

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

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March 30, 2022

Eric M. Mead
Commissioner of Public Works
Montgomery County
6 Park Street, PO Box 1500
Fonda, NY 12068

RE: Recommendation for Award
Montgomery County Health & Human Services - Bid #16-21

Dear Commissioner Mead;

In reference to the project mentioned above, please be advised that based upon our review of the post-bid information received, it is our recommendation that the County award the Contracts for the Work to the apparent lowest responsible bidders, as follows:

Contract 1 – General Construction	
West Winds Contracting, Inc.; Pattersonville, NY	\$ 869,519.00
Contract 2 – Plumbing	
Mazone Plumbing & Heating, Inc.; Delmar, NY	\$ 143,909.00
Contract 3 – Mechanical	
BPI Mechanical Services, Inc.; Waterford, NY	\$ 293,375.00
Contract 4 – Electrical	
Harold R. Clune, Inc.; Ballston Spa, NY	\$ 449,000.00
TOTAL BASE BID AMOUNT:	\$1,755,803.00

Despite, what appears to have been oversights in the Alternates included in the bid received for Contract 1, General Construction, the Bidder has acknowledged the informalities or irregularities, and stated in writing to us that they acknowledge the scope required and agree to perform the Work in accordance with the Contract Documents for the amount of the Bid submitted.

In regard to Contract 4, Electrical, upon review of the low bid received from Empire Electric New York LLC, it was noted that this bid, which was almost 25% lower than the second lowest bid received, was submitted by a Bidder that has only been in business for less than two months from the date when Bids were received. As indicated in their qualification statement, as a firm they have no prior work experience for assessing past performance on any government contract, other than a letter of intent for a project not yet awarded, in order to determine them a responsible Bidder. As such, we recommend award to the apparent second lowest responsible Bid received from Harold R. Clune Inc.

Though no pre-construction estimate was provided for the cost of construction, it is our understanding that the total of the bids received is less than the County's anticipated budget for the Work. Based upon our post-bid evaluation, we have been informed that the apparent responsible low Bidders intend on using the available manufacturers and products included in the Contract Documents. No other requests for substitutions were received during Bid and included in the Addendum issued. In addition, the Owner and Architect have made no reasonable objection to any persons and entities proposed by the Bidders. Based upon our review of the Contractor's qualifications, all other conditions of the Bid appear to have been satisfactorily met and each Bidder has established to our satisfaction their ability to perform the Work.

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The County will need to advise which, if any, of the Alternates included in the Bid are to be accepted as part of the Notice of Award for each of the Prime Contracts. Our recommendations for award include the following:

Contract 1 – General Construction	
Alternate No. 2	\$ - 3,500.00
Alternate No. 5	\$ 0.00
Alternate No. 6	\$ 0.00
Contract 2 – Plumbing	
Alternate No. 1	\$ 4,141.00
Alternate No. 2	\$ 3,887.00
Contract 3 – Mechanical	
Alternate No. 1	\$ 6,600.00
Alternate No. 2	\$ 9,450.00
Alternate No. 3	\$ 10,500.00
Contract 4 – Electrical	
Alternate No. 3	\$ 400.00
TOTAL AMOUNT OF RECOMMENDED ALTERNATES:	\$ 31,478.00
TOTAL BASE BID AMOUNT:	\$1,755,803.00
TOTAL AWARD RECOMMENDATION:	\$1,787,281.00

Subject to the County's acceptance of our recommendations, we shall proceed with preparation of the Contract Agreement and Notice of Award, as included in the Project Manual to document the Bidder's confirmation that everything is accounted for and included. Copies of the executed Contract Documents shall also be submitted to the County's Counsel for final review. In conjunction with execution of the Agreement, the Contractor will be required to provide the additional documents that are required for the County to execute the Agreement, including performance and payment bonds, the certificates of insurance, and proof of worker's compensation, as required for issuance of the Building Permit by the County for the Work.

Prior to issuance of the Notice to Proceed, we shall then request that the Contractors submit a schedule for the Work so that it can be coordinated with the County's other activities and vendor contracts for other portions of the Work. The Contract Documents specify that the Work shall be substantially complete, for occupancy and use by the Owner, within 240 calendar days, and completed and ready for final payment within 270 days after the date when the contract time commences to run, upon issuance of a Notice to Proceed. The Contractor(s) and the Contractor(s)' surety, shall be assessed liquidated damages for each calendar day of delay after the date established for substantial completion in the Documents until the work is complete.

Upon execution of the Agreements, the New York State Department of Labor should then be notified concerning award of the Contract for this public works project by submission of Form PW16 to the Bureau. Please note, the County, in conjunction with its responsibilities as a Contracting Agency under the General Provisions of the Labor Law covering workers on Public Work Contracts, shall then be responsible for furnishing information to the Bureau regarding each Contractor, receiving and maintaining transcripts of original payrolls every thirty (30) days, and notifying the Bureau of the completion or cancellation of the Project.

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Please note that the Contractor's bids are required to remain subject to acceptance for a period of up to forty-five (45) days after the date of the bid opening, which was on March 8, 2022. In addition to the Bid Bonds submitted, which do not need to be returned to the Contractors, a check for the amount of the Bid Security was received from Empire Electric New York LLC, which will otherwise need to be returned.

I will be returning the original bids received, along with copies of the post-bid information submitted by the apparent low bidders, for the County's records. In addition, copies of the bids received from each of the apparent low bidders have been scanned and electronic copies of these files have been retained by this office as part of the project record.

If you have any further questions regarding this matter, or need any additional information, please feel free to contact me directly.

Sincerely,

C.T. MALE ASSOCIATES



Richard A. Cambagnola, R.A.
Principal Architect

C: Chad R. Kortz/CTM Vice President of Engineering & Quality
File