

Department of Parks, Recreation
& Conservation

April 6, 2010

TO: Board of Acquisition and Contract

FROM: Joseph A. Stout, Commissioner
Parks, Recreation & Conservation

RE: Authority for the County of Westchester to terminate Contract PRC-414 with American Pump & Motor Service, Inc. for Water Pump Maintenance and Repair Service at Various Department of Parks, Recreation and Conservation Facilities.

On February 8, 2007, your Honorable Board approved a Resolution authorizing the County of Westchester to award Contract PRC-414 Water Pump Maintenance and Repair Service at Various Department of Parks, Recreation and Conservation Facilities to American Pump & Motor Service, Inc. ("American Pump") for a term from March 1, 2007 through February 29, 2012 for a total amount not to exceed \$186,412.50.

American Pump used Schulz Electric Company as a supplier. Schulz Electric later notified the County that it had not been paid by American Pump. The County paid American Pump \$21,780 for the work in question on September 22, 2009. Of that amount, American Pump was to pay Schulz \$19,500. The County has written to and telephoned American Pump numerous times. A default letter dated March 26, 2010 was mailed to its principal demanding that the outstanding payment be made and giving American Pump 48 hours to cure this breach as provided for in the contract. American Pump received this letter which was sent via certified mail on March 31, 2010. As of this date the default has not been cured. Therefore, authority of your Honorable Board is requested to terminate this contract due to the contractor's breach of contract and refusal to pay its supplier.

I recommend approval of the attached proposed Resolution.

JAS/DLV/dv

RESOLUTION

Upon a communication from the Commissioner, Department of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to terminate Contract PRC-414 with American Pump & Motor Service, Inc. for Water Pump Maintenance and Repair Service at Various Department of Parks, Recreation and Conservation Facilities, due to the contractor's breach of contract and refusal to pay its supplier Schulz Electric Company; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Agreement # _____

Account to be
Charged/Credited

		Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Fund	Dept				

Budget Funding Year(s) _____ Start Date _____ End Date _____
(must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ _____ Federal Aid _____

(must match resolution)

Other _____