

36829

TO: Board of Acquisition and Contract

FROM: Thomas J. Lauro, P.E.
Commissioner of Environmental Facilities

DATE: November 04, 2013

SUBJECT: Resolution to Award to the Low Bidder
Contract No. **EF-1306**
Install a New Security Gate at the Yonkers Joint Wastewater Treatment Plant
Contractor: Yaboo Fence Co., Inc.
Contract Amount: \$47,500.00

On October 23, 2013, two (2) bids were received and opened for Contract No. EF-1306 to furnish and install a new security gate at the Yonkers Joint Wastewater Treatment Plant.

The old security gate was damaged due to the effects of Super-storm Sandy on October 29 & 30, 2012. The storm surge resulted in river water entering plant facilities and causing extensive damage to the underground infrastructure due to water infiltration and the resulting salt-water effects.

In accordance with County policy, the bid advertisement was published in the legal notices section of The Journal News and it was posted on the Empire State Purchasing Group ("ESPG") website. The department held a Pre-bid site Inspection for interested parties at the project site on 10/10/2013, which was attended by representatives from four (4) firms.

Although only two (2) bids were received for this project, the Department believes the pricing offered is fair and reasonable. Before the bid opening date, the Department received budgetary estimates from three other firms and their proposals were comparable with the low bid price received on 10/10/2013.

The bid package was reviewed by the Department, and it was determined that Yaboo Fence Co., Inc., submitted a complete and responsible bid in the amount of \$47,500.00. The Contract duration is for three (3) months (starting date of 12/16/2013 and completion date of 03/15/2014).

The low bidder has been investigated and it has been found that Yaboo Fence Co., Inc.

- has performed satisfactory work in the past for the County.
- Past experience has been investigated and found satisfactory.

The overhauling of the security gate will assist the County in recovering from damage to key equipment systems caused by Superstorm Sandy. The Department investigated various repair options but a complete replacement is recommended due to the advanced age and extensive damage caused by the storm surge. A properly functioning gate is an integral need for the plant staff so they can control access to the site from staff, outside contractors and other visitors. Department representatives will

track and monitor the work to make sure all task items are completed. The Contractor will be responsible to comply with all applicable regulations and industry standards.

Issuing this contract is fiscally responsible because the specialized tools, equipment and materials needed to perform the work are not readily available and it would be more costly for DEF personnel to procure these items independently. A specialty contractor who is regularly engaged in similar type of work has the necessary manpower, training and equipment resources to cost effectively perform the work.

This Contract is deemed to fulfill a public purpose as the services provided under this Contract protect the building and facilities owned by the County of Westchester and enable the Department to carry out its basic mission to provide wastewater treatment and maintaining satisfactory water quality.

It is my recommendation that Contract No. EF-1306 be awarded to Yaboo Fence Co., Inc., in the amount of \$47,500.00, subject to County appropriations.

A proposed form of Resolution is attached.

APPROVED BOARD OF ACQUISITION & CONTRACTS
12/05/2015
SOMARY NIERI, SECRETARY

RESOLUTION

CONTRACT NO. EF-1306

Upon communication from the Commissioner of the Department of Environmental Facilities, be it hereby

WHEREAS, the Commissioner, Department of Environmental Facilities, requests approval for the County of Westchester to enter into an agreement with Yaboo Fence Co., Inc., to replace the existing tilt-a-way security gate located at Yonkers Joint Wastewater Treatment Plant, Yonkers, New York; and

WHEREAS, it is requested due to the expense associated with damage caused by the storm surge at the Yonkers Joint Wastewater Treatment Plant as a result of Superstorm Sandy on October 29 & 30, 2012 that cannot be handled with County personnel or equipment; and

RESOLVED, that Contract No. EF-1306 for Install a New Security Gate at Yonkers Joint Wastewater Treatment Plant is hereby awarded to the low bidder, Yaboo Fence Co., Inc., 95 West Nyack Way, West Nyack, NY 10994 in the amount of \$47,500.00, subject to the adoption of the Operating Budget; 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**

Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
322	60	SY043-01-S	6210		\$47,500.00

Budget Funding Year (s) 2013-2014 Start Date: 12/16/2013 End Date: 03/15/2014

Funding Source:

Tax dollars 100% County
State Aid -0-
Federal Aid -0-
Other -0-

**Contractor -
Federal I.D. No.**

\$47,500.00

(Must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/05/2013 - JOMARY VIEIRA, SECRETARY