# ERIE COUNTY WATER AUTHORITY <br> INTEROFFICE MEMORANDUM 

March 29, 2022

To: Terrence D. McCracken, Secretary to the Authority
From: Michael J. Quinn, Senior Distribution Engineer
Subject: Contract DA-011
Water System Improvements, Towns of Cheektowaga and Amherst ECWA Project No. 202100031

On Tuesday, February 15, 2022, the Authority received four (4) bids for the above referenced contract. The bids have been reviewed, a mathematical check has been performed, and the apparent lowest acceptable bidder is 716 Site Contracting, Inc. (716). Attached is Consultant's, DiDonato Associates (DA) letter of recommendation dated February 18, 2022 with bid tabulation sheet for your use and information.

The references for 716 have been reviewed. 716 is an established contractor who has performed similar work for several Authority watermain replacement projects in an acceptable and competent manner. They have a good understanding of the scope and requirements for this contract.

716 provided adequate WMBE documentation, approved by Director of EEO (ECWA), insurance, approved by Claims Representative/Risk Manager, and proof of apprenticeship program, approved by the Secretary to the Authority.

The Engineering Department, therefore, recommends award of Contract DA-011 to 716 Site Contracting, Inc. in the amount of $\$ 2,816,652.00$, subject to legal review.

Attached are the following documents:

1. ECWA Authorization Form.
2. ECWA Recommendation for Award of Contract form.
3. Consultant recommendation letter dated February 18, 2022 and bid tabulation.

## Budget Information (work to be completed/paid in 2022):

- Department 250 Engineering/Construction
- 2590 Eng/Const Distribution Mains
- Item 101594 DA-011 Waterline Replacement


## MJQ:jmf

Attachments
cc: R.Stoll
L.Kowalski
S.Denzler
L.Lester

CONT-DA-011-2101-X-12

# ERIE COUNTY WATER AUTHORITY <br> AUTHORIZATION FORM <br> For Approval/Execution of Documents <br> (check which apply) 

Contract: DA-011
Project No.: 202100031
Project Description: Water System Improvements, Towns of Cheektowaga and Amherst

## Item Description:



## Action Requested:

| $\square$ | Board Authorization to Execute | $\boxed{X}$ |
| :--- | :--- | :--- |
| Legal Approval |  |  |
| $\square$ | Board Authorization to Award | $\square$ |
| Execution by the Chairman |  |  |
| $\square$ | Board Authorization to Advertise for Bids | $\square$ |
| Execution by the Secretary to the Authority |  |  |
| $\square$ | Board Authorization to Solicit Request for Proposals |  |
| $\square$ | Other |  |

Approvals Needed:
APPROVED AS TO CONTENT:


Date: 3/30/2022
Date: 3/30/2022
Date: 03/30/2022
Date: $\frac{03 / 30 / 2022}{03 / 30 / 2022}$
Date: 03/30/2022
Date: 03/30/2022
Date: 3/30/2022

## APPROVED FOR BOARD RESOLUTION:

X Secretary to the Authority


Date: 3/30/22

Remarks: Unit price contract.

February 18, 2022
Erie County Water Authority
3030 Union Road
Cheektowaga, New York, 14227
Attn: Mr. Steven W. Denzler, P.E., LEED BD\&C
Distribution Engineer
Re: Bid Summary for DA-011
Water System Improvements, Towns of Cheektowaga \& Amherst
ECWA Project Number 202100031
Dear Mr. Denzler,
We have reviewed the bid proposals received by the Erie County Water Authority on Tuesday, February $15^{\text {th }}, 2022$ relative to the above referenced project. A thorough review of the bids was conducted, and a bid tabulation was made of the four (4) Bid Proposals received. There was one (1) addendum associated with this project.

There were multiple discrepancies discovered in the Bid Submissions as provided by $4^{\text {th }}$ Generation Construction Inc., 716 Site Contracting Inc., and DJM Contracting. Discrepancies were not discovered in the Bid Submission as provided by New Frontier Excavating and Paving, Inc.

DJM Contracting failed to acknowledge receipt of Addendum No. 1, and did not include Addendum No. 1 with their bid package.

In section 00410, paragraph 7.01A "Required Bid Security", both $4{ }^{\text {th }}$ Generation Construction Inc. and 716 Site Contracting Inc. failed to write a numeric value equal to $5 \%$ of their total bid on the dollars and cents lines, and instead only wrote " $5 \%$ " on these lines. DJM Contracting erroneously reported a bid security equal to the dollar value of their submitted bid, instead of $5 \%$ of their submitted bid. However, the penal sum of the Bid Security Form for all companies was properly executed.

In section 00450, paragraph 8, 9, 10, and 10.1 "Schedule A" through "Schedule D" of the "Bidder's Qualifications", 716 Site Contracting Inc. failed to provide the required four attachments and information. The remainder of the bidder's qualifications section was completed satisfactorily.

