

**ORANGE COUNTY
BOARD OF EDUCATION**

AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2011

AGENDA ITEM No. 11-01-(2)-15

ACTION ITEM (Y/N) Y

SUBJECT: C.W. Stanford Middle School (CWSMS) Auditorium Construction Bid Approval

INFO. CONTACT Dr. George McFarley **PHONE:** 919-732-8126

ATTACHMENTS:

1. CWSMS Auditorium Addition Certified Bid Tabulation
2. Letter of Declination to Lowest Bidder
3. Contract Award Recommendation Letter; RE: Bid Tabulation

PURPOSE: To consider approving the bid and awarding the contract for the construction phase of the CWSMS Auditorium.

BACKGROUND: The bidding process is governed by General Statute 143-129. All proposals shall be opened in public and the board shall award the contract to the lowest responsible bidder, taking into consideration quality, performance and the time specified in the proposals for the accomplishment of the contract.

On Thursday, December 2, 2010, single prime contract bid proposals were received for the above referenced project. After the 3:00 p.m. deadline, the bids were opened and read publicly. The apparent low bidder is a part of a joint venture. Therefore, in the strictest sense, this is not a true single prime bid. The "lowest responsible bidder" has a subjective element. Staff does not recommend accepting the lowest bidder, and this is not an arbitrary recommendation. Obviously some problem existed in the past of the low bidder. As outlined in the Letter of Declination to Lowest Bidder, during the analysis and review of the bids, staff found out of the inability of the apparent low-bidder (not the joint venture) to get companies to write a 5% bid bond for them. Additionally, references from several past clients indicated they would not do business with the firm again given their experience. These conditions undercut the qualification as a responsible bidder.

As a result, the apparent lowest responsible bid, which was reviewed and approved was submitted by ModernSouth Construction Co.

FINANCIAL IMPACT: Total cost of this action, if approved by the Board, would be \$1,999,700.

RECOMMENDATION: The Superintendent recommends that the Orange County Board of Education awards the contract for the construction of the CWSMS Auditorium to ModernSouth Construction Co., based on their Base Bid.



CORLEY REDFOOT ZACK INC.

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December 4, 2010

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Associate

KENNETH E. SMITH
Associate

Dr. George McFarley
Chief Operating Officer
Orange County Schools
200 East King Street
Hillsborough, North Carolina 27278

Project: C. W. Stanford Middle School Auditorium Addition
Orange County Schools
RE: Certified Bid Tabulations

Dear Dr. McFarley:

On Thursday, December 2, 2010, Single Prime Contract Bid Proposals were received for the above-referenced project. After the 3:00pm deadline, the bids were opened and read publicly.

Enclosed for your use, is the certified bid tabulation of the bids taken. Please let us know if you have any questions or need further information.

Sincerely,

Kenneth E. Redfoot, AIA

Enclosures: Certified Bid Tabulation

cc: David M. Taylor

PO Box 2368
Chapel Hill, NC 27515-2368

222 Cloister Court
Chapel Hill, NC 27514-2212



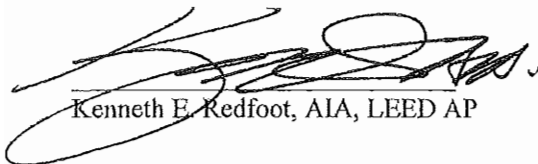
CORLEY REDFOOT ZACK, INC.

BID TABULATION
Auditorium Addition to C. W. Stanford Middle School
Orange High School Road, Hillsborough, NC
Orange County Board of Education, CRZ #0916
3:00 PM, December 2, 2010

CONTRACTOR	License No.	5% Bid Bond	Minority Business Forms	Add. Rec'd	BASE BID
Blue Ridge Enterprises, Inc.	3491	Yes	Yes	Yes	\$2,187,000
Bordeaux Construction Co.	9266	Yes	Yes	Yes	\$2,114,800
R. L. Casey, Inc.	10139	Yes	Yes	Yes	\$2,128,000
Central Builders, Inc., of Mebane	4176	Yes	Yes	Yes	\$2,297,000
Centurion Construction Co.	12332	Yes	Yes	Yes	\$2,139,000
Gleeson Snyder Constructors	No bid				
Harrod and Assoc. Constructors	32791	Yes	Yes	Yes	\$2,138,600
H. M. Kern Corporation	8542	Yes	Yes	Yes	\$2,147,000
Mixon Construction Co.	27303	Yes	Yes	Yes	\$2,083,217
ModernSouth Construction Co.	65182	Yes	Yes	Yes	\$1,999,700
J. Wayne Pool, Inc.	8553	Yes	Yes	Yes	\$2,177,000
Racanelli Construction South, Inc.	69432	Yes	Yes	Yes	\$2,128,000
The Resolute Building Co.	No bid				
H. G. Reynolds Co., Inc.	14149	Yes	Yes	Yes	\$2,194,000
Riggs-Harrod Builders, Inc.	18667	Yes	Yes	Yes	\$2,176,932
D. S. Simmons, Inc.	7651	Yes	Yes	Yes	\$2,247,400
D. A. Thomas Construction Co.	46097	Yes	Yes	Yes	\$1,970,000
C. T. Wilson Construction	2443	Yes	Yes	Yes	\$2,182,091

