

90557

TO: Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation

DATE: January 27, 2022

SUBJECT: Reject All Bids and authorize the County of Westchester to Re-Advertise for bids for Contract No. 15-517-Rev., Outfall Jetty Rehabilitation, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York

On December 1, 2021, five (5) bids were received and opened by the County of Westchester (the "County") for Contract No. 15-517 for Outfall Jetty Rehabilitation, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The bid documents required bidders to hold their bid price for 45 days. On January 14, 2022 the County asked the low bidder, E.E. Cruz & Company, Inc. ("E.E. Cruz") to keep its bid price open until February 17, 2022 in order to award the contract. E.E. Cruz advised by letter dated January 17, 2022 that it could not hold their bid price beyond the 45 days as stated in the bid document due to recent extreme volatility for both permanent and construction materials and the potential for delays and shortages due to the on-going COVID-19 pandemic. Additionally, subsequent to the receipt of bids for this project, the Army Corps of Engineers issued a new nationwide permit #13. The re-bid will afford the County the opportunity to request a reverification letter from the Army Corps of Engineers for coverage under the new nationwide permit #13. This reverification of coverage under the updated nationwide permit #13, will benefit the project by allowing for an extended project duration without any further extension request.

After further evaluation, and based upon the above, it is in the County's best interest to re-bid the project. Therefore, authority is requested to re-advertise as Contract No. 15-517-Rev.

The objective of this contract is to prevent failure of the existing steel sheet piling system which provides protection for one of the two Wastewater Effluent Outfalls from the Mamaroneck Wastewater Treatment Plant, which has reached the end of its useful life and requires rehabilitation.

This contract will benefit the public as it will ensure that the facility's operations are safe and environmentally compliant, thereby enhancing the health and general welfare of the residents of Westchester County.

The Department will track scheduling and accomplishments by the contractor and perform on-site inspections to ensure the successful completion of this project.

RESOLUTION

CONTRACT NO. 15-517-Rev.

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, on December 1, 2021, five (5) bids were received and opened by the County of Westchester (the "County") for Contract No. 15-517 for Outfall Jetty Rehabilitation, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York; and

WHEREAS, the County required additional time to award the contract and the low bidder, E.E. Cruz & Company, Inc., could not hold their bid price beyond the 45 days as stated in the bid document due to recent extreme volatility for both permanent and construction materials and the potential for delays and shortages due to the on-going COVID-19 pandemic; and

WHEREAS, it is hereby requested that the bids received for Contract No. 15-517 be rejected and the project be re-advertised as Contract No. 15-517-Rev. so that the County can re-bid the project; now, therefore, be it

RESOLVED, that the bids received for Contract No. 15-517 for Outfall Jetty Rehabilitation, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York be and hereby are rejected; and be it further

RESOLVED, that the project be re-advertised as Contract No. 15-517-Rev., Outfall Jetty Rehabilitation, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York; and be it further

RESOLVED, that adequate and sufficient security for the faithful performance of this contract shall be deemed to be receipt of a performance and payment bond in an amount equal to 100% of the total contract amount, and in a form approved by the County Attorney. The Bond Underwriter or Surety must appear on the U.S. Treasury's listing of approved sureties (Department Circular 570) and all Sureties must be licensed to transact business in New York as a surety company; and be it further

RESOLVED, that this advertisement for bids will state that pursuant to Chapter 308 of the Laws of the County of Westchester, the policy of the County is to encourage the meaningful and significant participation on County contracts for business enterprises owned by persons of color and women - Minority Business Enterprise (MBE) and Women Business Enterprise (WBE); and be it further

RESOLVED, that such advertisement shall appear in the following County newspaper(s):

THE JOURNAL NEWS (Westchester-Putnam Edition)

Account to be
Charged/Credited

| Fund | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub Object | Bond Act No. | Dollars |
|------|-------|---|-----------------------|--------------|---------|
| 322 | 60 | SM002-01-A | 6050-01 | BA #122-2020 | |

Budget Funding Year(s): 2022
(must match resolution)

Start Date: _____ **End Date:** _____

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

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

State Aid _____

Federal Aid _____
\$ _____
(must match resolution)

Vendor No.: _____

Other _____

Encumbrance No.: _____