



July 31, 2107

Reference No. 8618692

Ms. Sharon Lynn
City of Rehoboth Beach
City Hall Complex
229 Rehoboth Avenue
Rehoboth, Delaware 19971

Re: Construction of Contract No. RB-WWTP CIP 03-2017 Rehoboth Beach WWTP Capital Improvement Program Upgrade Phase 1

Dear Ms. Lynn:

Five bids were received and opened for the above referenced project on July 13, 2017. They were tabulated as follows:

Bid	Bidder	Base Bid Price	Total Bid Price
1	Allan Myers MD, Inc.	\$2,199,575.00	\$2,256,555.00
2	Johnston Construction Company	\$2,456,760.30	\$2,517,410.30
3	M2 Construction, LLC	\$2,554,660.00	\$2,609,360.00
4	Bearing Construction Company	\$2,736,799.00	\$2,776,149.00
5	Hopkin Construction, Inc.	\$3,307,850.00	\$3,374,000.00

As requested by the City of Rehoboth Beach, GHD reviewed the bid package submitted by the lowest bidder, Allan Myers MD, Inc. (Myers). Myers' total bid price of \$2,256,555.00 was \$450,139.86 (16.6%) less than the average total bid of \$2,706,694.86, and \$260,885.30 (10.4%) lower than the second lowest bid. Their total bid was \$513,445 (18.5%) less than the Engineer's estimated total bid of \$2,770,000.00.

After reviewing Myers' bid proposal, it was identified that there was a discrepancy of \$20.00 in Article 5 - Basis of Bid, Section C: Total Bid Price between the numerical value and the value in words. The numerical value is the arithmetically correct value. The total bid price in words currently reads "Two Million, Two Hundred Fifty-Six Thousand, Five Hundred Seventy-Five Dollars and Zero Cents," but should read "Two Million, Two Hundred Fifty-Six Thousand, Five Hundred Fifty-Five Dollars and Zero Cents."

It was also identified that Myer's had included an extract from the Delaware Water Pollution Control Revolving Loan Fund, Program Requirements relating to the Equal Opportunity Clause (EO11246) and the Certification of Non-Segregated Facilities, instead of submitting the actual forms for these items. Myers submitted the correct forms upon request by GHD.

Based on a review of Myers' bid proposal, the apparent low bidder is deemed to be responsive and responsible to the requirements of the bid documents. Myers' have complied with the following bid proposal requirements:

- Acknowledged Addenda Numbers 1 and 2
- Submitted the Required Bid Security in the form of a Bid Bond
- Submitted the Bidder's Qualification Statement
- Submitted a List of Subcontractors and Suppliers



- Submitted the required Contractor's License information
- Submitted the Non-Collusive Bidding Certification
- Submitted the Equal Opportunity Employer form
- Submitted the Delaware Water Pollution Control Revolving Loan Fund, Program Requirements:
 - Delaware Water Pollution Control Revolving Fund Compliance Form (EO 11246) (correct form provided after bid)
 - Notice to Prospective Subcontractors of Requirements for Certification of Non-Segregated Facilities compliance form (correct form provided after bid)
 - EPA form number 6100-3 - DBE Program Subcontractor Performance Form
 - EPA form number 6100-4 - DBE Program Subcontractor Utilization Form
 - DBE Rule Term and Condition Form
 - Contractor's American Iron and Steel Certification

Three references were provided by Myers; however, only one of the original references provided, Mount Holly Municipal Utilities Authority, was able to provide any information about their experience with Myers. As such, Myers provided two additional references for a Filter Plant Upgrade in Wilmington Delaware, and an ODEC Raw Water Supply Project in Peach Bottom Pennsylvania. Each of the references was contacted and summaries of the reference calls are listed below, with copies of the complete phone survey results attached.

<i>ODEC Raw Water Supply Project</i>			
Owner	Old Dominion Electric Cooperative Peach Bottom, Pennsylvania 804-747-0592	Contract Amount	\$38,000,000
Consultant	Burns and McDonnell Robert Fayard 816-822-4275	Completed	January 2017
Comments	<p>The following is a review based on phone conversation with Robert Fayard:</p> <p>Project Overview: The project involved the construction of a new pumping station to supply raw cooling water to a power plant. Work done by Allan Myers included excavation and support of excavation for pump station site, new intake structure, new wet well shaft, installation of pump station building and equipment, installation of power generator and placement of five miles of HDPE pipeline.</p> <p>Project Schedule: The project was completed on schedule.</p> <p>Project Budget/Change Orders: Work was completed on budget without any significant change orders from the contractor.</p> <p>Project Quality: The customer was satisfied with the workmanship of the contractor and stated that very little work had to be redone.</p> <p>Summary: Overall the customer was very happy with the performance of Allan Myers, expressing that they would use their services again and would give them a letter of recommendation.</p>		



