

Resolution 2012-13: 14
School 17 – Revised Contract Awards

By Board Chair Giess

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), 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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program (“RSMP”) including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB’s Program Manager, with the advice of SWBR Architects (the “Architect”), The Pike Company (the “Construction Manager”), the RJSCB’s General counsel, and the RJSCB’s Independent Compliance Officer, prepared a request for bids (“Request for Bids”) package for the School 17 project; and

WHEREAS the Request for Bids included in each of the four prime contracts (General, Electrical, Mechanical and Plumbing) an alternate for improvement of a community health clinic located on the same premises as School 17, listed therein as “Alternate 17-7 - The Clinic;” and

WHEREAS, after receiving the requisite approvals for the School 17 project from the Board of Education (“BOE”) and New York State Education Department (“SED”), the RJSCB’s Executive Director received bids on May 8, 2012, which bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, each of the apparent low bidders for the four contracts (General, Electrical, Mechanical and Plumbing) submitted a price for “Alternate 17-7 - The Clinic” with its bid; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidders for each scope of work package (General, Electrical, Mechanical, and Plumbing) were qualified and responsible bidders; and

WHEREAS, the RJSCB, upon consultation with its Program Manager, determined that the price submitted by Eastcoast Electric, LLC (“Eastcoast”) for the electrical scope of the Clinic work reflected in Alternate 17-7 was too high, and believed that such work could be completed more economically and at a cost savings to the public; and

WHEREAS, at its June 4, 2012 Board meeting, the RJSCB approved the recommended award of the General, Mechanical, Electrical and Plumbing Contracts by RJSCB Resolution 2011-12: 104, School 17 Contract Awards; and

WHEREAS, the Electrical Contract approved by RJSCB Resolution 2011-12: 104 for award to contractor Eastcoast excluded Alternate 17-7, which was the electrical scope of the Clinic improvements, but Alternate 17-7 scope was included in the price of the other three contracts (General, Mechanical and Plumbing) approved for award by RJSCB Resolution 2011-12: 104; and

WHEREAS, upon further recommendation of the RJSCB’s Program Manager and due consideration by the RJSCB, the RJSCB determined that the Clinic improvements at the premises of School 17 could be most feasibly and economically completed under a single, separately-awarded contract; and

WHEREAS, on June 5, 2012, the RJSCB’s Executive Director sent letters of intent to award the contracts and notice to proceed with the work of the School 17 Project (“Letters of Intent”) to the above-named contractors as to the base contract amounts and accepted alternates for the General, Mechanical, Electrical, and Plumbing contracts, and the Letters of Intent clarified that Alternate 17-7 for the Clinic scope of work was being declined as to all four contracts and the Clinic work would be bid separately; and

WHEREAS, aforesaid Letters of Intent were issued prior to executing a formal written contract and instructed the recipient contractors to secure insurance and bond coverage as required by the School 17 Project bid documents included with the Request for Bid reflecting the exclusion of Alternate 17-7 Clinic scope of work; and

WHEREAS, the RJSCB wishes to modify the previously-approved RJSCB Resolution 2011-12: 104, School 17 Contract Awards to properly reflect the exclusion of the Clinic portion of the work bid under Alternate 17-7 to the Request for Bids for the School 17 Project as set forth in the table below:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Manning-Squires-Hennig Co., Inc.	8426 Seven Springs Road Batavia, NY 14021	\$14,375,000
Mechanical Contractor	Michael A. Ferrauilo Plumbing & Heating, Inc.	1600 Jay Street Rochester, NY 14611	\$2,853,400
Electrical Contractor	Eastcoast Electric, LLC	546 Lyell Avenue Rochester, NY 14606	\$2,674,295
Plumbing Contractor	Michael A. Ferrauilo Plumbing & Heating, Inc.	1600 Jay Street Rochester, NY 14611	\$1,260,000

THEREFORE, BE IT RESOLVED:

1. RJSCB Resolution 2011-12: 104, School 17 Contract Awards, is hereby modified in that the scope of work included in the School 17 Project documents defined as Alternate 17-7 “the Clinic” is declined by the RJSCB, and the General, Mechanical, Electrical and Plumbing Contracts to provide all equipment, labor, materials and plants necessary to execute the scope of work associated with the School 17 Project with all accepted alternates are approved for award to the Contractors named in the table above and in the amounts stated therein.
2. The RJSCB, through its Program Manager, shall proceed with the issuance of a Single Prime Request for Bids for the scope of work consisting of improvements to the Clinic, which was previously included in the School 17 Project bid documents for the General, Electrical, Mechanical and Plumbing Contracts under “Alternate 17-7, the Clinic,” and is henceforth referred to herein as the “Clinic Project.”
4. Prior to issuance of the bid documents for the Clinic Project, the Program Manager will work with the RJSCB’s general counsel to further develop and finalize the Request for Bid package, including the General Conditions of the Contract and the form of Contract.
5. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses for the scope of work included in the Clinic Project and upon due investigation, recommend to the RJSCB the lowest responsible bidder.
6. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the “Agreement”) to each firm named above in substantially the form included in the Request for Bids (dated March 30, 2012) for the School 17 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB’s general counsel.

Second by Member Brown

Approved 4-0 with Members Castro and Pifer away