Note: One contractor arrived after the 3:00 deadline. His bid was not accepted.

Bids as shown above, received at 3:00 PM, December 2, 2010, have been checked and validated and are hereby certified as correct.


 Kenneth E. Redfoot, AIA, LEED AP



CHESHIRE & PARKER

ATTORNEYS AT LAW
100 N. CHURTON STREET
P. O. BOX 100
HILLSBOROUGH, N.C. 27278

D. MICHAEL PARKER
mikeparker@cheshire-parker.com

TELEPHONE 919-732-8141
TELEFAX 919-732-9167

ALEXANDER H. GRAHAM (1890-1977)
LUCIUS M. CHESHIRE (1925-2003)

January 14, 2011

Mr. Richard Crittenden
Joint Venture Member
DeVere/D.A. Thomas Construction
2520 Reliance Avenue
Apex, NC 27539

Re: Bid on C.W. Stanford Middle School Auditorium project for Orange County Schools

Dear Mr. Crittenden:

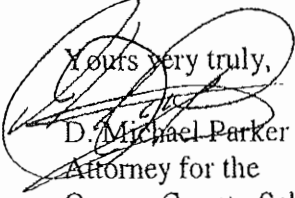
After careful consideration of the bid submitted for the above project, Orange County Schools is rejecting your bid for not being the lowest responsible, responsive bidder and will award the Contract to another bidder. We considered the unusual submission of a bid as a joint venture between the two companies and question whether that qualifies as a single prime bid. We are informed that D.A. Thomas Construction requested the bid documents from the architect for the project. They heard nothing from DeVere either before or after the bid opening, however the bid form is signed by you and bears the general contractor license number of DeVere. I understand you are president of DeVere and have signed the bid form on their behalf as a "member" of the joint venture. The bid documents included a copy of a joint venture agreement between D.A. Thomas Construction and DeVere.

We contacted a number of other school districts for which either D.A. Thomas Construction or DeVere had performed work. We discovered a series of problems with both companies that caused representatives from these school systems to adamantly state they would not do business with them again.

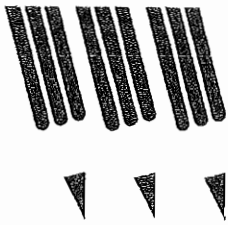
Based on what we have learned about the two members of the joint venture and the unusual form of this bid submission, Orange County Schools is rejecting your bid and will award the contract to the lowest responsible, responsive bidder.

Mr. Richard Crittenden
January 14, 2011
Page 2

With best regards, I am


Yours very truly,
D. Michael Parker
Attorney for the
Orange County Schools

DMPAdl
OCB\Let329



CORLEY REDFOOT ZACK INC.

ARCHITECTS • ENGINEERS • PLANNERS

January 14, 2011

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Dr. George McFarley
Chief Operating Officer
Orange County Schools
200 East King Street
Hillsborough, North Carolina 27278

Project: C. W. Stanford Middle School Auditorium Addition
Orange County Schools
RE: Recommendation of Lowest Responsible, Responsive Bidder

Dear Dr. McFarley:

Based on the Certified Bid Tabulations for the project and based on the letter from D. Michael Parker, School Board Attorney, to Richard Crittenden rejecting the bid of DeVere/D. A. Thomas Construction Joint Venture, we recommend the lowest responsible, responsive bid of ModernSouth Construction Co. of Raleigh, North Carolina.

Sincerely,

Kenneth E. Redfoot, AIA

cc: David M. Taylor, AIA
D. Michael Parker

PO Box 2368
Chapel Hill, NC 27515-2368

222 Cloister Court
Chapel Hill, NC 27514-2212



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