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TO: Board of Acquisition and Contract

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

DATE: May 27, 2025

SUBJECT: Resolution to Award to the Second Low Bidder
Contract No. **23-516**
Roadway Resurfacing and Related Improvements
Bryant Avenue, C.R. #153 from North Street to Westchester Avenue Eastbound
A Distance of 0.62 Miles
City of White Plains, New York
Contractor: Laura Li Industries, LLC (WBE)
Amount: \$2,552,027.00

On November 13, 2024 the County of Westchester ("County") received and opened nine (9) bids for Contract No. 23-516 for Roadway Resurfacing and Related Improvements, Bryant Avenue, C.R. #153 from North Street to Westchester Avenue Eastbound, A Distance of 0.62 Miles, City of White Plains, New York, whereby Shawn's Lawns, Inc. submitted the apparent low bid in the amount of \$1,882,463.80. However, on November 14, 2024, the apparent low bidder, Shawn's Lawns, Inc., notified the County that it had made an unintentional substantial mathematical error with their bid. Specifically, Shawn's Lawns, Inc. informed the County that mathematical errors in connection with Item 304.11000008, Subbase Course (Modified); Item 404.0971, 9.5 F1 Top Course Asphalt, 70 Series Compaction; Item 404.1979, 19 F9 Binder Course Asphalt, 70 Series Compaction; Item 404.3779, 37.5 F9 Base Course Asphalt, 70 Series Compaction; and Item 619.01, Basic Work Zone Traffic Control; resulted in an error in the amount of \$719,912.00.

Pursuant to New York General Municipal Law Section 103(11), a bid may be withdrawn by a bidder after a showing of the following: (1) the mistake is known or made known to the awarding officer, board or agency prior to the awarding of the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 Shawn's Lawns, Inc.'s bid to verify the validity of this error and has determined that Shawn's Lawns, Inc. has met all of the criteria set forth in GML Section 103(11), and thus, can withdraw its bid of \$1,882,463.80. The Department of Law has concurred, that based on the Department's determination that all the criteria set forth in GML Section 103(11) have been met, Shawn's Lawns, Inc. may withdraw its bid.

Therefore, it is requested that the bid submitted by Shawn's Lawns, Inc. be deemed withdrawn and that Contract No. 23-516 be awarded to the apparent second low bidder, Laura Li Industries, LLC, a WBE firm, in the amount of \$2,552,027.00.

The bids were reviewed by the Department and it was determined that Laura Li Industries, LLC (WBE) submitted the low bid in the amount of \$2,552,027.00.

The low bidder has been investigated and it has been found that, Laura Li Industries, LLC (WBE):

- ☒ Performed satisfactory work in the past for the County.
 - ☐ Past experience has been investigated and 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 and improve roadside conditions.

This contract is in the public's best interest because it will promote the health and safety of the general public by ensuring County 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.

This Resolution has been reviewed by the Department of Law.

It is my recommendation that Contract No. 23-516 be awarded to Laura Li Industries, LLC (WBE) in the amount of \$2,552,027.00.

RESOLUTION

CONTRACT NO. 23-516

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, on November 13, 2024, nine (9) bids were received and opened by the County of Westchester ("County") for Contract No. 23-516 for Roadway Resurfacing and Related Improvements, Bryant Avenue, C.R. #153 from North Street to Westchester Avenue Eastbound, A Distance of 0.62 Miles, City of White Plains, New York; and

WHEREAS, the apparent low bidder, Shawn's Lawns, Inc. made an unintentional mathematical error in connection with Item 304.11000008, Subbase Course (Modified); Item 404.0971, 9.5 F1 Top Course Asphalt, 70 Series Compaction; Item 404.1979, 19 F9 Binder Course Asphalt, 70 Series Compaction; Item 404.3779, 37.5 F9 Base Course Asphalt, 70 Series Compaction; and Item 619.01, Basic Work Zone Traffic Control; resulting in an error in the amount of \$719,912.00 and therefore has requested that its bid proposal of \$1,882,463.80 be withdrawn in accordance with New York General Municipal Law Section 103(11); and

WHEREAS, the apparent second lowest bidder, Laura Li Industries, LLC, a WBE firm, complied with all bid specifications; now, therefore, be it

RESOLVED, that it has been determined that Shawn's Lawns, Inc.'s bid error meets all of the criteria set forth in New York General Municipal Law Section 103(11), and that Shawn's Lawns, Inc. be permitted to withdraw its bid submitted on November 13, 2024 for Contract No. 23-516 in the amount of \$1,882,463.80; and be it further

RESOLVED, that Contract 23-516 for Roadway Resurfacing and Related Improvements, Bryant Avenue, C.R. #153 from North Street to Westchester Avenue Eastbound, A Distance of 0.62 Miles, City of White Plains, New York be and is hereby awarded by the County to the apparent second low bidder, Laura Li Industries, LLC, a WBE firm, 9 Belway Place, White Plains, New York 10601, in the amount of \$2,552,027.00; 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	RB212-01-C	6210-99	107-2025	\$2,552,027.00

Budget Funding Year(s): 2025 Start Date: June 30, 2025 End Date: June 30, 2027
(must match resolution)

Funding Source: Tax Dollars 100% County
State Aid _____

\$2,552,027.00 Federal Aid _____
(must match resolution)
Other _____