

ID #112552

TO: Board of Acquisition and Contract

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

DATE: November 24, 2025

SUBJECT: Resolution to Award to the Second Bidder
Contract No. **24-537**
Rehabilitation and Improvements to Tuckahoe Road, C.R. 36 and C.R. #59
From N.Y.S. Thruway (I-87) to Winnebago Road, A Distance of 1.53 Miles;
Tuckahoe Road Bridges over Bronx River (BIN 3364940) and Bronx River Parkway (BIN 3348000); and
Park Avenue Viaduct (Parkway Viaduct) over Bronx River Parkway (BIN 3348850)
City of Yonkers and Village of Tuckahoe, New York

Contractor: C.A.C. Industries, Inc.
Amount: \$20,816,099.80

On April 9, 2025, four (4) bids were received and opened for the above referenced contract. However, on April 11, 2025, the apparent low bidder, ELQ Industries, Inc., notified the County that it had made a critical error in the cost assembly for Item No. 619.01 "Basic Work Zone Traffic Control" that materially affects the accuracy of their proposal and requested to withdraw its bid. Specifically, ELQ Industries, Inc. informed the County that a mathematical error occurred because the labor costs for the attenuator truck drivers were inadvertently omitted, which resulted in an error in the amount of \$1,074,665.00.

Pursuant to New York General Municipal Law Section 103(11), a bid may be withdrawn by a bidder after a showing of the following: (1) the mistake is known or made known to the awarding officer, board or agency prior to the awarding of the contract or within three days after the opening of the bid, whichever period is shorter; and (2) the price bid was based on an error of such magnitude that enforcement would be unconscionable; and (3) the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error; and (4) the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, goods or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and (5) it is possible to place the public agency, board, officer, or subdivision in status quo ante.

The Department of Public Works and Transportation ("Department") has performed a detailed analysis of ELQ Industries, Inc.'s bid to verify the validity of this error and has determined that ELQ Industries, Inc. has met all of the criteria set forth in General Municipal Law Section 103(11), and thus, can withdraw its bid of \$16,337,587.20. The Department of Law has concurred, that based on the Department's determination that all the criteria set forth in New York General Municipal Law Section 103(11) have been met, ELQ Industries, Inc. may withdraw its bid.

Therefore, it is requested that the bid submitted by ELQ Industries, Inc. be deemed withdrawn and that Contract No. 24-537 be awarded to the apparent second low bidder, C.A.C. Industries, Inc. in the amount of \$20,816,099.80.

November 24, 2025

The bids were reviewed by the Department and it was determined that C.A.C. Industries, Inc. submitted the second low bid in the amount of \$20,816,099.80.

The second low bidder has been investigated and it has been found that C.A.C. Industries, Inc.:

☐ Performed satisfactory work in the past for the County.

☒ Past Experience found satisfactory.

Funds for this project are available in the:

☒ Capital Budget

☐ Non-Recurring Budget

☐ Operating Budget

The objective of this project is to replace substandard areas of asphalt paving, improve roadside conditions, and improve structural integrity of bridges.

This contract is in the public's best interest because it will promote the health and safety of the general public by ensuring County bridges and roads meet current codes and standards as well as reducing the County's annual maintenance costs.

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

It is my recommendation that Contract No. 24-537 be awarded to C.A.C. Industries, Inc. in the amount of \$20,816,099.80.

RESOLUTION

CONTRACT NO. 24-537

Upon communication from the Commissioner of Public Works and Transportation, be it

WHEREAS, on April 9, 2025, four (4) bids were received and opened by the County of Westchester ("County") for Contract No. 24-537 for Rehabilitation and Improvements to Tuckahoe Road, C.R. 36 and C.R. #59 From N.Y.S. Thruway (I-87) to Winnebago Road, A Distance of 1.53 Miles; Tuckahoe Road Bridges over Bronx River (BIN 3364940) and Bronx River Parkway (BIN 3348000); and Park Avenue Viaduct (Parkway Viaduct) over Bronx River Parkway (BIN 3348850), City of Yonkers and Village of Tuckahoe, New York; and

WHEREAS, the apparent low bidder, ELQ Industries, Inc., made a mathematical error because the labor costs for the attenuator truck drivers were inadvertently omitted, which resulted in an error in the amount of \$1,074,665.00 and therefore has requested that its bid proposal of \$16,337,587.20 be withdrawn in accordance with New York General Municipal Law Section 103(11); and

WHEREAS, the apparent second lowest bidder, C.A.C. Industries, Inc. complied with all bid specifications; now, therefore, be it

RESOLVED, that it has been determined that ELQ Industries, Inc.'s bid error meets all of the criteria set forth in New York General Municipal Law Section 103(11), and that ELQ Industries, Inc. be permitted to withdraw its bid submitted on April 9, 2025 for Contract No. 24-537 in the amount of \$16,337,587.20; and be it further

RESOLVED, that Contract No. 24-537 for Rehabilitation and Improvements to Tuckahoe Road, C.R. 36 and C.R. #59 From N.Y.S. Thruway (I-87) to Winnebago Road, A Distance of 1.53 Miles; Tuckahoe Road Bridges over Bronx River (BIN 3364940) and Bronx River Parkway (BIN 3348000); and Park Avenue Viaduct (Parkway Viaduct) over Bronx River Parkway (BIN 3348850), City of Yonkers and Village of Tuckahoe, New York be and is hereby awarded by the County to C.A.C. Industries, Inc., 54-08 Vernon Boulevard, Long Island City, New York, in the amount of \$20,816,099.80; and be it further

RESOLVED, that this contract is subject to County appropriations; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/Sub Object	Bond Act No.	Dollars
	366	46	RB199-01-C	6210-99	246-2025	\$7,445,212.80
	366	46	RB03I-01-C	6210-99	248-2025	\$3,922,295.00
	366	46	RB04D-01-C	6210-99	250-2025	\$5,093,919.00
	366	46	RB04J-01-C	6210-99	252-2025	\$4,354,673.00

Budget Funding Year(s): 2025
(must match resolution)

Start Date: December 31, 2025

End Date: September 18, 2029

Funding Source: Tax Dollars 100% County
State Aid _____
\$20,816,099.80 Federal Aid _____
(must match resolution) Other _____