

Resolution 2014-15: 100

School 12 – Abatement and Demolition Award - Rejection of Bids and Authorization to Re-bid

By Vice Chair Brown

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 Program Manager presented the School 12 design to the Board of Education (“BOE”) and BOE approval took place on December 13, 2012 (BOE Resolution 2012-13: 364); and

WHEREAS, the Program Manager received State Education Department approval of the designs for School 12 on November 4, 2013; and

WHEREAS, following RJSCB approval, the Program Manager advertised and released the bid documents for the School 12 project in January 2014; and

WHEREAS, the schedule for the School 12 project had been modified to begin construction in late August 2014 in order to accommodate the District’s need to use the building for summer school programs; and

WHEREAS, during the bid period, the Program Manager and the Construction Manager continued their evaluation of the School 12 project schedule as it related to the sequence or work and types of construction activities included in the project scope; and

WHEREAS, the Program Manager determined that the success of the project would be greatly improved by shifting the construction timeline to more closely align with a typical construction schedule where more activities would take place in better weather in lieu of a significant number of winter activities; and

WHEREAS, in early February 2014, the Program Manager discussed cancelation of the School 12 bid with the Executive Director, the District, and the RJSCB; and

WHEREAS, the Program Manager subsequently canceled the School 12 bid on February 14, 2014; and

WHEREAS, the RJSCB’s Program Manager worked with the Architect, SEI Design Group (“SEI”), and the Construction Manager, The Pike Company (“Pike”), to prepare a new request for bids (“Request for Bids”) package for the School 12 project; and

WHEREAS, the new Request for Bids package included an “early start” scope of work for abatement and demolition as a single prime GC package; and

WHEREAS, this “early start” package was bid prior to the main scope of work, allowing the work to begin in early Fall, and continue inside the building during the inclement weather conditions throughout the winter; and

WHEREAS, the RJSCB authorized the release of the “early start” package at its regular monthly meeting on August 4, 2014 (Resolution 2014-15: 36); and

WHEREAS, the RJSCB’s Executive Director received bids on September 2, 2014 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, at the monthly meeting on September 8, 2014, the Program Manager recommended and the RJSCB approved the award of the “early start” package to Mark Cerrone Inc. (Resolution 2014-15:67) and;

WHEREAS, the award was approved by the RJSCB contingent on reaching mutual agreement on contract language and the contractor fulfilling certain requirements; and

WHEREAS, no contract has been executed between the RJSCB and Mark Cerrone Inc. and;

WHEREAS, in the intervening time, the Program Manager received updated governmental regulations related to testing of vermiculite materials, such as those found in the spray-on fire proofing at School 12; and

WHEREAS, instead of assuming that the materials contain asbestos, the updated regulations state that the Department of Health will allow the RJSCB to use new methods to test for the actual presence of asbestos; and

WHEREAS, the Program Manager directed the Architect to send samples of the existing spray-on fire proofing materials at School 12 to a laboratory for testing; and

WHEREAS, the test results are conclusive that the spray-on fire proofing found at School 12 does not contain asbestos; and

WHEREAS, the test results significantly reduce the overall scope of work needed on the project at School 12; and

WHEREAS, the reduction in scope of work will benefit the project by reducing the cost and shortening the scheduled duration for the work; and

WHEREAS, due to the substantial change in the scope of work and the fact that the RJSCB and Mark Cerrone Inc. have not signed a contract, the Program Manager has recommended that the RJSCB reject all bids and abandon the original procurement, have the Architect formulate a new set of project specifications and scope, and then re-bid the project as soon as possible; and

WHEREAS, at the monthly RJSCB meeting held on October 6, 2014, following the review and consideration of the above recommendation from the RJSCB's Program Manager and after due deliberation, the RJSCB agreed with the full recommendation;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that all bids received for the Abatement and Demolition "early start" package associated with the School 12 project be rejected and the original procurement abandoned; and
2. The RJSCB hereby directs the Program Manager to have the Architect formulate a new set of project specifications and scope for the School 12 Abatement and Demolition "early start" package and to re-bid the project as soon as possible.

Second by Board Member Coronas
Approved 6-0 with Member Thomas away