

23189

TO: Board of Acquisition and Contract

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

DATE: November 21, 2011

SUBJECT: Resolution to Award to the Second Low Bidder
Contract No. **11-512**
Pocantico Lake Dam Rehabilitation
NYS DEC I.D. No. 214-0286
Town of Mount Pleasant, New York
Contractor: Mace Contracting Corp. **(MBE)**
Amount: \$3,719,999.65

On October 19, 2011, ten (10) bids were received and opened for Contract No. 11-512 for Pocantico Lake Dam Rehabilitation, NYS DEC I.D. No. 214-0286, Town of Mount Pleasant, New York.

The apparent low bidder, McNamee Construction Corp., notified the County that it had made an unintentional omission of a substantial quantity of labor and materials. Specifically, McNamee Construction Corp.'s bid did not reflect the correct costs for the provision of rock removal in the amount of \$860,000.00, which is a justifiable reason to allow it to withdraw its bid of \$2,844,370.00. The Department of Public Works and Transportation has performed a detailed analysis of McNamee Construction Corp.'s bid to verify the validity of this error. The Department of Law has concurred, that based on the facts as presented, McNamee Construction Corp. can withdraw its bid.

Therefore, it is requested that the bid submitted by McNamee Construction Corp., be deemed withdrawn and that Contract No. 11-512 be awarded to the second low bidder, Mace Contracting Corp. **(MBE)**, in the amount of \$3,719,999.65.

The bids were reviewed by the Department and it was determined that Mace Contracting Corp. **(MBE)** submitted the low bid in the amount of \$3,719,999.65.

The low bidder has been investigated and it has been found that Mace Contracting Corp. **(MBE)**:

- 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

The objective of this contract is to upgrade substandard structural components of the Pocantico Lake Dam, thus addressing the County Executive's priority area: Safety and Security (SS).

This contract is in the public's best interest because it will promote the health and safety of the general public by ensuring that the Pocantico Lake Dam meets current codes and standards as well as meeting the New York State Department of Environmental Conservation's Order on Consent for this structure.

The project will provide an environmental benefit by improving storm water control thus eliminating erosion and flooding conditions.

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. 11-512 be awarded to Mace Contracting Corp. **(MBE)**, in the amount of \$3,719,999.65.

This resolution has been reviewed by the Law Department.

RESOLUTION

CONTRACT NO. 11-512

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, on October 19, 2011, ten (10) bids were received and opened for Contract 11-512 for Pocantico Lake Dam Rehabilitation, NYS DEC I.D. No. 214-0286, Town of Mount Pleasant, New York; and

WHEREAS, the apparent low bidder, McNamee Construction Corp., made an unintentional omission of a substantial quantity of labor and materials, and therefore has requested that its bid proposal of \$2,844,370.00 be withdrawn; and

WHEREAS, the second lowest bidder, Mace Contracting Corp. (MBE), complied with all bid specifications; now, therefore, be it

RESOLVED, that due to an unintentional omission of a substantial quantity of labor and materials McNamee Construction Corp. be permitted to withdraw its bid submitted on October 19, 2011 for Contract 11-512 in the amount of \$2,844,370.00; and be it further

RESOLVED, that Contract No. 11-512 for Pocantico Lake Dam Rehabilitation, NYS DEC I.D. No. 214-0286, Town of Mount Pleasant, New York be and is hereby awarded to Mace Contracting Corp. (MBE), 35 Portman Road, New Rochelle, New York 10801, in the amount of \$3,719,999.65; and be it further

RESOLVED, that this contract is subject to County appropriations; 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
	372	42	RPL0200C	6210-99		\$3,719,999.65

Budget Funding Year(s) 2011 **Start Date:** December 22, 2011 **End Date:** September 21, 2013
(must match resolution)

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

Contractor Federal I.D. No./
Social Security No.: _____

State Aid _____

\$3,719,999.65
(must match resolution)

Federal Aid _____

Vendor No.: _____

Other _____

Encumbrance No.: _____