



Project Bid Process and Code Enforcement

*Responsible Contracting Meeting
April 11, 2014*

❖ Bid and Procurement Process

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BID AND PROCUREMENT PROCESS

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John Carrington, Public Works Director
Eric Ohlund, Clerk of Works
Cherie Trahan, Finance Director

BACKGROUND INFORMATION

Public Works Project Funding – Methods

- Smallest projects through quotes or best value selection
 - “Sole-source selection” – bid waiver process
- “Small” projects generally use Town bid process
 - Under ~\$500,000
 - e.g., bridge and road repairs
- Biggest projects are grant-funded and have special bid processes
 - DOT
 - DECD
 - Federal

Competitive Bidding

“Competitive bidding seeks to find the lowest reasonable price for the project through competition for the work. The theory is that many interested contractors have access to the project and that head-to-head competition will produce the best possible price consistent with marketplace conditions.” (Architect’s Handbook of Professional Practice, Vol. 2, AIA 1987)

The Ordinance for Obtaining Goods and Services” - Synopsis

- Defines Bid Process
- Town Charter § C506B(1)(C)
 - Adopted by Town Council 6/22/2009
 - Effective 5/29/2009
- Specifies Director of Finance as “Purchasing Agent”
- Responsibilities of Purchasing Agent:
 - Procure products/services
 - Prepare, issue all bid specifications
 - Qualify/disqualify vendors, bids, proposals, etc.

The Ordinance for Obtaining Goods and Services - Synopsis

“Best Value Method”:

- Purchasing Agent should use all purchasing methods/opportunities available, e.g.,
 - Competitive sealed bids
 - Sole-source procurement
 - Small purchase procedures
- Can take into consideration such factors as:
 - How to obtain *best value*
 - Efficiency of process
 - Timeliness of process and needs of Town

BID PROCESS IN PRACTICE

Bid Process in Practice

1. Bid opening is advertised
2. Bids are made by vendors/contractors
3. Bids go to the Department of Finance
4. Budget Analyst coordinates opening and recording of bids
 1. Director of Finance focuses on the *best value* aspect of bid

Bid Process in Practice

5. Budget Analyst tabulates bid and checks for errors
 - ❖ Error-checking almost always finds small mathematical error(s) made by vendor
6. Once tabulated, bid is sent to appropriate department
7. Department reviews bid
8. In consultation with Finance, bid is awarded

Bid Process in Practice

- Bid Proposal Documents
 - Bid envelope, sealed with following items inside
 - Bid proposal form
 - Schedule of Prices
 - Bid Bond
 - Affidavit of non-collusion
 - Employer report of permanent compliance staffing
 - Affirmative action program cert.
 - Subcontract cert.
 - Statement of Bidder's qualifications

Bid Process in Practice

- Town-only bidding accounts for small percentage of total work/contracting
- Grant-funded projects have special bidding rules
- Town uses state bids for projects like
 - Crack sealing roads
 - Road surfacing
 - Most road materials
 - Catch basin cleaning
 - Road and parking lot striping

BID WAIVER PROCESS

Bid Waiver Process

- “It is the policy of the Town to encourage fair and practicable competition consistent with obtaining the best possible value...”
- Bid waiver/Sole-source procurement used when
 - There is only one practical source for product/service
 - When the best value can be documented for a particular project
- Request for sole-source procurement must be documented
- Must be approved by Director of Finance
- *Explains and documents* why bid process was not used

CONSTRUCTION INSPECTION

Clerk of the Works

- Coordinate, monitor and inspect work of construction contractors for assigned projects on behalf of the Town.
- Review contract documents, architectural drawings and specifications in order to maintain familiarity with assigned projects and insure construction contractor's full understanding of documents.
- Oversee and support contractor submittal of permit applications to the Town's building department and fire marshal.
- Document preconstruction existing conditions in the field.
- Coordinate contractor access to work sites.
- Conduct periodic on-site observations of work in progress. Conduct periodic State-mandated or HUD-mandated labor wage spot checks. Provide reports on all on-site matters, including third-party inspections, progress, safety concerns, and causes for delay.
- Ensure contract compliance by the contractor, and report deficiencies to the contractor, Capital Projects Manager and architect.
- Maintain job-site files, documents, reports and daily log; prepare periodic reports for Town management as required.
- Attend all job-site meetings as a Town representative or in conjunction with the Town Engineer.
- Review requests for progress payments submitted by construction contractor and forward with recommendations to the Town Engineer.

