ERIE COUNTY WATER AUTHORITY



INTEROFFICE MEMORANDUM

June 5, 2018

To:

Terrence D. McCracken, Secretary to the Authority

From:

Leonard F. Kowalski, Senior Distribution Engineer

Subject: Contract NC-035

Ball Pump Station Electrical Substation

ECWA Project No. 201600238

Attached is the Recommendation to Award for the above referenced project. The Consultant for this project is Nussbaumer and Clarke, Inc.

The following documents are attached:

- 1. ECWA Authorization Form, indicating the action that is being requested of the Board, it also provides a list of approvals that are required prior to being acted on by the Board.
- 2. ECWA Recommendation for Award of Contract, signed by ECWA Affirmative Action
- 3. The Consultant's Recommendation letter that is provided by the Engineering Consulting firm stating that they reviewed the bid packages, vetted the contractors and are recommending that the contract is awarded to the responsible bidder with the lowest responsive bid.
- 4. The Bid Tab lists the Engineer's Estimate and the prices bid by each contractor and it provides a mathematical check of the bid amounts submitted by each contractor.

Two out of the four bid packages contained errors and or irregularities, these items are addressed in the Consultant's Recommendation letter that is attached to this memo.

After the Consultant reviewed the bids that were submitted, it was determined that Ferguson Electric Construction Co. is a responsible bidder with the lowest responsive bid.

Based on the information that was provided from the Consultant, it is my recommendation to Russ Stoll, Executive Engineer that the NC-035 project be awarded to Ferguson Electric Construction Co., Inc. in the amount of \$5,094,600.00, subject to legal review.

LFK:jmf Attachments cc: R.Stoll

CONT-NC-035-1601-I-186-B

ERIE COUNTY WATER AUTHORITY RECOMMENDATION FOR AWARD OF CONTRACT

Contract:	NC-035 Ball Pump Station Electrical Su	Project No.: 201600238				
Project Description:	Ban Fump Station Electrical Su	ostation				
CONTRACT AWAR	D					
Contractor/Supplier:	Ferguson Electric Construction	Co., Inc.				
Award Amount:	\$5,094,600.00					
Tipo o movembro de la final en la freguesia de la seconda de la final en la freguesia de la freguesia de la fr						
BID SUMMARY						
Date advertised for Bi	ds 03/07/2018	Date of Bid Opening 04/17/2018				
	Bidder	Total Bid Amount				
Ferguson Electric Con The State Group Indus	<u> </u>	\$ 5,094,600.00 \$ 5,655,000.00				
Frey Electric Construc		\$ 16,044,000.00				
O'Connell Electric Co	ompany, Inc.	\$ 18,576,000.00				

Attachments:	X Bid Tabulation	X Consultant's Recommendation				
BUDGET:						
	0 & M Unit No.: 2520	Budget Item No.: 101268				
	0 & M Unit No.:	Budget Item No.:				
	0 & M Unit No.:	Budget Item No.:				
Capital C	0 & M Unit No.:	Budget Item No.:				
WMBE APPROVAL		01 .11				
X Affirmative Action	on Officer Javonyn L	esten Date: 6/5/2018				
/						
t						
Remarks:						

June 4, 2018

Leonard F. Kowalski, P.E. Director of Engineering Erie County Water Authority 3030 Union Road Buffalo, NY 14227

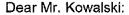
Re:

Contract NC-35

Ball Pump Station Electrical Substation

ECWA Project No. 201600238 Recommendation to Award

File No. 16J1-0091



In accordance with the Notice to Bidders and New York State Contract Reporter Advertisement, sealed bids for the Ball Pump Station Electrical Substation Project were opened and read aloud at 11:00 a.m. on April 17, 2018, at the Erie County Water Authority's Ellicott Square Office. A total of four (4) bids were received, indicating adequate competition for the project. Several of the bids contained errors on the Bid Form. Per the Instructions to Bidders, Article 16, paragraph 16.02, "Discrepancies between words and figures will be resolved in favor of words." The corrected values are included in the attached bid tabulation. Ferguson Electric Construction Co., Inc. (Ferguson) is the apparent low bidder based on the corrected values, as stipulated in the contract documents.

The results are per the attached tabulation of bids and are summarized as follows.

Bidder	Total Bid Amount (Corrected)
Ferguson Electric Construction Co., Inc.	\$ 5,094,600.00
The State Group Industrial (USA) Limited	\$ 5,655,000.00
Frey Electric Construction Co., Inc.	\$ 16,044,000.00
O'Connell Electric Company, Inc.	\$ 18,576,000.00

Nussbaumer & Clarke, Inc. (Nussbaumer) evaluated the bid of Ferguson. This included contacting some of the project references included with their bid, and then discussing the project with Ferguson and their major subcontractor, Pinto Construction Services, Inc.

