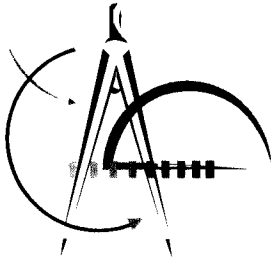


WEEKLY TOWN BOARD MEETING
April 18, 2012 7:30 p.m.
Town Hall, 238 Main Street, Cold Spring, New York

AGENDA

1. Resolution awarding the bid for the Winston Lane Roadway Reconstruction Project of Ben Cozzi, Inc., d/b/a Northern Construction, 1992 Commerce Street, Yorktown Heights, New York.
2. Discussion of the request for proposals for the North Field at Philipstown Park
3. Discussion with regard to procedures for obtaining quotes, etc.
4. Adjourn.



RONALD J. GAINER, P.E., PLLC
31 Baldwin Road, Patterson, NY 12563
Mailing Address: PO Box 417, Pawling, NY 12564
office 845-878-6507 cell 845-527-1432

April 12, 2012; rev. 4/16/12

Mr. Richard Shea, Supervisor, and Town Board
Town of Philipstown
238 Main Street
PO Box 155
Cold Spring, New York 10516

Re: Winston Lane Roadway Reconstruction Project

Dear Honorable Supervisor and Town Board Members:

On March 30 the Town received two (2) bids for the replacement of the Winston Lane culvert, as follows:

Company	Total Bid Amount
Ben Cozzi, Inc d/b/a Northern Construction 1992 Commerce Street Yorktown Heights, NY 10598	\$260,825.00
Ben Ciccone, Inc. 151 Daley Road Poughkeepsie, NY 12603	\$348,575.00

As noted above, the apparent low bidder was Northern Construction of Yorktown Heights, NY. Further, the low bid is well within the estimated project amount of the FEMA Project Worksheet (PW) developed for the work, which will form the basis for the Federal reimbursements to be obtained.

Northern Construction has submitted a bid bond in the amount of \$22,000, which is in excess of the 5% requirement contained in the Bid Documents, to serve as a bid security. We have reviewed representative references given by the Low Bidder. This includes various projects completed by Donald Flood of Kect Construction, who Mr. Cozzi has identified as one who will work directly for Northern Construction in the performance of this project, and whose experience includes various culvert replacement projects for the Town of Amenia in Dutchess County. The Amenia Highway Superintendent spoke highly of Flood's qualifications and experience, and therefore we consider the low bidder to be qualified to provide the services which the Town of Philipstown is seeking to accomplish.

RE: Winston Lane Roadway Reconstruction Project

Therefore, provided that the Town Attorney finds the bid form, bid bond, and non-collusive bidding certificate to be satisfactory, we believe that Northern Construction's bid proposal in the total amount of \$260,000.00, may be accepted.

If the Town approves a resolution to award Northern Construction the project, then a formal "Notice of Award" should be issued. The "Notice of Award" should include a reminder that, as required in the Instructions to Bidders, the Performance Bond and the Payment Bond must be provided within 10 days from the notification of award or when the agreement is executed, whichever is sooner. The bidder should supply the required insurance certificate in the same time frame.

Lastly, the Bid Bonds for both bidders should be retained until a contract is executed with Northern Construction. Upon their submittal of acceptable bonds and insurances, and execution of an Agreement, you may then release these Bid Bonds.

I trust that this is adequate for your needs. If you have any questions concerning this matter, please do not hesitate to contact our office.

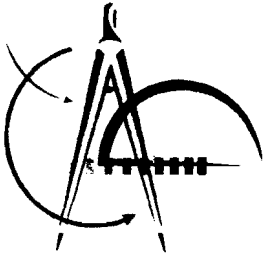
Sincerely,

Ronald J. Gainer, P.E.

cc: Roger Chirico, Highway Superintendent

Ronald J. Gainer, P.E., PLLC





RONALD J. GAINER, P.E., PLLC
31 Baldwin Road, Patterson, NY 12563
Mailing Address: PO Box 417, Pawling, NY 12564
office 845-878-6507 cell 845-527-1432

March 23, 2012

TO: ALL PROSPECTIVE BIDDERS

RE: **Town of Philipstown - Winston Lane Roadway Reconstruction Project**

To all Prospective Bidders:

Enclosed herewith please find one (1) copy of Addendum No. 1, dated March 23, 2012 to the above referenced project. This addendum covers clarifications and additions to The Project's Specifications and Plans.

Please acknowledge receipt of this Addendum No. 1 on page 1 of the Bid Form.

