

50444

TO: Board of Acquisition and Contract

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

DATE: January 12, 2016

SUBJECT: Final Acceptance Resolution
Contract No. **09-505**
Playland Bathhouse Restoration
Playland Park
Rye, New York

Original Contractor: Ortega Group, LLC
Surety: Westchester Fire Insurance Company
Final Payment Amount: \$ **0.00**
Unused Amount: **\$42,957.00**

On November 5, 2009, your Honorable Board awarded Contract No. 09-505 for the Playland Bathhouse Restoration, Playland Park, Rye, New York to Ortega Group, LLC, 17 South MacQuesten Parkway, Mount Vernon, New York 10550 (the "Original Contractor") in the amount of \$6,171,000.00. On June 9, 2011, your Honorable Board declared Ortega Group, LLC, in default and authorized a Takeover Agreement with the Surety, Westchester Fire Insurance Company, 140 Broadway, New York, New York 10036. The work required under Contract No. 09-505 has been completed by the Surety.

The department tracked scheduling and accomplishments by the contractor/surety and performed on-site inspections to ensure the successful completion of this project.

A final inspection has been made which indicates that the work meets the terms and requirements of the contract.

It is recommended that your Honorable Board take appropriate action to accept the completed work and approve the Final Contract Amount of \$6,728,999.00. The work required under Contract No. 09-505 consists of all necessary labor, materials and equipment for the Playland Bathhouse Restoration, Playland Park, Rye, New York.

This Resolution has been reviewed by the Law Department. A proposed form of Resolution is attached.

RESOLUTION

ACCEPTANCE OF COMPLETED WORK AND APPROVAL OF FINAL ESTIMATE

RE: CONTRACT NO. 09-505
CONTRACT AMOUNT: \$6,171,000.00
CHANGE ORDER NO. 1: \$ 600,956.00
REVISED CONTRACT AMOUNT: \$6,771,956.00
UNUSED AMOUNT: \$ 42,957.00
VALUE OF COMPLETED WORK: \$6,728,999.00

Upon communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the work performed by Westchester Fire Insurance Company, 140 Broadway, New York, New York 10036 on behalf of the original contractor, Ortega Group, LLC, 17 South MacQuesten Parkway, Mount Vernon, New York 10550, in connection with Contract No. 09-505 for the Playland Bathhouse Restoration, Playland Park, Rye, New York is accepted and the Final Contract Amount of \$6,728,999.00 is approved.

Value of Completed Work		\$	6,728,999.00
Total Previously Paid Estimates		\$	6,728,999.00
Completed Work Balance	\$	0.00	
Released Retainage	\$	<u>0.00</u>	
BALANCE DUE IN FULL		\$	<u>0.00</u>

and be it further

RESOLVED, that payment shall be made in accordance with all applicable laws, including, without limitation, the New York State Lien Law.

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	372	42	RP23C03C	6210-99	BA #70-2008	\$ 0.00
					Total:	\$ 0.00

Budget Funding Year(s): 2016 Start Date: 11/19/09 End Date: 09/30/12
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
 \$ _____ Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____