In section 00450, paragraph 10 "Schedule C" of the "Bidder's Qualifications", DJM Contracting failed to provide the required attachment and information. The remainder of the bidder's qualifications section was completed satisfactorily.

In section 00450, paragraph 10.1 "Schedule D" of the "Bidder's Qualifications", 4 ${ }^{\text {th }}$ Generation Construction Inc. indicated they had an OSHA Violation in 2019. Per the attached documentation, the amended citation was referenced to section 1926.651(K)(2) of the OSHA Standards, which is a violation of excavation safety, "where the competent person finds evidence of a situation that could result in a possible cave-in. " $4^{\text {th }}$ Generation Construction Inc. incurred a fine of $\$ 5,200$ for this violation, and agreed to the amended citation as provided. The remainder of the bidder's qualifications section was completed satisfactorily.

February 18, 2022
Bid Summary for DA-011
Water System Improvements, Towns of Cheektowaga and Amherst
Page 2

In addition to the above noted discrepancies in the bid documents, DJM Contracting had multiple errors in their itemized bid forms.

For item 7G - Interconnection A4, DJM had a discrepancy between the written unit cost amount and the numerical unit cost amount. In accordance with section 00200 (Instructions to Bidders), Paragraph 16.02 "Discrepancies between words and figures will be resolved in favor of words", we have revised DJM's entered cost of $\$ 18,500$, for their written cost of $\$ 18,005$ for this item.

For item 9A - 18 Inch Diameter Casing Pipe, DJM improperly calculated the item total for the quantity specified. We have revised DJM's entered cost of $\$ 109,500$, for the calculated cost of $\$ 109,250$.

For item 11B6.3 - Cold Milling/Pavement of Asphalt Pavement 3 Inch, DJM improperly calculated the item total for the quantity specified. We have revised DJM's entered cost of $\$ 26,235$ for the calculated cost of $\$ 26,325$.

For item 13A - Extra Excavation (8 Feet to 10 Feet Deep), DJM improperly calculated the item total for the quantity specified. We have revised DJM's entered cost of $\$ 240$, for the calculated cost of $\$ 2,400$.

For item 16A - Vacuum Truck and Labor, DJM had left the numerical unit cost of this item blank. Additionally, DJM improperly calculated the item total for the quantity specified as based on the written cost. We have revised DJM's entered cost of $\$ 5,000$, for the calculated cost of $\$ 4,800$.

DJM had improperly calculated their grand total based on the value of their entered individual item totals. DJM submitted a bid for the value of $\$ 3,278,650.00$. Based on the calculated total of their individual item totals, this value should have been $\$ 3,276,650.00$. However, due to the discrepancies as noted above, we have revised DJM's bid for the calculated revised total bid of \$3,277,955.00 These adjustments to DJM's bid did not alter the apparent low bidder.

The base bids ranged from a low bid of $\$ 2,816,652.00$ to a high bid of $\$ 3,658,560.00$. There were no alternate bid items included in this project. Based on the value of the bids, 716 Site Contracting Inc. was the apparent low bidder at a Bid amount of $\$ 2,816,652.00$. The Engineer's Estimate was $\$ 3,421,920.00$ which was higher than the lowest bid received, and was not altered by the addendum.

We have spoken with Eric Pacer of 716 Site Contracting Inc. on Thursday, February $17^{\text {th }}$. 2022. 716 Site Contracting Inc. conveyed that they understand the scope of work involved for this project, and is familiar with the individual work locations specified in the project. The contractor has performed work for the Erie County Water Authority in the past, and is familiar with the requirements of the contract. They would be available to begin work expeditiously after award.

Because 716 Site Contracting Inc. failed to include the Schedule A through D attachments to the Bidder's Qualifications, we were unable to independently verify the quality of their work and ethics for past projects.

February 18, 2022
Bid Summary for DA-011
Water System Improvements, Towns of Cheektowaga and Amherst Page 3

716 Site Contracting Inc. generally did not list unit prices that were outside of expected values, or deemed to be questionable.

On the basis of being the lowest bidder, we recommend the contract be awarded to 716 Site Contracting Inc. for the value of $\$ 2,816,652.00$. Our recommendation is subject to review by the Erie County Water Authority for verification that the bid is considered complete and consistent with the Authority's standards.

If you have any questions regarding this matter, or the enclosures are not as noted, please contact the undersigned.

Very truly yours,
DiDonato Associates Engineering and Architecture, P.C.


Matthew J. Ziemba
Design Engineer
cc. Leonard F. Kowalski, P.E., Erie County Water Authority

Peter Ringo, P.E., DiDonato Associates
John DiDonato, P.E., DiDonato Associates
DiDonato Project Number 21-3176

Enclosures:
Recommendation Letter
Bid Tabulation



## ERIE COUNTY WATER AUTHORITY RECOMMENDATION FOR AWARD OF CONTRACT



