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TO: Honorable Board of Acquisition and Contract

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

DATE: January 19, 2021

**SUBJECT: FINAL ACCEPTANCE RESOLUTION
CONTRACT NO. 17-535**
Authorization to Close Contract No. 17-535, Hunts Place Infrastructure
Improvement Project, New Castle, New York, with MVM Construction LLC.

On February 15, 2018, your Honorable Board awarded Contract No. 17-535, Hunts Place Infrastructure Improvement Project, New Castle, New York, to MVM Construction LLC, 100 Oak Street, Mount Vernon, New York 10550 ("MVM") in the amount of \$1,269,013.00. The County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation (the "Department") and MVM subsequently entered into a contract dated February 15, 2018 (the "Contract"). In accordance with the Contract, MVM furnished the County with a Performance and Payment Bond issued by Aegis Security Insurance Company as surety for this project.

On June 20, 2019, your Honorable Board found MVM in default of Contract No. 17-535, and granted me the authority to terminate Contract No. 17-535 if, in my discretion, MVM failed to diligently pursue curing the default.

On October 3, 2019, your Honorable Board approved Change Order No. 1 to Contract No. 17-535 to provide for the performance of certain additional work necessary to complete the project, in the amount of \$79,266.62.

During the period from June 20, 2019 through July 1, 2020, MVM performed work under the Contract, including work that was curative of the default. However, due to the length of time that it was taking MVM to perform the work, the County exercised its rights under the Contract and reduced the work that MVM was to perform. Specifically, MVM was to perform the work identified in the Addendum to Schedule D of the contract between the County and the affordable housing developer Chappaqua Station, LLC, as amended ("Chappaqua Schedule D"). The work identified in Chappaqua Schedule D has been completed by MVM.

It is recommended that your Honorable Board take appropriate action to accept the completed work and that the Contract be closed.

This matter has been reviewed by the Law Department and a Resolution to accomplish the foregoing is attached.

HJG/NS/av
Attachment

RESOLUTION

ACCEPTANCE OF COMPLETED WORK

RE: CONTRACT NO. 17-535
CONTRACT AMOUNT: \$1,269,013.00
CHANGE ORDER NO. 1: \$ 79,266.62
REVISED CONTRACT AMOUNT: \$1,348,279.62
VALUE OF COMPLETED WORK: \$1,192,834.00
UNUSED AMOUNT: \$ 155,445.62

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, MVM Construction LLC, 100 Oak Street, Mount Vernon, New York 10550, has completed the work, as reduced by the County of Westchester, required under Contract No. 17-535, Hunts Place Infrastructure Improvement Project, New Castle, New York; now, therefore, be it

RESOLVED, that the work performed by MVM Construction LLC, 100 Oak Street, Mount Vernon, New York 10550, for Hunts Place Infrastructure Improvement Project, New Castle, New York, is accepted; and be it further

RESOLVED, that Contract No. 17-535 between MVM Construction LLC and the County of Westchester be hereby closed in its entirety; and be it further

RESOLVED, that the Commissioner of Public Works and Transportation or his duly authorized designee is hereby empowered to execute any and all instruments and take such actions as may reasonably be necessary to effectuate the purposes thereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
		318	19	BPL5015S	6210-99	BA #214-2014

Budget Funding Year(s) N/A Start Date N/A End Date N/A
 (must match resolution)

Funding Source: Tax Dollars N/A Contractor Federal I.D. No./ Social Security No.: _____
 State Aid _____
 \$ N/A Federal Aid _____ Vendor No.: _____
 (must match resolution) Other _____ Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION SECRETARY