Maple Avenue and Rancocas Road WWTP Upgrades and Expansion			
Owner	Mount Holly Municipal Utilities Authority Mount Holly, New Jersey 609-267-1100	Contract Amount	\$27,677,475
Consultant	Mount Holly Municipal Utilities Authority Joel Hervey 609-267-1251	Completed	April 2011
Comments	<p>The following is a review based on conversations with Joel Hervey:</p> <p>Project Overview: The project involved the construction of a new headwork structure, an effluent pumping station, drain pumping station and pump and blower. Customer stated that the Maple Avenue plant was built from the ground up.</p> <p>Project Schedule: The project was completed on schedule if not a little early. Due to the project having a single discharge point, the original schedule had to be amended such that both phases of the project had aligning schedules.</p> <p>Project Budget/Change Orders: The contract was completed under budget, the original contract was \$30+ million dollars and the work was completed for \$27,677,475.</p> <p>Project Quality: Customer was very satisfied with the quality of work performed by Allan Myers.</p> <p>Summary: The customer stated that in his 33 years of experience Allan Myers was without a doubt the best contractor that he had ever worked with.</p>		

Brandywine Filter Plant Upgrades			
Owner	City of Wilmington Department of Public Works 302-576-3878	Contract Amount	\$19,000,000
Consultant	City of Wilmington Matthew Demo 267-307-3284	Completed	June 2013
Comments	<p>The following is a review based on a phone conversation with Matthew Demo:</p> <p>Project Overview: The capacity of the plant was increased from 10MGD to 14MGD. The work included removal of the existing filters and replacing them with membrane filters. Additionally five vertical turbine pumps, new chemical systems, concrete and yard piping was installed.</p> <p>Project Schedule: The project was completed on time and the contractor adhered to the schedule.</p> <p>Project Budget/Change Orders: No change orders were submitted by the contractor.</p> <p>Project Quality: The customer was very satisfied with the quality of the workmanship done on the project.</p> <p>Summary: The customer stated that they have worked with Allan Myers on several projects and the contractor is one of the most conscientious groups that they've ever worked with. Allan Myers was always fair during any unforeseen circumstances and that's important on large projects.</p>		



Summary and Recommendation

Based on the information provided, GHD believes that Allan Myers MD, Inc., has been responsive, and is capable of performing the Construction of Contract No. RB-WWTP CIP 03-2017 Rehoboth Beach WWTP Capital Improvement Program Upgrade Phase 1 project within the requirements set forth in the Bid Documents. GHD sees no reason not to recommend the award of the project in the amount of \$2,256,555.00 to Allan Myers MD, Inc.

Sincerely,

GHD INC.

A handwritten signature in blue ink that reads "Kelvin George".

Kelvin George, PE
Project Manager

KSG/cn

Attachments: Allan Myers MD, Inc. Bid Package
Canvass of Bids
Phone Surveys
Executed Rehoboth Compliance Form

BID FORM

CONTRACTOR'S BID
FOR
CONSTRUCTION OF CONTRACT NO. RB-WWTP CIP 03-2017
REHOBOTH BEACH WWTP CAPITAL IMPROVEMENT PROGRAM UPGRADE PHASE 1
CITY OF REHOBOTH BEACH, DELAWARE

ARTICLE 1 - BID RECIPIENT

1.01. THIS BID IS SUBMITTED TO:

City of Rehoboth Beach
City Hall Complex
229 Rehoboth Avenue
Rehoboth Beach, Delaware 19971

- 1.02. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 - BIDDER'S ACKNOWLEDGEMENTS

- 2.01. Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 120 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.
- 2.02. Bidder acknowledges the provisions of the Agreement as to the assignment of the procurement contract for procurement of goods and special services for Clarifier Equipment. The contract documents used by the Owner for the procurement of goods and special services for Clarifier Equipment are included in Appendix 1, Contract Documents for Clarifier Equipment Goods and Special Services.
- 2.03. Bidder acknowledges the provisions of the Agreement as to the assignment of the procurement contract for procurement of goods and special services for Filtration Equipment. The contract documents used by the Owner for the procurement of goods and special services for Filtration Equipment are included in Appendix 2, Contract Documents for Filtration Equipment Goods and Special Services.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01. In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Addendum No.	Addendum Date
<u>Addendum #1</u>	<u>6-27-17</u>
<u>Addendum #2</u>	<u>7-7-17</u>
_____	_____

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- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities) that have been identified in SC-4.02 as containing reliable "technical data", and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in SC-4.06
- E. Bidder has considered the information known to Bidder; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents; and (3) Bidder's safety precautions and programs.
- F. Based on the information and observations referred to in Paragraph 3.01.E above, Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

ARTICLE 4 - BIDDER'S CERTIFICATION

4.01. Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and

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Rehoboth Beach WWTP CIP Upgrade Phase 1

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D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Article:

1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 - BASIS OF BID

5.01. Bidder will perform the Work in accordance with the Contract Documents for the prices shown in the Bid Schedule that follows.

