

Resolution 2016-17: 239

Contract Awards – General Construction, Mechanical, Electrical and Plumbing – School Without Walls (Phase 2b)

By Board Member Benincasa

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 School Without Walls Commencement Academy (“School Without Walls”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Phase 2b of the RSMP includes general construction, mechanical, plumbing and electrical work at School Without Walls; and

WHEREAS, the Program Manager worked with the School Without Walls Architect and Construction Manager to prepare requests for bids for general construction, mechanical, electrical and plumbing bidding documents package; and

WHEREAS, the RJSCB authorized the release of the general construction, mechanical, plumbing and electrical work package at its regular meeting on April 10, 2017 (Resolution 2016-17: 172); and

WHEREAS, the Program Manager received bids on June 19, 2017 per the deadline stipulated in the Request for Bids for the School Without Walls project, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, the Construction Manager and the Independent Compliance Officer (“ICO”) reviewed the bids submitted for the School Without Walls project, conducted de-scoping meetings, and concluded that the apparent low bidders are also qualified and responsible bidders; and

WHEREAS, on June 27, 2017, the apparent low bidder for the mechanical work contract, Crosby-Brownlie, Inc., advised the Program Manager that it did not meet the RSMP Phase 2 Diversity Plan requirements; and

WHEREAS, the Program Manager, Construction Manager, ICO, and the RJSCB general counsel determined that Crosby-Brownlie's bid did not meet the diversity requirements of the Contract Documents and, as such, was non-responsive; and

WHEREAS, it was subsequently determined that the second lowest bidder, Michael A. Ferrauilo Plumbing & Heating, was the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work for the mechanical contract; and

WHEREAS, on June 29, 2017, the Program Manager, ICO and Construction Manager provided their award recommendations regarding the general construction, mechanical, electrical and plumbing work contracts for School Without Walls project to the RJSCB; and

WHEREAS, at its June 29, 2017 special meeting, the Board considered and discussed the recommended awards and, after due deliberation, determined that Crosby-Brownlie, Inc.'s bid was non-responsive and should be rejected on that basis and approved the contract awards as follows:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount</u>
General	Javen Construction Inc.	2575 Baird Road Penfield, NY 14526	\$3,915,000.00
Mechanical	Michael A. Ferrauilo Plumbing & Heating	1600 Jay Street Rochester, NY 14611	\$442,000.00
Electrical	Eastcoast Electric LLC	546 Lyell Avenue Rochester, NY 14606	\$979,150.00
Plumbing	Michael A. Ferrauilo Plumbing & Heating, Inc.	1600 Jay Street Rochester, NY 14611	\$869,000.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby determines that the bid of Crosby-Brownlie on the School Without Walls mechanical contract is non-responsive in that it fails to comply with the diversity requirements of the Bidding Documents and, therefore, rejects the bid of Crosby-Brownlie, Inc. on said contract; and
2. The RJSCB hereby approves the above-stated recommendations that the contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the general construction, mechanical, electrical and plumbing scopes of work associated with the School Without Walls project; and
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 Without Walls 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 Vice Chair Schmidt
Approved 6-0 with Member Cruz away