

UNION COUNTY IMPROVEMENT AUTHORITY

1499 US Highway One, North, 3rd Floor Rahway, New Jersey, 07065 www.ucimprovementauthority.org (732) 382-9400 (732) 382-5862 fax

Resolution No.	46-2015	Date: June 3	3, 2015

RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AWARDING A CONTRACT TO BRAHMA CONSTRUCTION CORPORATION FOR ALTERATIONS AND RENOVATIONS TO THE ANNEX AND LOGOS BUILDINGS AT UNION COUNTY COLLEGE, PLAINFIELD CAMPUS, IN PLAINFIELD, NEW JERSEY

APPROVED AS TO FORM: Lisa M. da Silva, RMC Clerk of the Authority APPROVED AS TO SUFFICIENCY OF FUNDS
[] YES [] NO [] NONE REQUIRED
UNION COUNTY IMPROVEMENT AUTHORITY

PRESENT ABSENT AYE NAY ABSTAIN MOTION SECOND Bornstad D'Elia Hines Hockaday Salerno, Secretary Tomko. Treasurer Vollero Rountree, Vice Chair Scutari, Chairman

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WHEREAS, the Union County Improvement Authority (the "Authority") has been duly created by ordinance of the Union County Board of Chosen Freeholders as a public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the "Act"); and

WHEREAS, the Authority previously entered into a Shared Services Agreement with Union County College (the "College"), pursuant to the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., in which the College requested that the Authority assist it the reconstruction and renovation of college facilities at the College's Plainfield Campus (the "Project") by, among other things, providing limited financing, retaining professional services, managing the procurement process and providing construction management services; and

WHEREAS, in accordance with the Shared Services Agreement, on May 8, 2015, the Authority published a notice of bids pursuant to New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, for construction of the Project (the "Project Services"); and

WHEREAS, on May 29, 2015, the Authority received nine (9) bids for the Project Services, as follows:

Brahma	Construction Corp.	
	Base Bid	\$1,996,581
	Plus Bid Contingency/Allowances	450,000
	Plus Alternate #1 and 2	104,992
1	Total	\$2,551,573
Hall Bu	ilding Corp.	
	Base Bid	\$2,192,000
	Plus Bid Contingency/Allowances	450,000
	Plus Alternate #1 and 2	82,000
•	Total	\$2,724,000
Fuscon	Enterprises, Inc.	
	Base Bid	\$2,194,000
	Plus Bid Contingency/Allowances	450,000
	Plus Alternate #1 and 2	107,000
1	Total	\$2,751,000

M & N	A Construction	
	Base Bid	\$2,280,000
	Plus Bid Contingency/Allowances	450,000
	Plus Alternate #1 and 2	85,000
	Total	\$2,815,000
GPC		
GFC	Base Bid	2,307,000
	Plus Bid Contingency/Allowances	450,000
	Plus Alternate #1 and 2	96,000
	Total	\$2,853,000
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Paul C	tto Bldg. Co.	
	Base Bid	\$2,384,000
	Plus Bid Contingency/Allowances	450,000
	Plus Alternate #1 and 2	77,000
	Total	\$2,911,000
Alna C	Construction Corp.	
	Base Bid	\$2,416,000
	Plus Bid Contingency/Allowances	\$ 450,000
	Plus Alternate #1 and 2	<u>\$ 46,000</u>
	Total	\$2,912,000
Unima	k, LLC:	
	Base Bid	\$2,429,000
	Plus Bid Contingency/Allowances	450,000
	Plus Alternate #1 and 2	84,000
	Total	\$2,963,000
DMR		
	Base Bid	\$2,950,906
	Plus Bid Contingency/Allowances	450,000
	Plus Alternate #1 and 2	122,895
	Total	\$3,523,801; and

WHEREAS, the Authority has determined to award both Alternate No. 1 and Alternate No. 2; and

WHEREAS, Brahma Construction Corp. ("Brahma") submitted the apparent lowest total bid price of \$2,551,573, inclusive of Base Bid, Bid Contingency, Allowances No. 1 and No. 2, and Alternates No. 1 and No. 2; and

WHEREAS, on May 29, 2015, Fuscon Enterprises, Inc. ("Fuscon"), the apparent third lowest bidder, challenged the award of the contract to Brahma on the basis that Brahma, as did the apparent second low bidder, Hall Building Corp., failed to name its structural steel and/or miscellaneous steel subcontractors in its bid proposal; and

WHEREAS, upon review by the UCIA's architects, Fuscon's challenge was determined to have no merit because there is no structural steel work associated with the Project; the bid documents do not contain any specifications related to structural steel; the steel lintel beam and handrails are considered miscellaneous metal, the bid documents show the steel lintel beam, railing and handrails as part of the architectural drawings, and the lintel beam and railing work can be self-performed by a general contractor as part of the GC's contract without the need for a structural steel subcontractor; and

WHEREAS, all of the foregoing is borne out by the fact that of the nine (9) bidders, only one bidder, other than Fuscon, named a structural steel subcontractor; and

WHEREAS, on June 2, 2015, Hall Building Corp., the apparent second low bidder, challenged the award of the contract to Brahma on the grounds that Brahma failed to include subcontract prices for its listed subcontractors and, among other things, alleged that Brahma's plumbing subcontractor, L&D Mechanical, lacks the requisite experience and qualifications to perform on this public contract; and

WHEREAS, the failure to include the subcontract amount for each of its listed subcontractors is a waivable, non-material defect that may be cured because the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-16, requires only that subcontractors be named at bid submission, there being no requirement thereunder for disclosure of the subcontract amount, and the UCIA's request for submission of the contract amount is for informational purposes only and provides no advantage to one bidder over another; and

WHEREAS, Brahma cured this waivable, non-material defect by submission of subcontract amounts to the Authority as follows: L&D Mechanical (Plumbing) - \$55,000; Augenti & Civil (HVACR) - \$189,000; and Coviello Electric (Electric) - \$380,000; and

WHEREAS, the Authority investigated Hall Building Corp's allegation that Brahma's subcontractor, L&D Mechanical, is not qualified and lacks experience, and has determined that L&D Mechanical has completed several contracts where Brahma was the General Contractor, including for the Township of Teaneck, William Paterson University, and Montclair State University, with the largest contract completed being a \$300,000 laboratory facility in South Plainfield, New Jersey in 2013; and

WHEREAS, the Authority's professionals have reviewed the bids and recommended that the contract for the Project Services be awarded to Brahma in accordance with N.J.S.A. 40A: 11-1 *et seq*. as the lowest, responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Authority that:

- 1. The foregoing recitals are incorporated herein as if set forth at length; and
- 2. Brahma Construction Corp. is hereby formally declared to be the lowest responsible bidder for the Project Services, and the Chairman and Secretary of the Authority are authorized to execute an agreement with Brahma Construction Corp. in accordance with its bid, and the terms and conditions contained in the bid specifications, as follows:

Base Bid	\$1,996,581
Plus Bid Contingency/Allowances	450,000
Plus Alternate #1 and 2	104,992
Total	\$2,551,573

- 3. The bid security of all other bidders shall be returned to them in accordance with N.J.S.A. 40A:11-1 et seq.; and
 - 4. This resolution shall take effect immediately.