There was a minor irregularity in the Ferguson bid. Ferguson did not provide a complete financial statement at the time of bid for confidentiality reasons; however, with their bid they did provide the cover letter from an Accountants' Compilation Report prepared Lumsden McCormick, LLP. Subsequent to the bid opening, upon request from Nussbaumer & Clarke, Inc., Ferguson provided the complete Accountants' Compilation Report with all supplemental information via a password protected file, hence completing the financial statement requirement.



Leonard F. Kowalski, PE Erie County Water Authority June 4, 2018



The bid from Frey Electric Construction Co. (Frey) contained a math error in the Bid Form as described above. In addition, Frey's bid was non-responsive per our interpretation of the Contract Documents with respect to submittal of information specified in various locations of Section 00450, Bidder's Qualification Statement and in Addenda Nos. 1 and 2 which was not provided; and several pages of Addendum No. 2 which were not submitted.

Pending the Erie County Water Authority's approval of the bidder's Bid Bond, MWBE submittal, and insurance, Nussbaumer recommends award of Contract NC-35, Ball Pump Station Electrical Substation Project to the responsible bidder with the lowest responsive bid, Ferguson Electric Construction Co., in the total amount of \$5,094,600.00.

Should you have any questions or require additional information regarding this matter, please contact us at your convenience.

Sincerely,

NUSSBAUMER & CLARKE, INC.

Michael A. Chirico, P.E. Corporate Associate

Enclosure

TABULATION OF BIDS

OWNER: ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK

.

DATE ADVERTISED: DATE OPENED:

7-Mar-18

ENGINEER:

NUSSBAUMER & CLARKE, INC. 3556 LAKE SHORE ROAD BUFFALO, NEW YORK (4219 NCI PROJECT NO. 18J1-0091

PROJECT: CONTRACT NC-36 SALL PUMP STATION ELECTRICAL SUBSTATION PROJECT NO; 201600238

			Nussbaumer & Clarke, Engineer's Estimale		Ferguson Electric Con: 333 Electri Street Buffalo, NY 14203 (716) 852-2010		The State Group Indus 400 Kennedy Road Cheeklowaga, NY 142 (716) 332-3765		Frey Electric Construct 100 Pearce Ave. Tonawanda, NY 14150 (716) 874-1710	,	O'Connell Electric Com 830 Phripe Road Victor, NY 14584 (585) 924-2176	pany, inc.
ITEM	ITEM DESCRIPTION	ITEM QUANTITY UNITS	11-11-0-1	Amount	Halt Dales	Amount Bld	(leven)	Amount		Amount	Unit Price	Amount
NUMBER	DESCRIPTION	QUANTITY UNITS	Unit Price	Bki	Unit Price	BKI	Unit Price	Bid	Unit Price	Bkt	Unit Price	Bid
1.0 2.0	Electrical Substation Rock Excavation	1 Łump Sum 200 С.Υ.	\$5,383,000.00 \$440.00	\$5,383,000.00 00.000,88\$	\$4,743,000.00 \$258.00	\$4,743,000.00 \$51,600.00		\$5,295,000.00 \$60,000.00		\$4,544,000.00 \$11,200,000.00		\$5,276,000.00 \$13,000,000.00
3,0	Miscellaneous Contingency Allowance	1 Leamp Sum	\$250,000.00	\$250,000.00	\$250,000.00	\$250,000.00	\$250,000,00	\$250,000.00	\$250,000.00	\$250,000.00	\$250,000.00	\$250,000.00
4.0	SCADA Contingency Allowance	1 Lump Sum	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.0
				\$5,771,000.00		\$5,094,600.00		\$5,655,000.00	See Note 1	\$18,044,000.00	See Note 2	\$18,576,000,0

Note 1: There is a discrepency in Frey Electric Construction Co.'s bid where they stated "Fifty Six Thousand" in words but indicated a figure of "\$280.00" for the C.Y. unit price in Bid Item 2 - Rock Excavation. Per the Instructions to Bidders, Article 16, paragraph 16.02, "Discrepencies between words and figures will be resolved in favor of words." This bid tabulation reflects the corrected value.

Note 2: There is a discrepency in O'Connett Electric Company's bid where they stated "Sixty Five Thousand" in words but indicated a figure of "\$325.00" for the C.Y. unit price in Bid tiem 2 - Rock Excavation. Per the instructions to Bidders, Article 16, peragraph 18.02, "Discrepancies between words and figures will be resolved in favor of words." This bid tabulation reflects the corrected value.