In addition, please acknowledge receipt of this addendum by signing, below, this cover sheet and faxing back same to 845-265-7886.

Thank you for your cooperation.

Sincerely,

Ronald J. Gainer, P.E.

cc: Roger Chirico, Highway Superintendent
Tina Merando, Town Clerk

Enclosures: Addendum No. 1

Receipt of Addendum Acknowledged by:

Company: d/ba Ben Cozzi, Inc. Northwest Construction	Signature: Ben Cozzi, President
--	---------------------------------

BID FORM

Proposal of Ben Cozzi Inc (hereinafter called "BIDDER"), organized and existing under the laws of the State of NY doing business as Northern Construction To the Town of Philipstown (hereinafter called "OWNER").

In compliance with your Advertisement for Bids, BIDDER hereby proposes to perform all WORK for the Winston Lane Roadway Re-Construction Project in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to his own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK under this contract on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the PROJECT within 60 consecutive calendar days thereafter (the "Scheduled Completion Date"). BIDDER further agrees to pay as liquidated damages, as provided in Section 15 of the General Conditions, the sum of \$250.00 for each consecutive calendar day after the Scheduled Completion Date until the PROJECT is fully completed.

BIDDER acknowledges receipt of the following ADDENDUM:

Addendum #	<u>1; dated March 23, 2012</u>	Initials	<u>BC</u>
Addendum #	_____	Initials	_____
Addendum #	_____	Initials	_____

*Insert "a corporation," a partnership", or "an individual" as applicable.

BID FORM

The BIDDER agrees to perform all the work described in the CONTRACT DOCUMENTS for the following unit prices or Lump Sum.

NOTE: BIDS shall include all applicable taxes and fees, the Town is exempt from state and local taxes and state and compensating use taxes.

Item No.	Item	Units	Est. Quantity	Unit Price(\$)	Total Price
1	Mobilization/Demobilization	LS	1	10000.00	10000.00
2	Construct Temporary Diversion Channel around work site	LS	1	18000.00	26500.00
	a) Channel Excavation	SY	120	8500.00	
3	Removal of existing culvert, roadway, guiderail, etc.	LS	1	12500.00	12500.00
4	New Culvert/Footing Installation	EA	2	10950.00	21900.00
5	Construction of Culvert Concrete Headwalls	LS	1	14700.00	14700.00
6	Construction of Concrete Wingwalls	LS	1	18500.00	18500.00
7	Backfill Culvert – select fill	CY	150	56.66	8500.00
8	Backfill Wingwalls	CY	150	50.00	7500.00
9	Backfill Temporary Diversion Channel	CY	500	37.00	18500.00
10	Place/Compact Item 4 roadway sub-base	CY	60	76.66	4600.00
11	Place/Compact Roadway Pavement – 2 lifts	TON	125	208.00	26000.00
12	Installation of new guiderail	LF	260	94.23	24500.00
13	Unsuitable Excavation and Backfill	CY	50	80.00	4000.00
14	Rock Excavation and Backfill	CY	100	120.00	12000.00
14A	Stone Rip-rap along Winston Lane Side Slopes	CY	125	125.00	15625.00
15	Removal of all Temporary Roadway, Drainage Piping, Pre-cast blocks, etc.	LS	1	25500.00	25500.00

Item No.	Item	Units	Est. Quantity	Unit Price(\$)	Total Price
16	Preparation at Site and Miscellaneous Work	LS	1	10000.00	10000.00
BID Price (numbers)				260 825.00	
"BASE BID" Price (words) <u>two hundred sixty thousand eight hundred twenty five dollars</u>					

This CONTRACTOR has visited the site and has considered the site conditions in preparation of his bid.

TERMS OF BID:

1. The Statement of Bidder's Qualifications must be included with the Bid Submitted. The Statement of Bidder's Qualifications is the last page of the Bid Form.
2. Other terms as described in the Contract Documents.
3. The above prices shall include all labor, materials overhead, profit, insurance, etc. to cover the finished work of the several kinds called for.
4. Bidder understands that the Owner reserves the right to award the Contract for the Winston Lane Roadway Re-Construction Project and to reject any and/or all bids and to waive any informalities in the bidding.
5. The Bidder agrees that this bid shall be good and may not be withdrawn for a period of 45 calendar days after the scheduled closing time for receiving bids.
6. The bid security attached in the amount of 5% of the Bid tendered is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.
7. Bidder hereby agrees to commence work under this contract on or before a date to be specified in the AGREEMENT and to complete the work within 60 consecutive calendar days thereafter. Bidder further agrees to pay as liquidated damages, the sum of \$250.00 for each consecutive calendar day thereafter as provided in Section 15 of the General Conditions.

