
Emergency Resolution to Award Contract No. 10-002  
Emergency Building Repairs  
Building No. 3  
Westchester County Airport  
Page 2

The objective of this contract is to effect those repairs that are necessary to alleviate the imminent danger to this public building and the property therein and to the life, health, safety or property of the County's inhabitants as described in the memorandum filed with your Honorable Board on January 26, 2010.

If this resolution is not approved and the necessary structural repairs are not immediately made to repair the wall and the adjoining lower roof structure, further compromise of the building structure could lead to a collapse that will impact an adjoining building. This adjoining building is leased to a furniture storage company and their property and employees are also in imminent danger.

This department will utilize Primavera Software Management tools to track scheduling and accomplishments by the contractor and perform on-site inspections to ensure the successful completion of this project.

Therefore, it is requested that your Honorable Board grant authorization for the Acting Commissioner of Public Works to enter into an emergency contract with C.W. Brown, Inc. (**WBE**), 1 Labriola Court, Armonk, New York 10504 for a total cost not to exceed \$116,695.00.

Payment for this contract will be made from the Airport Special Revenue Fund, not the County General Fund and will not impact the County tax levy.

This resolution has been reviewed by the Law Department.

Approval is recommended.

JA

# RESOLUTION

## EMERGENCY CONTRACT NO. 10-002

Upon communication from the Acting Commissioner of Public Works,

**WHEREAS**, an emergency condition developed at Building No. 3 at the Westchester County Airport involving the collapse of a cinderblock wall; now, therefore, be it

**RESOLVED**, that Contract No. 10-002 for Emergency Building Repairs, Building No. 3, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York, be and is hereby awarded to the low bidder, C.W. Brown, Inc. (**WBE**), 1 Labriola Court, Armonk, New York 10504 in the amount not to exceed \$116,695.00; and be it further

**RESOLVED**, that the retention of ten percent (10%) of all contractor payments by the County instead of the normal five percent (5%) retention shall be deemed adequate and sufficient security for the full and faithful performance of this work in lieu of a performance bond; and be it further

**RESOLVED**, that the County Executive or his duly 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
161	44	4110	4310-01		\$116,695.00

Budget Funding Year(s) 2010 Start Date February 5, 2010 End Date: March 4, 2011  
(must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_

Contractor Federal I.D. No./  
Social Security No: 13-3217527

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

\$116,695.00  
(must match resolution)

Federal Aid \_\_\_\_\_

Vendor No. \_\_\_\_\_

Other 100% Airport Special Revenue Fund

Encumbrance No. \_\_\_\_\_