

A Special Session Meeting was called by the Town Board of the Town of Orchard Park, Erie County, New York, held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 29<sup>th</sup> day of May 2018 at 4:16 PM, (local time) and there were:

<b>PRESENT:</b>	Patrick Keem	Supervisor
	Michael Sherry	Councilmember
	Eugene Majchrzak	Councilmember
	John Bailey	Town Attorney
	Remy Orffeo	Town Clerk

1) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

**WHEREAS**, the Town Board does hereby call for a Special Session Meeting to award the Burmon Drive Reconstruction Project to Zoladz Construction.

**WHEREAS**, bids were opened for the Burmon Drive Reconstruction Project on September 18, 2017. The project consists of total reconstruction/replacement of Sanitary Sewers, Watermain, Storm Sewers, Roadway, and Sidewalks, and

**WHEREAS**, the project was bid on a unit price basis for the associated sewer, water drainage, and road reconstruction work items. The Engineering Department has reviewed those itemized prices of eight contractors who submitted bids, and

**WHEREAS**, an extended tabulation of bid results showing the itemized bid amounts of each contractor was made, and

**WHEREAS**, the low bidder for the project was Accadia Site Contracting, and the project was awarded to Accadia Site Contracting on September 20, 2017, and

**WHEREAS**, on April 4, 2018, the Town Board terminated the contract with Accadia Site Contracting due to multiple breaches of the contract by Accadia Site Contracting. As a consequence of these breaches, Accadia Construction is not the lowest responsible bidder for this project, and

**WHEREAS**, a rebid of this project is not desirable for the following reasons: (1) a rebid would take approximately two months to update the documents and to complete the bidding process, which could push completion of the project into 2019 and result in additional costs; (2) a rebid during the summer construction season would likely result in much higher bid prices, and

**WHEREAS**, the second lowest bidder for the project was Zoladz Construction, which submitted a base bid of \$2,919,855.38 - below the engineer's estimate of \$2,933,566.74. Zoladz Construction has agreed to honor their bid as submitted on September 18, 2017 to complete the project. Zoladz Construction is a responsible bidder that has successfully completed various sewer, water, and road reconstruction projects in the past, and

**WHEREAS**, there is presently \$2,000,000, \$1,000,000, \$895,670 allocated under Capital Projects Z-51 "Burmon Drive Reconstruction Road", Z-75 "Burmon Drive Reconstruction Sanitary Sewer", and H-48 "District-Wide Water Improvements" respectfully. The area is a direct service area, water improvements will be paid for by ECWA per agreement between Town and ECWA. Further, the Town also applied for and received three CDBG grants for toward Sanitary Sewer, Highway, and Sidewalk work totaling \$100,000, \$150,000, and \$78,759 respectful

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the contract for the Burmon Drive Reconstruction Project to Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 for their base bid of \$2,919,744.38 with Alternate #1 (Misc. Cold Milling of Asphalt) in the amount of \$25,960.00, totaling an amount not to exceed \$2,945,704.38.

**The resolution was unanimously adopted**

At 4:20 pm, on motion made by Supervisor Keem, seconded by Councilmember Sherry with unanimous approval, the Special Session was closed.

Respectfully Submitted,

John Bailey  
Town Attorney