

11664

TO: Board of Acquisition and Contract

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

DATE: May 20, 2010

SUBJECT: Subcontractor Approval
Contract No. 06-541
Performance Maintenance III
Blind Brook Wastewater Treatment Plant
Rye, New York
Contractor: Arben Group LLC
Subcontractor(s): Mengler Mechanical, Inc.

On November 5, 2009 your Honorable Board approved a resolution to award Contract 06-541 for Performance Maintenance III, Blind Brook Wastewater Treatment Plant, Rye, New York to Arben Group LLC ("Arben"), 175 Marble Avenue, Pleasantville, New York 10570. This resolution also approved Arben's utilization of the following subcontractors: Joe Lombardo Plumbing & Heating of Rockland, Inc. ("Lombardo"), 321 Spook Rock Road, Suffern, New York 10901 for the performance of plumbing work and Southeast Mechanical Corp. ("Southeast"), 568 North Main Street, Brewster, New York 10509 for the performance of heating, ventilation and air conditioning ("HVAC") work on the project.

Subsequent to the approval of said resolution, Arben requested changes in the Plumbing and HVAC subcontractors. Arben has demonstrated legitimate construction need for such changes as defined in General Municipal Law Section 101(5) since Lombardo was unable to perform the subcontract between Arben and Lombardo as a result of Lombardo's inability to secure a performance bond as required under Arben's subcontract with Lombardo; and Southeast was unwilling to perform the subcontract between Arben and Southeast as a result of Southeast's unwillingness to execute the subcontract due to requested changes by Southeast, post bid, that would have amended the mechanical scope of the County's Prime Contract.

Therefore, Arben has requested the approval of Mengler Mechanical, Inc. ("Mengler") to perform the plumbing work and HVAC work in connection with the above referenced contract.

The proposed subcontractor, Mengler, has been investigated and the Department of Public Works recommends approval.

This contract requires the Contractor, Arben, to make a documented “good faith effort” toward the meaningful participation of minority and women-owned business enterprises per New York State Executive Law Article 15-A to be eligible for financing through the State Revolving Fund. The New York State Environmental Facilities Corporation (EFC) is responsible for reviewing and approving the Contractor’s MBE/WBE Utilization Plan. The EFC has accepted the Contractor’s plan as indicated by the attached letter dated December 28, 2009.

Resolution to accomplish the foregoing is attached.

This resolution has been reviewed by the Law Department.

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-10-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

CONTRACT NO. 06-541

Upon communication from the Acting Commissioner of Public Works,

WHEREAS, on November 5, 2009, your Honorable Board approved a resolution to award Contract 06-541 for Performance Maintenance III, Blind Brook Wastewater Treatment Plant, Rye, New York to Arben Group LLC (“Arben”) 175 Marble Avenue, Pleasantville, New York 10570; and

WHEREAS, pursuant to the award resolution dated November 5, 2009, your Honorable Board approved Arben’s utilization of the following subcontractors in connection with the performance of Contract 06-541: Joe Lombardo Plumbing & Heating of Rockland, Inc. (“Lombardo”), 321 Spook Rock Road, Suffern, New York 10901 for the performance of plumbing work; and Southeast Mechanical Corp. (“Southeast”), 568 North Main Street, Brewster, New York 10509 for the performance of heating, ventilation and air conditioning (“HVAC”) work; and

WHEREAS, subsequent to the approval of the aforesaid resolution, Arben requested changes in the Plumbing and HVAC subcontractors; and

WHEREAS, Arben has demonstrated legitimate construction need for such changes as defined in General Municipal Law Section 101(5) since Lombardo was unable to perform the subcontract between Arben and Lombardo as a result of Lombardo’s inability to secure a performance bond as required under Arben’s subcontract with Lombardo; and Southeast was unwilling to perform the subcontract between Arben and Southeast as a result of Southeast’s unwillingness to execute the subcontract due to requested changes by Southeast, post bid, that would have amended the mechanical scope of the County’s Prime Contract; and

WHEREAS, it has been determined that Lombardo is unable to perform the subcontract between Arben and Lombardo as a result of Lombardo’s inability to secure a performance bond as required under the subcontract; and

WHEREAS, it has been determined that Southeast is unwilling to perform the subcontract between Arben and Southeast as a result of Southeast’s unwillingness to execute the subcontract between Arben and Southeast due to requested changes by Southeast, post bid, that would have amended the mechanical scope of the County’s Prime Contract; now, therefore, be it

RESOLUTION

CONTRACT NO. 06-541

RESOLVED, that upon the recommendation of the Department of Public Works, the following listed Subcontractor on Contract No. 06-541 between the County of Westchester and Arben Group LLC, 175 Marble Avenue, Pleasantville, New York 10570 for Performance Maintenance III, Blind Brook Wastewater Treatment Plant, Rye, New York is approved for the performance of plumbing and HVAC work:

SUBCONTRACTOR(S)

Mengler Mechanical, Inc.
Putnam Business Park
1689 Route 22
Brewster, New York 10509

WORK TO BE DONE

Plumbing and HVAC Work

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-10-2010 - JOMARY VIEIRA, SECRETARY

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	322	60	SBB0600C	6210-99		

Budget Funding Year(s) 2010 **Start Date:** November 19, 2009 **End Date:** January 31, 2012
(must match resolution)

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

Contractor Federal I.D. No./
Social Security No.: 01-0722131

State Aid _____

_____ **Federal Aid** _____
(must match resolution)

Vendor No.: _____

Other _____

Encumbrance No.: _____