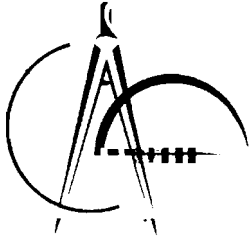


**Special Town Board Meeting**  
**September 6, 2013      9:00 A.M.      Town Hall**

AGENDA

1. Resolution awarding the bid for the Indian Brook Road Bank Stabilization (Albanese) Project to Ben Ciccone, Inc., 151 Daley Road Poughkeepsie, NY 12603 in an amount not to exceed \$250,970.00 as submitted by contractor.
  
2. Adjournment.



**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

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August 28, 2013

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

Re: Indian Brook Road Bank Stabilization (Albanese) Project

Dear Honorable Supervisor and Town Board Members:

On August 20, 2013 bids were opened on the above referenced project and publicly read aloud.

As the Board will recall, the project entails the reconstruction of a section of Indian Brook Road, which suffered an embankment failure along the south side of the road adjacent to Indian Brook, west of Moog Road, during Hurricane Irene and which has caused the roadway to remain closed ever since. Most of the funding for the repair of the roadway will be obtained from FEMA.

The Town received four (4) bids, as summarized below:

Company	Total Bid Amount
Con-Tech Construction Corp 28 Lakeview Drive, Yorktown Heights, NY 10598	\$211,960.00
Ben Ciccone, Inc. 151 Daley Road, Poughkeepsie, NY 12603	\$250,970.00*
Ben Cozzi, Inc. 1992 Commerce Street, Yorktown Heights, NY 10598	338,000.00
Sun-Up Enterprises, Inc. 1607 Route 376, Wappingers Falls, NY12590	358,665.00

\* *Mathematical error in Bid; value shown is correct extension of Bid Unit Prices*

The apparent low bidder was Contech Construction Corp. of Yorktown Heights, NY. However, shortly after the Bid opening the low bidder identified a material defect in their pricing, which caused them to formally withdraw their bid by letter dated August 23, 2013 (see attached). We then reviewed the matter with the Town Attorney, who confirmed that, given this situation, the Town could then consider award of the bid to the second low bidder.

C:\Users\Ron\Documents\Philipstown\Highway Dept\Hurricane Irene\Indian Brook Road - Albanese\08-28-13 bid award ltr.rjg.doc

**received**  
8/29/13 [Signature]

**RE: Indian Brook Road Bank Stabilization (Albanese) Project**

Ben Ciccone, Inc. is well established, experienced firm and has performed substantial work for the Town of Philipstown in the past. We therefore consider them to be qualified to provide the services which the Town requires for this project. We also wish to confirm that their bid included a bid bond in the amount of 5% of the Bid to serve as a bid security, and a "Non-Collusive" Statement, all as was required by the Bid Documents.

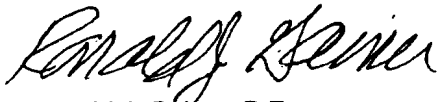
Therefore, provided that the Town Attorney finds the bid form, bid bond, and non-collusive bidding certificate to be satisfactory, we believe that Ben Ciccone, Inc.'s bid proposal in the total amount of \$250,970.00, may be accepted.

If the Town approves a resolution to award Ben Ciccone, Inc., 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 all remaining three bidders should be retained until a contract is executed with Ben Ciccone, Inc. Upon Ciccone's submittal of acceptable bonds and insurances, and execution of an Agreement, you may then release the Bid Bonds of the other bidders.

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: Tina Merando, Town Clerk  
Roger Chirico, Highway Superintendent  
Stephen Gaba, Esq.



# Con-Tech Construction Technology Inc.



28 Lakeview Drive  
Yorktown Hghts, NY 10598  
Phone: (914) 455-3100  
Fax: (914) 962-4500

August 23, 2013

Town of Philipstown  
238 Main Street  
Cold Spring, NY 10516  
Phone: 845-265-5200  
Fax: 845-265-7886

Attn: Richard Shea, Town Supervisor  
Ron Gainer, Project Engineer

Re: Indian Brook Road Bank Stabilization (Albanese) Project  
Bid Date August 20, 2013

To Whom It May Concern:

Con-Tech Construction Technology Inc. has carefully examined our Contract Bid Documents and revisited the project site.

We have found an error/omission in our bid pricing under item #4 (Furnish/drill/pour 18" Reinforced Concrete Caissons) that disallows for our acceptance of project award at the bid price.

At this time, Con-Tech Construction Technology Inc formally withdraws our bid on the Indian Brook Road Stabilization (Albanese) Project.

Sincerely,

Con-Tech Construction Technology Inc.

Giuseppa Carino  
President

**received**  
8/29/13 DM