

25849

TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

DATE: March 23, 2012

SUBJECT: Subcontractor Approval
Contract No. **08-531**
Shaft 22 Facility Improvements
Water District No. 1
Yonkers, New York
Contractor: Arben Group LLC
Subcontractor(s): Mengler Mechanical, Inc.

On November 24, 2009 your Honorable Board approved a Resolution to award Contract No. 08-531 for Shaft 22 Facility Improvements, Water District No. 1, Yonkers, New York to Arben Group LLC ("Arben"), 175 Marble Avenue, Pleasantville, New York 10570. This Resolution also approved Arben's utilization of the following subcontractor: Southeast Plumbing Corp. ("Southeast"), 568 North Main Street, Brewster, New York 10509 for the performance of plumbing work and 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 a legitimate construction need for such changes as defined in General Municipal Law Section 101(5). Southeast was unwilling to perform the subcontract between Arben and Southeast as a result of Southeast's unwillingness to agree to Arben's standard contract terms and conditions.

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 and Transportation recommends approval.

Resolution to accomplish the foregoing is attached.

This Resolution has been reviewed by the Law Department.

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, on November 24, 2009, your Honorable Board approved a Resolution to award Contract No. 08-531 for Shaft 22 Facility Improvements, Water District No. 1, Yonkers, New York to Arben Group LLC (“Arben”) 175 Marble Avenue, Pleasantville, New York 10570; and

WHEREAS, pursuant to the award Resolution dated November 24, 2009, your Honorable Board approved Arben’s utilization of the following subcontractor: Southeast Plumbing Corp. (“Southeast”), 568 North Main Street, Brewster, New York 10509 for the performance of plumbing work and 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 subcontractor; and

WHEREAS, Arben has demonstrated a legitimate construction need for such changes as defined in General Municipal Law Section 101(5) since Southeast was unwilling to perform the subcontract between Arben and Southeast as a result of Southeast’s unwillingness to agree to Arben’s standard contract terms and conditions; and

WHEREAS, it has been determined that Southeast is unable to perform the subcontract between Arben and Southeast as a result of Southeast’s unwillingness to agree to Arben’s standard contract terms and conditions; therefore, be it

RESOLVED, that upon the recommendation of the Department of Public Works and Transportation, the following listed Subcontractor on Contract No. 08-531 between the County of Westchester and Arben Group LLC, 175 Marble Avenue, Pleasantville, New York 10570 for Shaft 22 Facility Improvements, Water District No. 1, Yonkers, 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

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	324	60	WD17700C	6210-99		

Budget Funding Year(s) 2012
(must match resolution)

Start Date: December 10, 2009 **End Date:** December 31, 2013

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

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

State Aid _____

Federal Aid _____

Vendor No.: _____

(must match resolution)

Other _____

Encumbrance No.: _____