5.02. Bidder acknowledges that Bidder's price(s) constitute Bidder's sole compensation for performing all Work required by the Contract Documents, and if a particular part of the Work is not listed specifically in the Bid Item Descriptions, Bidder has included that part of the Work in the Bid Item Description which it most logically belongs.

A. Schedule A: Lump Sum Bid Items: Lump sum items included all Work in the Contract Documents except items specifically identified as Unit Price Work and Allowances.

ITEM NO.	DESCRIPTION	TOTAL PRICE
A-1	All work required by the Contract Documents for the construction of the Rehoboth Beach WWTP CIP Upgrade Phase 1 that is NOT covered under Parts A-2 to A-3, or Part B (Unit Price Work)	\$ 1,585,797.70 1,668,797. ⁷⁰ RD
A-2	All goods and special services included in the procurement contract for Clarifier Equipment Goods and Special Services (Contract No. RB-WWTP CIP 02-2016) that is NOT covered under B-7 and B-8	\$ 217,420.00
A-3	All goods and special services included in the procurement contract for Filtration Equipment Goods and Special Services (Contract No. RB-WWTP CIP 01-2016) that is NOT covered under B-9 and B-10	\$ 313,357.30
Subtotal (Sum of Items A-1 through A-3)		\$ 2,116,575 2,199,575. RD

Note: Items A-2 and A-3 include original contract price and change orders for the procurement contract less:

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1. Progress payments made by the City of Rehoboth Beach; and,
2. The portion of the original contract price that was for unit price items (trips by the Manufacturer's representative to the Point of Destination and Time for the Manufacturer's representative at the Point of Destination).

B. Schedule B: Unit Price Work: Measurement and payment of Unit Price Work is defined in the General Conditions and Supplementary Conditions.

1. Unit Prices have been computed in accordance with General Conditions Article 11.03.B.
2. Bidders acknowledge that estimated quantities are not guaranteed, and are solely for the purposes of comparison of Bids, and final payment for all Unit Price Work will be based on actual quantities, determined as provided in the Contract Documents.

ITEM No.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	BID PRICE
B-1	Dry Crack Repair	LF	50	\$ 72. ⁰⁰	\$ 3,600. ⁰⁰
B-2	Leaking Crack Repair	LF	20	\$ 145. ⁰⁰	\$ 2,900. ⁰⁰
B-3	Spall less than 3" Deep	SF	10	\$ 250. ⁰⁰	\$ 2,500. ⁰⁰
B-4	Spall greater than 3" Deep	SF	5	\$ 420. ⁰⁰	\$ 2,100. ⁰⁰
B-5	Replace Joint Sealant	LF	40	\$ 102. ⁰⁰	\$ 4,080. ⁰⁰
B-6	ASR Crack Repair (Clarifiers)	LF	400	\$ 54. ⁰⁰	\$ 21,600. ⁰⁰
B-7	Trips by Clarifier Equipment Manufacturer's Representative to the Point of Destination for training, testing and startup.	Trips	4	\$ 550.00	\$ 2,200.00
B-8	Time for Clarifier Equipment Manufacturer's Representative at the Point of Destination for training, testing and startup.	Days	10	\$ 700.00	\$ 7,000.00
B-9	Trips by Filtration Equipment Manufacturer's Representative to Point of Destination for training, testing and startup.	Trips	3	\$ 1,000.00	\$ 3,000.00

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ITEM No.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	BID PRICE
B-10	Time for Filtration Equipment Manufacturer's Representative at the Point of Destination for training, testing and startup.	Days	8	\$ 1,000.00	\$ 8,000.00
Subtotal (Sum of Items B-1 through B-10)					\$ 56,980.⁰⁰

C. Schedule C: Total Bid Price:

1. Determination of the apparent low Bidder shall be based on the Total Bid Price determined as follows.
2. All mathematical errors will be corrected. In case of a discrepancy between unit prices bid and extended totals, unit prices will govern. In case of discrepancy between the correct sum of individual bid items and the (incorrectly) calculated sum, the correct sum of individual bid items will govern.

ITEM No.	TOTAL PRICE
Schedule A Total (Lump Sum Bid Items)	\$ 2,116,575.⁰⁰ 2,199,575 RD
Schedule B Total (Unit Price Work)	\$ 56,980. ⁰⁰
Total Bid Price	\$ 2,173,555.⁰⁰ 2,256,555 RD

TOTAL BID PRICE (in words) Two Hundred Fifty six
Two Million One Hundred Sixteen Thousand Five Hundred
Seventy Five Dollars and zero cents

ARTICLE 6 - TIME OF COMPLETION

- 6.01. Bidder agrees that the Work will be substantially completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 6.02. Bidder accepts the provisions of the Agreement as to liquidated damages.

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