

Resolution 2016-17: 188

Withdrawal of Bid – Asbestos Abatement and Demolition – School 16 (Phase 2a Project)

By Board Member Brown

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, the District’s Board of Education (“BOE”) has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP for which the RJSCB has started design and planning work in advance of the New York State Education Department and New York State Comptroller’s approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, the John Walton Spencer School No. 16 (“School 16”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB authorized the release of the asbestos abatement and demolition package for School 16 at its regular meeting on February 6, 2017 (Resolution 2016-17: 138); and

WHEREAS, the Program Manager received four bids on March 20, 2017 per the deadline stipulated in the Request for Bids for the asbestos abatement and demolition package for School 16, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, on March 21, 2017, the apparent low bidder, NRC Environmental Services (“NRC”), advised the Program Manager and Construction Manager that, due to a clerical error, it had submitted a mistaken bid and could not meet the requirements of the Phase 2 Diversity Plan, and therefore requested permission to withdraw its bid without penalty; and

WHEREAS, the Program Manager, Construction Manager and ICO determined that NRC’s bid did not meet the diversity and apprenticeship requirements of the Contract Documents and, as such, was non-responsive; and

WHEREAS, it was subsequently determined that the second lowest bidder, Mark Cerrone, Inc., was the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work package for the Phase 2a School 16 asbestos abatement and demolition project; and

WHEREAS, under the applicable provisions of the General Municipal Law, a bidder can withdraw a bid containing an excusable mistake as defined therein; and

WHEREAS, at the RJSCB meeting held on April 10, 2017, based upon the recommendation of the Board's general counsel, and after due deliberation by the RJSCB, the RJSCB approved NRC's request to withdraw its bid without penalty based upon an excusable mistake and the non-responsiveness of the bid.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves NRC's request to withdraw its bid without penalty due to an excusable mistake, as well as the non-responsiveness of its bid.

Second by Board Member Cruz

Approved 6-0 with Member Richards away