Respectfully Submitted:

Ben Cozzi, Inc.

BY: Ben Cozzi, President d/b/a Northern Construction
Company Name

President 1992 Commerce St.
Title Address

3/28/2012 Yorktown NY 10598
Date Address

(If bid is by a corporation, the corporate seal must be provided.)

GENERAL MUNICIPAL LAW:

Section 103-d "NON-COLLUSIVE BIDDING CERTIFICATE"

"(a) By submission of his bid, each bidder and each person signing on behalf of any bidder, certifies, and in case of a joint bid, each party thereto, certifies as to its own organization under penalty of perjury that the best of their knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder, with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder, and will not knowingly be disclosed by the bidder prior to opening directly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to include any other person, partnership or corporation to submit a bid for the purpose of restricting competition."

Ben Cozzi, Inc.

d/b/a Northern Construction

Name of Bidder

Ben Cozzi Ben Cozzi, President

By

1992 Commerce St. Yorktown NY

Address

10598

BID FORM

Legal Company Name: Ben Cozzi Inc

Federal Employers ID No: 13-4145006

Telephone Number: 845-628-6288 Fax Number: 845-628-0000

Names and Addresses of Proposed Sub-Contractors (if any):

V.P.A. Concrete LLC
100manners Ave
Naugatuck CT 06770

If the Bidder is a Corporation, List the following:

Names of Officers: Ben Cozzi President Legal Residence: 41 Bauerlein Ct Mahopac NY
10541

If the Bidder is a Firm or Partnership, List the following:

Names of Member or Partners: _____ Legal Residence: _____

If the Bidder is an Individual, List the following:

Name: _____ Legal Residence: _____

Give information about your present contract workload, or contracts to which you are committed:

Contract Price	Type of Construction	Location of Work	Percentage Completed	Expected Completion Date	Name and Address of Owner
\$101000.00	Paving	Coldspring, NY	0%	May 15, 2012	Forgegate Condo
\$25500.00	Paving/Drainage	Somers NY	0%	April 25, 2012	Heritage Hills C26
\$82000.00	Paving/Drainage	Somers NY	65%	April 6, 2012	Heritage Hills C26
\$97000.00	Paving/Drainage	Somers NY	0%	May 7, 2012	Heritage Hills C23
\$102000.00	Paving	Jefferson Valley NY	0%	Aug, 2012	Simon Properties Jr Mall J.V.N.Y

BID FORM

STATEMENT OF BIDDER'S QUALIFICATIONS

List your experience in work similar to this project, to include name and address of Owner, description and cost of work performed, month and year project was completed, name and telephone number of a contact person for the Owner who could be contacted for references.

<u>OWNER/CONTACT PERSON</u>	<u>PROJECT DESCRIPTION/COST/DATE COMPLETED</u>
1. Jefferson Village JOE Joe Visconte 9148049311	Dredging bypass 9/15/2010 \$115000.00 PIPE
2. Jefferson Village JOE Joe Visconti 9148049311	Stone Retention 8/8/2009 \$108000.00 Pond
3. 122 Bueles Corp. John C. 9144901374	Construction of 2 10/5/2012 \$1275500.00 Retention Ponds
4. Mahwah	Drainage Improvements
5.	
6.	
7.	
8.	
9.	
10.	

(Use additional sheets, if necessary)

Winston Lane Roadway Re-Construction Project
Town of Philipstown, New York
Engineer: Ronald J. Gainer, PE, PLLC

Bid Bond
Section 00410 - Page 1 of 2

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, Ben Cozzi Inc. dba Northern Construction as Principal, and Philadelphia Indemnity Insurance Company as Surety, are hereby held and firmly bound unto Town of Philipstown, Cold Spring, NY 10516 as OWNER in the penal sum of *See Below for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 26th day of March, 2012.

The Condition of the above obligation is such that whereas the Principal has submitted to Town of Philipstown, Cold Spring, NY 10516 a certain BID attached hereto and hereby made a part hereof to enter into a contract in writing, for the Winston Lane Roadway Re-Construction Project.

NOW, THEREFORE,

- (a) If said BID shall be rejected, or
- (b) If said BID shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish a BOND for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by any extension of the time within which the OWNER may accept such BID; and said Surety does hereby waive notice of any such extension.

