

ID #112193

TO: Board of Acquisition and Contract

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

DATE: October 14, 2025

SUBJECT: Resolution to Award to the Second Bidder
Contract No. **25-510**
Main Facility Roof Replacement
Richard A. Flynn, Sr. Fire Training Center
Grasslands Campus, Valhalla, New York

Contractor: Armor-Tite Construction Corp.
Amount: \$1,733,000.00

On September 10, 2025, seven (7) bids were received and opened for the above referenced contract. However, on September 11, 2025, the apparent low bidder, Axiom Contracting Inc., notified the County that it had made a significant mathematical error in the cost calculations that materially affects the accuracy of their proposal and requested to withdraw its bid. Specifically, Axiom Contracting Inc. informed the County that a mathematical error occurred because the cost for the roof recovery—where a liquid-applied system was specified—was inadvertently omitted, which resulted in an error in the amount of \$276,456.12.

Pursuant to New York General Municipal Law Section 103(11), a bid may be withdrawn by a bidder after a showing of the following: (1) the mistake is known or made known to the awarding officer, board or agency prior to the awarding of the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from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and (5) it is possible to place the public agency, board, officer, or subdivision in status quo ante.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 Axiom Contracting Inc.'s bid to verify the validity of this error and has determined that Axiom Contracting Inc. has met all of the criteria set forth in General Municipal Law Section 103(11), and thus, can withdraw its bid of \$1,125,500.00. 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, Axiom Contracting Inc. may withdraw its bid.

Therefore, it is requested that the bid submitted by Axiom Contracting Inc. be deemed withdrawn and that Contract No. 25-510 be awarded to the apparent second low bidder, Armor-Tite Construction Corp. in the amount of \$1,733,000.00.

The bids were reviewed by the Department and it was determined that Armor-Tite Construction Corp. submitted the low bid in the amount of \$1,733,000.00.

The low bidder has been investigated and it has been found that Armor-Tite Construction Corp.:

- ☒ 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 the aging roof system at the Department of Emergency Services' Richard A. Flynn, Sr. Fire Training Center.

This contract is in the public's best interest because it improves and preserves the Richard A. Flynn, Sr. Fire Training Center which is used to train both professional and volunteer firefighters serving communities throughout the County.

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. 25-510 be awarded to Armor-Tite Construction Corp. in the amount of \$1,733,000.00.

RESOLUTION

CONTRACT NO. 25-510

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

WHEREAS, on September 10, 2025, seven (7) bids were received and opened by the County of Westchester ("County") for Contract No. 25-510 for Main Facility Roof Replacement Richard A. Flynn, Sr. Fire Training Center Grasslands Campus, Valhalla, New York; and

WHEREAS, the apparent low bidder, Axiom Contracting Inc., made a mathematical error because the cost for the roof recovery—where a liquid-applied system was specified—was inadvertently omitted, which resulted in an error in the amount of \$276,456.12 and therefore has requested that its bid proposal of \$1,125,500.00 be withdrawn in accordance with New York General Municipal Law Section 103(11); and

WHEREAS, the apparent second lowest bidder, Armor-Tite Construction Corp. complied with all bid specifications; now, therefore, be it

RESOLVED, that it has been determined that Axiom Contracting Inc.'s bid error meets all of the criteria set forth in New York General Municipal Law Section 103(11), and that Axiom Contracting Inc. be permitted to withdraw its bid submitted on September 10, 2025 for Contract No. 25-510 in the amount of \$1,125,500.00; and be it further

RESOLVED, that Contract 25-510 for Main Facility Roof Replacement Richard A. Flynn, Sr. Fire Training Center Grasslands Campus, Valhalla, New York be and is hereby awarded by the County to Armor-Tite Construction Corp., 114 Pearl Street, Port Chester, New York 10573, in the amount of \$1,733,000.00; 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
	311	11	BES05-03-C	6210-99	38-2024	\$1,733,000.00

Budget Funding Year(s): 2025 Start Date: November 20, 2025 End Date: February 20, 2028
(must match resolution)

Funding Source: Tax Dollars 100% County
State Aid _____
\$1,733,000.00 Federal Aid _____
(must match resolution) Other _____