

Steege, Jerry K.

From: Kelsey, Mark
Sent: Friday, May 28, 2010 1:42 PM
To: Cofield, Alex A.
Cc: Bollo, Ryan J.; Miller Jr, Richard A.; Austin, Patti A.; Bauman, Max A; Beck, David H. (Transportation); Beckman, Amber M.; Bell, Timothy A.; Blackford, Megan D.; Bowman, Randall; Figley, Russ U.; Giffin, Benjamin M.; Lewis, William A.; Poindexter, Kaelyn C.; Roberts, Doug; Robinson, Valuise E.; Rundio, Ted; Steege, Jerry K.; Stephens, Thomas H.; Tilton, Rick C.; Togni, Carl S.; Yates, Frederick J.; Zahran, Hassan Y.
Subject: Re: RECOMMENDATION: Signal Installation - Columbus Traffic Signal System Phase A

I approve the award to the recommended bidder and further grant permission to Complete General to withdraw its bid without bid forfeiture

Mark Kelsey sent from my blackberry

From: Cofield, Alex A.
To: Kelsey, Mark
Cc: Bollo, Ryan J.; Miller Jr, Richard A.; Austin, Patti A.; Bauman, Max A; Beck, David H. (Transportation); Beckman, Amber M.; Bell, Timothy A.; Blackford, Megan D.; Bowman, Randall; Cofield, Alex A.; Figley, Russ U.; Giffin, Benjamin M.; Lewis, William A.; Poindexter, Kaelyn C.; Roberts, Doug; Robinson, Valuise E.; Rundio, Ted; Steege, Jerry K.; Stephens, Thomas H.; Tilton, Rick C.; Togni, Carl S.; Yates, Frederick J.; Zahran, Hassan Y.
Sent: Fri May 28 09:14:39 2010
Subject: RECOMMENDATION: Signal Installation - Columbus Traffic Signal System Phase A

TO: Mark Kelsey
Director of Public Service

FROM: Alex Cofield
Capital Fiscal Manager

PROJECT: Signal Installation – Columbus Traffic Signal System Phase A

CIP No.: 540007-100007

DATE: May 28, 2010

This memorandum is a recommendation for construction contractor selection and processing the construction legislation for the Signal Installation – Columbus Traffic Signal System Phase A.

Project Scope:

The purpose of the project is to install conduit, pullboxes, fiber optic cable, and communication network in order to migrate the Columbus traffic signal system to an open architecture that can serve Central Ohio stakeholders with system connectivity and interoperability.

Fiscal Impact: Source of funding is CMAQ funds.

Schedule: Bids were opened May 20, 2010; estimated Council date is June 7, 2010; estimated NTP date is July 12, 2010. All work is to be complete by September 16, 2011.

Engineer's Estimate: \$8,348,536.88

Bidding Information:

Bidder Bid Amount

Gudenkauf Corp. \$5,520,225.84

Miller Cable \$6,350,400.00

Jess Howard Elec. \$7,220,743.40

Team Fishel \$7,721,808.93

Contract Compliance Information:

Status Company CC Number MBE/FBE/

Majority Percentage Active?

y/n

Prime Gudenkauf Corporation 310908234 Majority 87.30% y

Sub 1 Bright Street, LLC 204606980 Majority 12.70% y

Prime Miller Cable Company 341577801 Majority 57.20% y

Sub 1 Taylor Tele-Communications 341308172, contract compliance application attached to bid Majority
21.00% n

Sub 2 Bright Street, LLC 204606980 Majority 21.80% y

Prime Jess Howard Electric Company 314405752 Majority 96.30% y

Sub 1 Flowline, LLC 311592640 Majority 3.70% y

Sub 2 Paul Peterson Company 310868875 Majority No dollar amount or percentage given. y

Sub3 Torres Electric Sales &Supply 731131134 Majority No dollar amount or percentage given. y

Prime The Fishel Company 314360115 Majority 88.80% y

Sub 1 Ride Construction, Inc. 020635665, contract compliance application attached to bid Majority 4.40% n

Sub 2 Paul Peterson Company 310868875 Majority 5.00% y

Sub 3 Purdy Electric 310892509, contract compliance application attached to bid Majority 1.80% n

Recommendation:

With reference to bids received on May 20, 2010, I wish to make the following recommendation for the subject improvement:

Award is made to the lowest responsive and responsible and best bidder, Gudenkauf Corporation, for their bid of \$5,520,225.84, which is \$2,828,310.99 under the Engineer's estimate of \$8,348,536.88.

Please respond to this e-mail indicating approval of the recommended contractor – Gudenkauf Corporation – or approval of another contractor. If you approve another contractor please provide an explanation.

Note:

Complete General Construction Company submitted a bid in the amount of \$4,321,693.71. However, pursuant to a letter received from Complete General on May 24, 2010, the bidder asked to withdraw its bid without forfeiture of its bid guaranty due to a substantial clerical error. In view of the fact that there is no formal process for withdrawal of bids without forfeiture of bid guaranty at the City of Columbus, the statutory provision most analogous to this situation is O.R.C. Section 9.31. Complete General fulfilled all statutory requirements in submitting its request both procedurally and

substantially. Therefore, following well established common law precedent, the Director may determine to grant Complete General's request to withdraw its bid without forfeiture of its bid guaranty. (See attached letter dated 5/24/10.)

<<CompleteGeneral-CIP_ltr-052410.pdf>>

In the alternative, had Complete General not submitted a letter requesting to withdraw its bid without forfeiture of its bid guaranty, the Director, pursuant to Section 103.01 of the CMS, may reject this bid because he may determine that "...in the judgment of the awarding authority the best interests of the City will be promoted thereby." In short, the bid is unreasonably low and could not be responsibly performed for the bid amount submitted.

Emergency Action:

Emergency action is necessary to allow for timely execution of this contract and construction to protect the safety and welfare of the public.

Alex Cofield

Capital Fiscal Manager

Office of Support Services

Department of Public Service

City of Columbus

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