*Twenty-Two Thousand and 00/100 Dollars (\$22,000.00)

Winston Lane Roadway Re-Construction Project
Town of Philipstown, New York
Engineer: Ronald J. Gainer, PE, PLLC

Bid Bond

Section 00410 - Page 2 of 2

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Ben Cozzi Inc. dba Northern Construction

(L.S.)
Principal Benjamin J. Cozzi, President

Philadelphia Indemnity Insurance Company

Surety

By: _____
Jeremy Crawford, Attorney-In-Fact

IMPORTANT - Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.



Philipstown Recreation Department

Memorandum

To: Richard Shea, Town Supervisor

CC: Town Board
Town Clerk

From: Amber Stickle, Recreation Supervisor

Date: March 30, 2012

Re: Philipstown Park North Field RFP

As per the our discussions, I have attached a copy of a RFP for the North Field, irrigation and parking lot at Philipstown Park. The commission approved the RFP for Town Board approval at their March meeting.

Please let me know if you have any questions.

Thank you

*Reed H. H. 12
cc TB.*

Philipstown Recreation Department

Request for Proposals – North Field

RFP Scope: Improvements to Philipstown Park North Field & Parking Lot

Project Location: Philipstown Park, Garrison, New York

Client: Town of Philipstown

Contact for Access: Amber Stickle, 845.424.4618

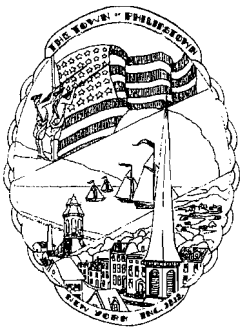
Contact for Questions: Amber@philipstownrecreation.com

(All Questions to be in writing)

Proposal Scope:

1. Provide engineering and design services to expand and improve the north field at the Philipstown Park to a full-size 360'x195' multi-use field.
2. Plans and specifications for an irrigation system and water source particular to the North Field with the needs of the additional fields considered.
3. Specifications should include a topographic study and geotechnical investigation.
4. Provide engineering and design services to expand and improve the existing parking lot considering the conceptual plans in the Recreation Master Plan.

Proposal Due Date: May 7, 2012



TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516

RICHARD SHEA, SUPERVISOR

(845) 265-3329

TINA M. MERANDO
TOWN CLERK AND TAX COLLECTOR

EDWARD W. DOYLE
TOWN ATTORNEY

BETTY BUDNEY, COUNCILWOMAN
JOHN VAN TASSEL, COUNCILMAN
NANCY MONTGOMERY, COUNCILWOMAN
DAVID MERANDY, COUNCILMAN

MEMORANDUM

To: Supervisor
Members of the Town Board
All Town Departments

From: Tina M. Merando
Town Clerk

Subject: Request for Quotes

Date: April 16, 2012

Please be advised that requests for quotes are mandatory under the Town of Philipstown's Town Code. My office received a phone call, asking why a certain service needed by the Town wasn't presented to the public or advertised. I ask that you review Town Code Section 40-3, Paragraph 2 which addresses all purchase contracts of goods, equipment, work or services and the requests for quotes. I have attached a copy of the code for your reference.

I encourage anyone having doubts with regard to request for quotes to contact my office or Town Attorney Doyle. Thank you for attention to this matter.

cc: file

4/16/12
TO: TINA (F) 265-3958
FROM: EDWARD

§ 40-1 PHILIPSTOWN CODE § 40-3
County 3d

8/4/06
S
B. Except for procurements made pursuant to General Municipal Law § ~~103~~, Subdivision 3 General Municipal Law § ~~104~~ State Finance Law § 175-b, Correction Law § 186 or § 40-6 herein, requests for proposals shall be solicited as provided herein.

§ 40-2. Formal bids required. [Amended 2-4-2010 by Res. No. 55-10]

All purchase contracts for goods, equipment or services involving an expenditure of more than \$10,000 or all public works contracts involving an expenditure of more than \$35,000 shall be formally bid pursuant to General Municipal Law § 103.

§ 40-3. Requests for proposals or quotes; documentation.

A. All purchase contracts of goods, equipment, work or services estimated to be:

- (1) Equal to or less than \$10,000 but greater than \$5,000 require that a written request for a proposal (RFP) be given to at least two vendors who shall be asked to submit written or FAX proposals or quotes.
- (2) Equal to or less than \$5,000 but greater than \$2,500 require that an oral request be given to at least two vendors who shall be asked to submit oral, written or FAX proposals or quotes.
- (3) Equal to or less than \$2,500 shall be left to the discretion of the purchaser.

B. All public works contracts estimated to be: [Amended 2-4-2010 by Res. No. 55-10]

- (1) Equal to or less than \$35,000 but greater than \$10,000 require that a written RFP be given to at least two contractors who shall be asked to submit written or FAX proposals or quotes.