

**Resolution 2016-17: 240**

**Contract Award Roof and Site Work Contracts – Edison Technology Campus (Phase 2b)**

**By Board Member Jones**

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, Edison Technology Campus (“Edison”) is one of the projects included in Phase 2b of the RSMP, as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager worked with the Edison Architect and Construction Manager to prepare requests for bids for the Roof and Site Work bidding documents package; and

WHEREAS, the RJSCB authorized the release of the Roof and Site Work bidding documents for the Phase 2b Edison project at its meeting on May 8, 2017 (Resolution 2016-17: 196); and

WHEREAS, the Program Manager received bids on June 22, 2017 per the deadline stipulated in the Request for Bids for the Edison Roof project, and the 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 Edison project, conducted de-scoping meetings, and concluded that the apparent low bidders are also qualified and responsible bidders; and

WHEREAS, on or about June 26, 2017, the Program Manager, Construction Manager and ICO provided their award recommendations regarding the Roof and Site contracts for Edison to the RJSCB; and

WHEREAS, on June 28, 2017, the apparent low bidder for the Roof contract work, Groove Roofing Services, Inc., advised the Program Manager that, due to a clerical error, 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, it was subsequently determined that the second lowest bidder, Elmer W. Davis, Inc., was the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work package for the Edison Roof contract; 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 special meeting held on June 29, 2017, following the review and consideration of the recommendations from the Program Manager, Construction Manager and ICO, and after due deliberation by the RJSCB, the RJSCB approved Groove Roofing Services, Inc.'s request to withdraw its bid and award the Roof and Site work contracts to the following lowest responsible bidders:

<b>Scope of Work</b>	<b>Name of Contractor</b>	<b>Address</b>	<b>Bid Amount</b>
Site (Contract #100)	Zoladz Construction Co., Inc.	13600 Railroad Street, PO Box 157 Alden, NY 14004	\$945,372.83 (including alternates 2 and 3)
Roof (Contract #200)	Elmer W. Davis, Inc.	1217 Clifford Avenue Rochester, NY 14621	\$1,049,277.00 (including alternate 1)

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts the withdrawal of the Roof contract bid of Groove Roofing Services, Inc. due to an excusable mistake, and directs that its bid security be returned; and
2. The RJSCB hereby approves the above-stated recommendations that the contract award shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the Roof and Site scope of work associated with the Phase 2b Edison Technology Campus 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 Phase 2b Edison Technology Campus 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 Board Member Richards**  
**Approved 6-0 with Member Cruz away**