



Meeting Date: 2/27/2019 - 7:00 PM

Category: SCHOOL FACILITIES MANAGEMENT


Type: Action

Subject: 18.10 DEFAULT of CAPITAL Construction Contract 2018-00000796
GENERAL CONSTRUCTION CIP10656 "Reconstruction of Portions of
the Exterior Envelope, Select Interior Finishes and HVAC Systems" at
Gorton High School with Dobtol Construction LLC.

District Goals:

Enclosure:

File Attachment:

-  NTP Gorton Dobtol.pdf
-  1st Notice of Default DOBTOL .pdf
-  Dobtol Award Res.pdf
-  BOCS DOBTOL.xlsx

This is to authorize the initiation and completion of default proceedings against DOBTOL Construction, LLC., in compliance with Articles 38 "YPS Right to Declare Contractor in Default" and 40 "Exercise of the Right to Declare Default" of the contract.

Rationale: The above contract was awarded by the Board of Trustees via Board Item 20.7 at their stated meeting on April 18, 2018. A notice to proceed was issued to DOBTOL on May 7, 2018. Work commenced and proceeded with some problems until late August where it became apparent that DOBTOL was not able to complete certain aspects of the contract, most notably the exterior doors at a rate needed to complete the construction work as per the contract schedule. Payment by DOBTOL to suppliers and subcontractors has also been an issue.

This default process has been undertaken under the advice of the Corporation Counsel's office and Fuller and D'Angelo Architects, PC., serving as both designer and construction managers. The administration will be making claims against the performance and labor bonds for the completion of the work.

The original contract amount is \$1,934,186.00 the amount authorized for payment to date is \$1,621,236.00. The outstanding work includes but is not necessarily limited to the furnishing and installation of all of the building exterior doors.

Funding: NOT APPLICABLE

Resolution Ladies and Gentlemen:

WHEREAS: CAPITAL Contract 2018-00000796 GENERAL CONSTRUCTION Work for CIP10656 "Reconstruction of Portions of the Exterior Envelope, Select Interior Finishes and HVAC Systems" at Gorton High School was awarded to WITH Dobtol Construction LLC via Board Item 20.7 at the Board of Trustees stated meeting on May 7, 2018, and

WHEREAS: work by the contractor consistently failed to meet contract specifications in terms of work performed and adherence to the scheduled, and

WHEREAS: the late date and the nature of the unacceptable work jeopardized the building integrity and the timely opening of school, and

WHEREAS: all reasonable means were taken by the District and their representative Fuller and D'Angelo Architects, PC to correct such deficiencies, and

WHEREAS: despite all such efforts it was determined that DOBTOL Construction, LLC., was incapable of completing the outstanding unaccepted work under this contract, and

WHEREAS: a Notice of Intent to Default was issued to DOBTOL on January 31, 2019, and

WHEREAS: : a second Notice of Intent to Default was issued to DOBTOL on February 9, 2019 wherein it is confirmed that DOBTOL is incapable of completing any more physical work on this project and that they are relinquishing such to their Surety.

NOW THEREFORE BE IT RESOLVED: that Contract 2018-00000796 GENERAL CONSTRUCTION CIP10656 "Reconstruction of Portions of the Exterior Envelope, Select Interior Finishes and HVAC Systems" at Gorton High School with DOBTOL Construction LLC be defaulted and that the Yonkers Public Schools use any and all means legally available to enforce the contract to complete the work therein.

Recommended By:

Signed By: *Signature*
John Carr - Executive Director

Signed By: *Signature*
Tom Collich - Purchasing Director

Signed By: *Signature*
Finance Department - Finance Reviewer

Approvals: **Signed By:** *Signature*
Elizabeth Janocha - Deputy Commissioner

Signed By: *Signature*
John Liszewski - Commissioner

Signed By: *Signature*
Matthew Gallagher - Corporation Counsel

Signed By: *Signature*
Dr. Andrea S. Coddett - Deputy Superintendent

Signed By: *Signature*
Dr. Edwin M. Quezada - Superintendent of Schools

Vote Results:

Original Motion

Member **Kevin Cacace** Moved, Member **Edgar Santana** seconded to approve the **Original** motion 'Ladies and Gentlemen:

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The motion **CARRIED 8 - 0**

Andrea Brown	Yes
Judith Ramos Meier	Yes
Dr. Ammir Rabadi	Yes
Dr. Rosalba Corrado Del Vecchio	Yes
Kevin Cacace	Yes
Edgar Santana	Yes
Pasquale Mondesando	Yes
Steve Lopez	Yes