

RESCISSION of AWARD of CAPITAL FUND CONSTRUCTION CONTRACT 1 of 4 GENERAL CONSTRUCTION Work, CIP10816 "Boiler System Replacement and Asbestos Abatement" at School 9 with Grace Contracting & Development, Inc. for the amount of \$1,447,830.00.

After a contract the subject contract was recommended for award to Grace Contracting & Development, Inc. (Grace) via Board Resolution Agenda Item 21.3 at the March 20, 2019 meeting and after a Notice to Proceed was issued to Grace on April 5, 2019, Grace requested that due to a miscalculation they be released from the bid and April 8, 2019. In a subsequent meeting with Grace they confirmed their intention to decline the work.

This resolution is to rescind resolution Item 21.3 dated March 20, 2019 in order to unencumber \$1,447,830.00 in capital funds for immediate use elsewhere.

A rescission agreement with Grace and the Board (up to bid bond) will be negotiated in working with City of Yonkers Corporation Counsel and Finance Department (Purchasing). The result of which will be presented in a future resolution.

FUNDING: B5509CP110816 B19C02 B2200 A1620 \$1,447,830.00

Ladies and Gentlemen:

WHEREAS: via Board Resolution Agenda Item 21.3 at the March 20, 2019, the trustees of the Board of Education approved the recommendation of the award of Contract 1 of 4 for Bid No. 6354 GENERAL CONSTRUCTION Work, CIP10816 "Boiler System Replacement and Asbestos Abatement" at School 9 to Grace Contracting & Development, Inc. for the amount of \$1,447,830.00 for a term of 365 calendar days, and

WHEREAS: a Notice to Proceed was issued by the Yonkers Public Schools to Grace Contracting & Development, Inc. on April 5, 2019, and

WHEREAS: Grace Contracting & Development, Inc. issued a request to withdraw from the bid citing miscalculations that would make it impossible for them to fulfill the contract, and

WHEREAS: discussions with Grace Contracting & Development, Inc. regarding settlement of the costs to the City of Yonkers and the Yonkers Public Schools for withdrawing their bid after award are continuing, and

WHEREAS: it is desirable to rescind this award only to the effect of unencumbering the contact award amount of \$1,447,830.00 for immediate use in other capital projects

NOW THEREFORE BE IT RESOLVED: that the Yonkers Public Schools rescind Board Resolution Agenda Item 21.3 dated March 20, 2019, awarding Construction Contract 1 of 4 for Bid No. 6354 GENERAL CONSTRUCTION Work, CIP10816 "Boiler System Replacement and Asbestos Abatement" at School 9 to Grace Contracting & Development, Inc. for the amount of \$1,447,830.00



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Comments:

Meeting Date: Wednesday, March 20, 2019 - 7:00 PM



Category: SCHOOL FACILITIES MANAGEMENT

Type: Action

Subject: 21.3 AWARD of CAPITAL Fund Construction Contract for Bid No. 6354 GENERAL CONSTRUCTION Work, CONTRACT 1 OF 4, CIP10816 "Boiler System Replacement and Asbestos Abatement" at School 9 to Grace Contracting & Development, Inc. for the amount of \$1,447,830.00 for a term of 365 calendar days.

District Goals:

Enclosure:

- File Attachment:**
-  PS-9 10186 GC LOW BIDDER'S BIDS SHEETS.pdf
 -  PS-9 10816 Summary of GC Bid.pdf
 -  BOCS Grace .xlsx

This resolution is to grant the administration the authority to enter into contract as described above. In compliance with General Municipal Law 103, this contract was let for public and bids were opened in public and read aloud on February 15, 2019. Bids were examined and all due diligence observed in determining the lowest responsive and responsible bidder.

A total of 2 bids were received with the next bid at \$1,598,468. The work was designed by Eisenbach & Ruhnke Engineering, P.C. who originally estimated Contract 1 work be \$1.4 million.

Rationale: After interviewing the apparent low bidder and confirming that they understood the scope of work, bids were found to be correct, and references checked the Engineer, Construction Manager and Schools Facilities Management are recommending award of the subject contract.

This scope of CONTRACT 1 of 4, GENERAL CONSTRUCTION includes but is not limited to restoration of floor finishes in classrooms, offices and closets; renovation of the library, asbestos abatement of at the boilers and other related sites.

The overall scope of work for CIP10816 includes four separate construction contracts which include but is not necessarily limited to replacement of the boiler heat plant, unit ventilators, exhaust fans, HVAC controls, natural gas supply line, exterior lighting controls, the removal of existing underground fuel oil storage tank, library renovation and any related asbestos abatement work. The estimated cost for this work is \$3.1 million and the actual four construction contracts to be recommended for award totals \$2,803,888.26

Funding: TBD Pending BAN Sale

Sponsored By : John P. Carr, P.E.


Ladies and Gentlemen:

WHEREAS: bids were issued for public advertisement and opened on February 15, 2019 in compliance with General Municipal Law for Bid No. 6354 GENERAL CONSTRUCTION Work, CONTRACT 1 OF 4 for the "Boiler System Replacement and Asbestos Abatement" at School 9 Project No. 10816, and

Resolution: WHEREAS: such bids were duly examined and as a result of this examination of the bids submitted, the administration has determined that Northeast Interior Services LLC, is the lowest responsive and responsible bidder with a bid of \$1,447,830.00.

