



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

A handwritten signature in black ink, appearing to be "LFK", is written over the "From:" line and extends slightly into the "Subject:" line.

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 Officer.
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

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

Dear Mr. Kowalski:

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.

A handwritten signature in black ink, appearing to read 'M. Chirico', with a horizontal line extending to the right.

Michael A. Chirico, P.E.
Corporate Associate

Enclosure

TABULATION OF BIDS

OWNER: ERIE COUNTY WATER AUTHORITY
BUFFALO, NEW YORK

DATE ADVERTISED: 7-Mar-18
DATE OPENED: 17-Apr-18

ENGINEER: NUSSBAUMER & CLARKE, INC.
3536 LAKE SHORE ROAD
BUFFALO, NEW YORK 14210
NCI PROJECT NO. 16J1-0091

PROJECT: CONTRACT NC-35
BALL PUMP STATION
ELECTRICAL SUBSTATION
PROJECT NO: 201600238

ITEM NUMBER	ITEM DESCRIPTION	ITEM QUANTITY	UNITS	Nussbaumer & Clarke, Inc Engineer's Estimate		Ferguson Electric Construction Co., Inc. 333 Elliott Street Buffalo, NY 14203 (716) 852-2010		The State Group Industrial (USA) Limited 400 Kennedy Road Cheektowaga, NY 14227 (716) 332-3765		Frey Electric Construction Co., Inc. 100 Peaslee Ave. Tonawanda, NY 14150 (716) 874-1710		O'Connell Electric Company, Inc. 1800 Phillips Road Victor, NY 14564 (585) 924-2176	
				Unit Price	Amount Bid	Unit Price	Amount Bid	Unit Price	Amount Bid	Unit Price	Amount Bid	Unit Price	Amount Bid
1.0	Electrical Substation	1	Lump Sum	\$5,383,000.00	\$5,383,000.00	\$4,743,000.00	\$4,743,000.00	\$5,295,000.00	\$5,295,000.00	\$4,644,000.00	\$4,644,000.00	\$5,276,000.00	\$5,276,000.00
2.0	Rock Excavation	200	C.Y.	\$440.00	\$88,000.00	\$258.00	\$51,600.00	\$300.00	\$60,000.00	\$56,000.00	\$11,200,000.00	\$65,000.00	\$13,000,000.00
3.0	Miscellaneous Contingency Allowance	1	Lump 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	\$50,000.00
					\$5,771,000.00		\$5,094,600.00		\$5,655,000.00	See Note 1	\$18,044,000.00	See Note 2	\$18,576,000.00

Note 1: There is a discrepancy 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, "Discrepancies between words and figures will be resolved in favor of words." This bid tabulation reflects the corrected value.

Note 2: There is a discrepancy in O'Connell 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 Item 2 - Rock Excavation. Per the Instructions to Bidders, Article 16, paragraph 16.02, "Discrepancies between words and figures will be resolved in favor of words." This bid tabulation reflects the corrected value.

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.