

ID #112183

TO: Board of Acquisition and Contract

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

DATE: October 9, 2025

SUBJECT: Authority to amend a resolution approved on May 15, 2025 which authorized the County to solicit bids by public advertisement for Contract No. 25-204 for Fence Repairs at DPW Maintained Facilities, Various Locations, Westchester County, New York in order to retroactively revise the security for the faithful performance of the contract from a performance and payment bond, to a retainage of 5% of all work completed on an annual basis

By resolution approved on May 15, 2025 (the "May 15th Resolution"), your Honorable Board authorized the County, acting by and through the Department of Public Works and Transportation (the "Department"), to solicit bids by public advertisement for Contract No. 25-204 for Fence Repairs at DPW Maintained Facilities, Various Locations, Westchester County, New York (the "Contract"). The May 15th Resolution specified that adequate and sufficient security for the faithful performance of the Contract was deemed to be the furnishing of a performance and payment bond in an amount equal to the first year's contract amount, or, in substitution thereof, an annual, renewable performance and payment bond in an amount equal to that year's contract amount.

Due to an administrative oversight, the Department has already gone out to solicit bids requiring performance security in the form of a retainage of 5% of all work completed on an annual basis, rather than a performance and payment bond as was required by the May 15th Resolution. In order to correct this error, the Department now seeks your Honorable Board's authority to amend the May 15th Resolution for the limited purpose of retroactively changing the performance security requirement for this Contract from a performance and payment bond in an amount equal to the first year's contract amount, or, in substitution thereof, an annual, renewable performance and payment bond in an amount equal to that year's contract amount, to a retainage of 5% of all work completed on an annual basis. It should be noted that under the retainage performance security method, the contractor may request payment of said retainage upon each annual anniversary subject to the successful completion of all work performed during that period.

Except as specifically amended hereby, all other terms and conditions set forth in the May 15th Resolution shall remain the same.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

HG/HD/DA/jpg
Attachment

RESOLUTION

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

RESOLVED, that the resolution approved on May 15, 2025 (the “May 15th Resolution”), which authorized the County of Westchester, acting by and through its Department of Public Works and Transportation, to solicit bids by public advertisement for Contract 25-204 for Fence Repairs at DPW Maintained Facilities, Various Locations, Westchester County, New York, is hereby amended by retroactively changing the performance security requirement from a performance and payment bond in an amount equal to the first year’s contract amount, or, in substitution thereof, an annual, renewable performance and payment bond in an amount equal to that year’s contract amount, to a retainage of 5% of all work completed on an annual basis; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the May 15th Resolution shall remain unchanged; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents and take all actions necessary to effect the purpose of this resolution.

Contract No. 25-204

Account to be
Charged/Credited

Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
101	46	2000	4250	N/A	N/A

Budget Funding Year(s): 2025 - 2028 Start Date: _____ End Date: _____
(must match resolution)

Funding Source: _____ **Tax Dollars:** N/A

State Aid: _____

\$N/A **Federal Aid:** _____

(must match resolution) **Other:** _____