

Resolution 2018-19: 109

Bid Award Multiple Prime Contracts – Dr. Walter Cooper Academy School No. 10 (Phase 2c)

By Board Member Richards

WHEREAS, the Rochester School Facilities Modernization Program Act (the “Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), a seven voting member board consisting of equal representation by the City of Rochester (“City”) and the Rochester City School District (“District”), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the “Phase 2 Projects”), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, the Dr. Walter Cooper Academy School No. 10 Project (“School 10”) is one of the projects included in Phase 2c of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager worked with the School 10 Architect and Construction Manager to prepare requests for bids for general construction, HVAC, electrical and plumbing bidding documents package; and

WHEREAS, the RJSCB authorized the release of the general construction, HVAC, plumbing and electrical work package at its regular meeting on February 6, 2018 (Resolution 2017-18: 135); and

WHEREAS, the Program Manager received bids on January 24, 2019 per the deadline stipulated in the Request for Bids for the School 10 project, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, Michael A. Ferrauilo Plumbing & Heating Inc. (“MAF”) was the apparent low bidder for the HVAC and plumbing work contracts but did not submit Appendices A-D with its bid as required by the Bidding Documents; and

WHEREAS, on January 25, 2019, MAF provided Appendices A-D to the Program Manager; and

WHEREAS, the Program Manager, the Construction Manager and the Independent Compliance Officer (“ICO”) reviewed the bids submitted for the School 10 project, conducted de-scoping meetings, and concluded that the apparent low bidders are also qualified and responsible bidders; and

WHEREAS, the Program Manager, ICO and Construction Manager provided their award recommendations to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") regarding the general construction, HVAC, electrical and plumbing work contracts for School 10 project to the RJSCB; and

WHEREAS, the Board reserved the right in the Bidding Documents to, among other things, waive any informalities with submitted bids; and

WHEREAS, MAF's bid on the HVAC work contract is \$256,000 lower than the second lowest bidder, and its bid on the plumbing work contract is \$73,000 lower than the second lowest bidder; and

WHEREAS, MAF's failure to include Appendices A-D does not impair the interests of the Board in obtaining the best work at the lowest price; and

WHEREAS, MAF's failure to include Appendices A-D does not impair the integrity of the bidding process of the School 10 Project nor did it cause a competitive disadvantage to any bidder; and

WHEREAS, the Committee considered and discussed the Program Manager, ICO and Construction Manager's recommendation, as well whether it was in the best interests of the Board and the RSMP to waive the informalities with the bids of MAF, at its February 7, 2019 meeting and after due deliberation, it approved the request to award the general, HVAC and plumbing contracts as follows:

Scope of Work	Name of Contractor	Address	Bid Amount
General	Manning Squires Hennig	8426 Seven Springs Road P.O. Box 685 Batavia, NY 14021	\$16,305,000 (includes Alternates 1, 2 and 3)
Mechanical/ HVAC	Michael A. Ferrauilo Plumbing & Heating, Inc.	1600 Jay Street Rochester, NY 14611	\$3,625,600 (includes Alternate 2)
Plumbing	Michael A. Ferrauilo Plumbing & Heating, Inc.	1600 Jay Street Rochester, NY 14611	\$1,186,000 (includes Alternates 1 and 2)
Electrical	Concord Electric	705 Maple Street Rochester, NY 14611	\$3,433,000.00 (includes Alternates 1, 2 and 3)

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby determines that MAF's failure to submit Appendices A-D with its bids constitutes technical noncompliance with the Bidding Documents and the RJSCB further determines that such noncompliance is a mere irregularity and it is in the best interests of the RJSCB and the RSMP to waive MAF's technical noncompliance; and
2. The RJSCB hereby accepts the bids for the School 10 project from the above-named bidders and awards the general construction, HVAC, plumbing and electrical contracts to said bidders for the above-stated bid amounts to provide all equipment, labor, materials, and plant necessary to execute the general construction, HVAC, plumbing and electrical scopes of work associated with the School 10 project;

3. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to the firms named above in substantially the form included in the Request for Bids for the School 10 project, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Seconded By Board Member Norm Jones

Approved 4-0 with Members Schmidt & Brooks-Harris Away