

18224

April 4, 2011

MEMO TO: BOARD OF ACQUISITION AND CONTRACT

FROM: THOMAS J. LAURO, P.E.
COMMISSIONER

RE: AWARD RESOLUTION
CONTRACT NO. EF-1101
EMERGENCY REPAIR OF LEAKS
WESTCHESTER COUNTY SEWER AND WATER DISTRICTS
VARIOUS LOCATIONS THROUGHOUT
WESTCHESTER COUNTY, NEW YORK

CONTRACTOR: ELQ Industries, Inc.
567 Fifth Avenue
New Rochelle, N.Y. 10801
AMOUNT: 2% (NTE \$1,050,000.00)

On March 23, 2011, six (6) bids were received and opened for Contract No. EF-1101. This contract is for the Emergency Repair of Leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County. This contract is for a three (3) year term commencing on May 23, 2011 and terminating on May 22, 2014.

The bids were reviewed by the Department and it was determined that ELQ Industries, Inc. submitted the low bid in the amount of 2% for overhead and profit above the actual cost of labor, equipment and materials used during the Contract. The total dollar amount of actual labor, equipment and materials incurred plus the 2% overhead and profit shall not exceed the amount of \$1,050,000.00.

The low bidder has performed satisfactory work in the past for the County.

Funds for this project are available in the Operating Budget

The goal and/or objective of this contract is for a prompt response to a sewer system or water system failure which requires an immediate repair on a 24/7 basis. An immediate repair to these systems is required as the public health, as well as the environment, could be at risk if a repair is not done as soon as possible to prevent a potential health and/or safety problem or to prevent the problem from getting worse. The response and repair work are monitored by representatives of the department throughout the emergency to make sure all applicable regulations, safety precautions and codes regarding the protection of persons and property are adhered to and that a cost-effective project is the end product.

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-1101 for the Emergency Repair of Leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York, is awarded to the lowest responsible bidder, ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, NY. , 10801 in the amount of 2% for overhead and profit, based on the cost of labor, equipment and materials, not to exceed the amount of \$1,050,000.00, for a term of three years commencing on May 23, 2011 and terminating on May 22, 2014, subject to the adoption of the Operating Budgets for years two and three of the contract; and be it further

RESOLVED: that the retention of 5 percent of all contractor payments by the County 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 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

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2011	221	60	0110	4310		\$125,000
2011	241	60	5110	4310		\$45,000
2011	243	60	5310	4310		\$45,000
2012	221	60	0110	4310		\$200,000
2012	241	60	5110	4310		\$75,000
2012	243	60	5310	4310		\$75,000
2013	221	60	0110	4310		\$200,000
2013	241	60	5110	4310		\$75,000
2013	243	60	5310	4310		\$75,000
2014	221	60	0110	4310		\$79,000
2014	241	60	5110	4310		\$28,000
2014	243	60	5310	4310		\$28,000

Budget Funding Year(s) 2011-2014 **Start Date** 5/23/2011 **End Date** 5/22/2014

(must match resolution)

Funding Source

Tax Dollars 100%

State Aid _____

NTE \$1,050,000

Federal Aid _____

(must match resolution)

Other _____

TJL/JKD/jk

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-28-2014 - DOMARY VIEIRA, SECRETARY