





AGENDA ITEM

Meeting Date:	10/19/2016 - 7:00 PM
Category:	SCHOOL FACILITIES MANAGEMENT
Type:	Action
Subject:	18.11 DEFAULT of CAPITAL Fund Construction Contract 617076 GENERAL CONSTRUCTION Work for CIP No. 10459 "Upgrades to HVAC, Electrical, and Select Interior Improvements" at ENRICO FERMI SCHOOL IN THE AMOUNT OF \$562,000.00 with Caladri Development Corp.
District Goals:	
Enclosure:	
File Attachment:	 CALADRI 1st Notice.pdf  CALADRI 2nd Notice.pdf  Res 16.10 12-16-15.pdf  BOCS CALADRI.xlsx
Rationale:	<p>This is to authorize the completion of default proceedings against Caladri Development Corp. in compliance with Articles 38 "YPS Right to Declare Contractor in Default" and 40 "Exercise of the Right to Declare Default" of the contract.</p> <p>The above contract was awarded by the Board of Trustees via Board Item 16.10 at their stated meeting on December 16, 2015. A notice to proceed was issued to Caladri on December 30, 2016. Work commenced and proceeded with some problems until July where it became apparent that Caladri was not performing at a rate needed to complete the construction work as per the contract schedule. The contractor's progress has been insufficient, unsatisfactory and not in compliance with the contract. Payment by Caladri to suppliers and subcontractors has also been an issue.</p> <p>This default process has been undertaken under the advice of the Corporation Counsel's office and E&R Engineering, 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.</p>
Funding:	Local Capital Bond
Sponsored By:	
Resolution	<p>Ladies and Gentlemen:</p> <p>WHEREAS: CAPITAL Contract 617076 GENERAL CONSTRUCTION Work for CIP No. 10459 "Upgrades to HVAC, Electrical, and Select Interior Improvements" at ENRICO FERMI SCHOOL was awarded to Caladri Development Corp., via Board Item 16.10 at the Board of Trustees stated meeting on December 16, 2015, and</p> <p>WHEREAS: work by the contractor consistently failed to meet contract specifications in terms of work performed and adherence to the scheduled, and</p> <p>WHEREAS: the late date and the nature of the unacceptable work jeopardized the building integrity and the timely opening of school,</p>

and

WHEREAS: all reasonable means were taken by the District and their representative E&R Engineering, PC to correct such deficiencies, and

WHEREAS: despite all such efforts it was determined that Caladri Development Corp. was incapable of completing the outstanding unaccepted work under this contract, and

WHEREAS: a Notice of Intent to Default was issued to Caladri on September 8, 2016, and

WHEREAS: a second Notice of Intent to Default was issued to Caladri on September 30, 2016 wherein work required to be completed by October 19 to defer or stop the default proceedings was listed, and

WHEREAS: said work has not been completed as required,

NOW THEREFORE BE IT RESOLVED: that Contract 617076 GENERAL CONSTRUCTION Work for CIP 10459 "Upgrades to HVAC, Electrical, and Select Interior Improvements" at ENRICO FERMI SCHOOL with Caladri Development Corp., be defaulted and that the administration enforce the contract to complete the work therein.

Approvals:

Recommended By:

Signed By:



John Carr - Executive Director

Signed By:




Finance Department - Finance Reviewer

Signed By:



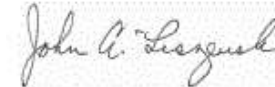
Tom Collich - Purchasing Director

Signed By:



Elizabeth Janocha - Deputy Commissioner

Signed By:



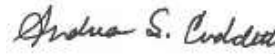
John Liszewski - Commissioner

Signed By:



Michael Curti - Corporation Counsel

Signed By:



Dr. Andrea S. Coddett - Deputy Superintendent

Signed By:



Dr. Edwin M. Quezada - Superintendent of Schools

Vote Results:

Original Motion

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

WHEREAS: CAPITAL Contract 617076 GENERAL CONSTRUCTION Work for CIP No. 10459 "Upgrades to HVAC, Electrical, and Select Interior Improvements" at ENRICO FERMI SCHOOL was awarded to Caladri Development Corp., via Board Item 16.10 at the Board of

Trustees stated meeting on December 16, 2015, 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 E&R Engineering, PC to correct such deficiencies, and

WHEREAS: despite all such efforts it was determined that Caladri Development Corp. was incapable of completing the outstanding unaccepted work under this contract, and

WHEREAS: a Notice of Intent to Default was issued to Caladri on September 8, 2016, and

WHEREAS: a second Notice of Intent to Default was issued to Caladri on September 30, 2016 wherein work required to be completed by October 19 to defer or stop the default proceedings was listed, and

WHEREAS: said work has not been completed as required,

NOW THEREFORE BE IT RESOLVED: that Contract 617076 GENERAL CONSTRUCTION Work for CIP 10459 "Upgrades to HVAC, Electrical, and Select Interior Improvements" at ENRICO FERMI SCHOOL with Caladri Development Corp., be defaulted and that the administration enforce the contract to complete the work therein.'. Upon a Roll-Call Vote being taken, the vote was: Aye: **8** Nay: **0**.

The motion **Carried 8 - 0**

Andrea Brown	Yes
James Cavanaugh	Yes
John Jacono	Yes
Judith_Ramos Meier	Yes
Dr._Nader_J. Sayegh	Yes
Edgar Santana	Yes
Pasquale Mondesando	Yes
Rev. Steve Lopez	Yes