NOW THEREFORE BE IT RESOLVED: that Bid No. 6325 GENERAL CONSTRUCTION Work, Contract 1 of 4, for Project No. 10816 "Boiler System Replacement and Asbestos Abatement" at School 9 to Grace Contracting & Development, Inc 427 Beach Road, West Haverstraw, NY, 10993 in an amount not to exceed \$1,447,830.00 for a term of 365 calendar days.

Approvals: **Recommended By:**
Signed By:



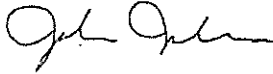
John Carr - Executive Director

Signed By:



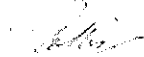
Lee Pavone - Mechanical Engineer

Signed By:



Finance Department - Finance Reviewer

Signed By:



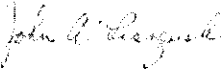
Tom Collich - Purchasing Director

Signed By:



Elizabeth Janocha - Deputy Commissioner

Signed By:



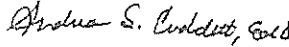
John Liszewski - Commissioner

Signed By:



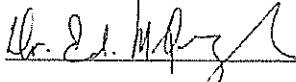
Matthew Gallagher - Corporation Counsel

Signed By:



Dr. Andrea S. Coddett - Deputy Superintendent

Signed By:



Dr. Edwin M. Quezada - Superintendent of Schools

Vote Results:

Original Motion

Member **Kevin Cacace** Moved, Member **Pasquale Mondesando** seconded to approve the **Original** motion 'Ladies and Gentlemen:

WHEREAS: bids were issued for public advertisement and opened on February 15, 2019 in compliance with General Municipal Law for Bid No. 6354 GENERAL CONSTRUCTION Work, CONTRACT 1 OF 4 for the "Boiler System Replacement and Asbestos Abatement" at School 9 Project No. 10816, and

WHEREAS: such bids were duly examined and as a result of this examination of the bids submitted, the administration has determined that Northeast Interior Services LLC, is the lowest responsive and responsible bidder with a bid of \$1,447,830.00.

NOW THEREFORE BE IT RESOLVED: that Bid No. 6325 GENERAL CONSTRUCTION Work, Contract 1 of 4, for Project No. 10816 "Boiler System Replacement and Asbestos Abatement" at School 9 to Grace Contracting & Development, Inc 427 Beach Road, West Haverstraw, NY, 10993 in an amount not to exceed \$1,447,830.00 for a term of 365 calendar days.'. Upon a Roll-Call Vote being taken, the vote was: Aye: 5 Nay: 0 Abstain: 2. The motion **CARRIED 5 - 0**

Steve Lopez	Yes
Pasquale Mondesando	Yes
Edgar Santana	Abstain
Andrea Brown	Yes
Kevin Cacace	Yes

Dr. Rosalba Corrado Del Vecchio Abstain
Dr. Ammir Rabadi Yes



YONKERS
PUBLIC SCHOOLS

Innovation • Inspiration • Excellence for All

VIA EMAIL: gcervini@gcdny.com

(Total of 4 Page(s))

April 5, 2019

Grace Contracting & Development, Inc.
427 Beach Road
West Haverstraw, NY, 10993

**Re: Boiler Systems Replacement and Asbestos Abatement at School 9, YPS #10816
Bid IFB-6354, General Construction Contract 1 of 4**

Dear Mr. Cervini:

Congratulations. At the stated meeting held on March 20, 2019 the trustees of the Board of Education voted to approve the recommendations of the Superintendent of Schools to award your firm the above referenced contract, see attached resolution.

This is to serve as a written "Notice to Proceed" in conformance with the "Contract Documents" of your contract.

Prior to your employees entering the site, the District must be in possession of the following:

1. Construction Schedule
2. Schedule of Values
3. List of Sub-Contractors
4. List of Vendors and Suppliers
5. Submission of 24 hour, 7 day week emergency contact numbers

If you should have any questions, please do not to hesitate to call Lee Pavone at (914) 376-8008.

Very truly yours,

John P. Carr

JPC/lp

cc: Thomas Collich, COY thomas.collich@YonkersNY.gov; Alex Schenck, COY alex.schenck@yonkersNY.gov; Lee Pavone, YPS lpavone@yonkerspublicschools.org; John Liszewski, COY, john.liszewski@yonkersny.gov; Brad Gorson, COY, Bradford.Gorson@yonkersny.gov; Jack Eisenbach, E&R, jeisenbach@erengpc.com; Chris Pateman, Savin Engineers, cpateman@savinengineers.com



ON BEHALF OF JOHN CERVINI

427 BEACH ROAD

WEST HAVERSTRAW, NY 10993

☎ 844.292.5629 📠 845.234.4971 WWW.GCDNY.COM

LICENSED – INSURED – BONDED

“EVERY PLACE NEEDS A TOUCH OF GRACE.”

April 8, 2019

Via Email

Tom Collich

Director of Purchasing

1 Larkin Center, 3rd Floor

Yonkers, NY 10701

Dear Tom,

We are writing to inform you that we need to withdraw our bid for the Boiler System Replacement and Asbestos Abatement at School 9, YPS #10916 Bid IFB-6354, General Construction Contract due to a mathematical error. It was our understanding per spec section 028070 1.01 C that the abatement was in the Mechanical Contract and not the General Construction Contract. Per our Chief Estimator Gene Cervini's conversation with Jack Eisenbach on the scope clarification, the boiler abatement is to be included in the GC contract. Due to this error we are withdrawing our bid for this project.

Sincerely,

John Cervini
Managing Member