<u>ATHOMAS</u>

5,000,000

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 05/21/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on

this certificate does not confer re	gnts to the certificate noider in liei					
PRODUCER Walsh Duffield Companies, inc. 801 Main St. Buffalo, NY 14203		CONTACT Beverly A. Zolnowski, CPCU				
			FAX (A/C, No): (716) 847-1360			
		E-MAIL AODRESS, bzolnowski@walshins.com				
		insurer(8) Affording Coverage	NAIC #			
INSURED Ferguson Electric Construction Co Inc		INSURER A: Travelers ind. Co. of America	25666			
		INSURER B : Phoenix Ins. Co.	25623			
		INSURER C: Natl Union Fire Ins Co Pitt PA	19445			
333 Ellicott Street Buffalo, NY 14203		INSURER D : Old Republic Insurance Co.	24147			
		INSURER E: Travelers Prop Cas of America	25674			
		INSURER F:				
COVERAGES	CERTIFICATE NUMBER:	REVISION NUMB	ER:			

<u>CERTIFICATE NUMBER:</u> THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDL SUBR POLICY EFF | POLICY EXP TYPE OF INSURANCE **POLICY NUMBER** LIMITS 2,000,000 X COMMERCIAL GENERAL LIABILITY EACH OCCURRENCE X DTCO2J441682TIA18 300,000 CLAIMS-MADE X OCCUR DAMAGE TO RENTED PREMISES (En occurrence) 04/01/2018 04/01/2019 Х **Employee Benefits** 10,000 MED EXP (Any one person) EDOPO X CONTRACTUAL/XC&U INC 2,000,000 PERSONAL & ADV INJURY 25666 A++XV 4,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: GENERAL AGGREGATE 4,000,000 POLICY X PROT LOC PRODUCTS - COMP/OP AGG | \$ OTHER! COMBINED SINGLE LIMIT (Ea accident) 1.000.000 В **AUTOMOBILE LIABILITY** X DT1N8102J216558PHX18 X ANY AUTO 04/01/2018 04/01/2019 **BODILY INJURY (Per person)** SCHEDULED AUTOS OWNED AUTOS ONLY 02518 BODILY INJURY (Per accident) HIRED ONLY NON-OWNED AUTOS ONLY 22023

X UMBRELLA LIAB **EACH OCCURRENCE** BE019229883 04/01/2018 04/01/2019 **EXCESS LIAB** CLAIMS-MADE AGGREGATE 10,000 5,000,000 DED X RETENTIONS WORKERS COMPENSATION AND EMPLOYERS' LIABILITY X PER STATUTE 04/01/2018 : 04/01/2019 MWC3071090018 1,000,000 ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandalory in NH) E.L. EACH ACCIDENT N NIA 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ If yes, describe under DESCRIPTION OF OPERATIONS below 1,000,000 E.L. DISEASE - POLICY LIMIT QT660182D9049TIL17 07/01/2017 07/01/2018 Special 1,000,000 F Builders Risk

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
FEC JOB#65904. re: Ball Pump Station Electrical Substation. Erie County Water Authority, its officers, agents and employees are additional insured(s) on a primary and non-contributory basis with respect to work performed if required by signed written contract PER BLANKET ADDITIONAL INSURED FORM BELOW, to the extent provided therein. A Waiver of Subrogation applies in favor of Erie County Water Authority, its officers, agents and employees if required by signed written contract. PER FORM:

General Liablity: 1) CGD2460805- BLANKET ADDITIONAL INSURED (CONTRACTORS)

OCCUR

(2) CGD3161111- CONTRACTORS XTEND ENDORSEMENT

Erie County Water Authority Attn: Anthony Alessi 295 Main St., Suite 350

Buffalo, NY 14203

SÉE ATTACHED ACORD 101

201400238-NC-35

APPBOVED MAY 2 9 2018

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ward E Walsh Tr

ACORD 25 (2016/03)

© 1988-2015 ACORD CORPORATION. All rights reserved.

reflect the actual value of the work involved the Bidder may void the given fixed minimum unit price for that specific item and enter a higher unit price in the spaces provided in the Bid Sheets.

16.02 Discrepancies between words and figures will be resolved in favor of words. Discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum.

ARTICLE 17 - SUBMITTAL OF BID

- 17.01 A Bid shall be submitted no later than the date and time prescribed and at the place indicated in the Notice to Bidders. The entire Project Manual must be submitted with all proper forms completed and signed as required.
- 17.02 Bid shall be enclosed in an opaque sealed envelope plainly marked on the outside with the Project title (and, if applicable, the designated portion of the Project for which the Bid is submitted) the name and address of the Bidder and its license or registration number, if applicable. Bid shall be accompanied by Bid security and other required documents.
- 17.03 All bids being mailed (including FedEx, UPS, Priority Mail, etc.) or hand-delivered to the Erie County Water Authority shall follow the procedure as defined in Section 00100, Notice To Bidders.

ARTICLE 18 - MODIFICATION OR WITHDRAWAL OF BID

- 18.01 Withdrawal Prior to Bid Opening:
 - A. A Bid may be withdrawn by an appropriate document duly executed, in the manner that a Bid must be executed and delivered to the place where Bids are to be submitted prior to the date and time fixed for the opening of Bids. Upon receipt of such written notice, the unopened Bid will be returned to the Bidder.
- 18.02 Modification Prior to Bid Opening:
 - A. If a Bidder wishes to modify its Bid, Bidder must withdraw its initial Bid in the manner specified in paragraph 18.01.A and submit a new Bid.
- 18.03 No Bids may be withdrawn after the time set for the Bid Opening.