CT Prevailing Wage Law- Coverage

- Conn. Gen. Stat. Section 31-53(g) provides monetary thresholds
- Total cost of all work to be performed by all contractors and subcontractors
- New construction - \$400,000.
- Remodeling, refinishing, refurbishing, rehabilitation, alteration or repair - \$100,000.

CT Prevailing Wage Law - Prevailing Rate

- The prevailing wage rate consists of a base rate and a fringe benefit rate which may be paid in cash and/or benefits.
- Conn. Gen. Stat. Section 31-53(d) permits the Labor Commissioner to adopt and use the prevailing wage rate determinations as have been made by the Secretary of Labor of the United States under the provisions of the Davis-Bacon Act, as amended.
- Under Public Act 02-69 the rates will be adjusted annually on or before July 1st of each year.

CT Prevailing Wage Law - Certifications

- Contractor and the Town must provide certifications to the Labor Commissioner.
- Prior to award, Town shall certify in writing to the Labor Commissioner the total dollar amount of work to be done in connection with the public works project.
- Contractor shall also certify, under oath, to the Labor Commissioner the pay scale to be used by the contractor and any of his subcontractors for the work to be performed under the contract.
- Each employer subject to the prevailing wage law must file weekly certified payrolls with the contracting agent including but not limited to: employee names; occupations; hours worked; rates paid; and the employers compliance with various provisions of law.

CT Prevailing Wage Law - Penalties

- Failure to pay the prevailing rate is a crime which may be a felony depending upon the amount of unpaid wages.
- Knowingly filing a false certified payroll or failure to file a certified payroll is a Class D felony for which an employer may be fined up to \$5000, imprisoned for up to five years, or both.
- Disregarding obligations under Conn. Gen. Stat. Section 31-53 may result in an administrative debarment which may preclude any firm, corporation, partnership or association in which such person or firms have an interest from receiving an award of a contract until a period of up to three years have elapsed.
- Civil penalties of \$300 per violation of law may also be assessed upon the employer.

PROJECT EXAMPLES

Contracted Projects – Last 5 Years

Project	Funding	Approx. Amount
Birch Road Bikeway Phase 2	ARRRA project	\$400,000
Mansfield City Road Overlay	ARRRA project	\$350,000
Town road chipseals & overlays	Town bid, state bid	\$200,000/yr
Town road and parking lot striping	Town bid, State bid	\$35,000/yr
Laurel Lane Bridge	Fed bridge program, Town bid	\$800,000
Stone Mill Road Bridge	Fed bridge program, Town bid	\$800,000
Storrs Road/Dog Lane Streetscape & Utilities	State & Fed funds, Town bid	\$3.8M + \$1.4M
Storrs Center Parking Garage	State funds, Town bid	\$10M
Demo of UConn's publication building	State funds, Town bid	\$200,000
Maple Road gas line excavation	Town bid	\$80,000
Refuse and Recycling Collection	Town bid	\$400,000

Contracted Projects – Last 5 Years

Project	Funding	Approx. Amount
Hauling refuse, recyclables and other materials out of the Transfer Station	MidNEROC bid	\$35,000
Grinding wood waste at the Transfer Station	MidNEROC bid	\$7500
Town road crack sealing	State bid	\$5,000/yr
Town road catchbasin cleaning	State bid	\$7,000 every other year
Salt Shed Construction	Town bid	\$240,000
Lions Club 4 th field seeding & irrigation system	Town bid	\$40,000
Clean Diesel Retrofit project for school busses	Federal grant, Town bid	\$250,000
Middle School CoGen project	Mansfield Schools project – we helped with inspection	\$3.2M
Reynolds School Renovation project	Ditto	??

BUILDING AND FIRE CODE INSPECTIONS

Responsible Contracting Meeting
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Mike Ninteau, Building & Housing Inspection Director
Fran Raiola, Deputy Chief / Fire Marshal

Process

1. Builder contacts the Town about Building/Fire inspection
 2. Inspector is sent by the Town
 3. Inspector checks site for compliance with Building/Fire code
 4. Inspector creates report based on observations
 1. Inspector notes any discrepancies
 2. If any discrepancies, inspector follows up with builder before next phase of the project
- Building & Fire Codes are different, but harmonious

Building Code Inspections

- Goal: To ensure safety of the public through code-compliant construction of buildings
- Pertains mostly to incomplete construction
- Regular checkups during construction
- Not retroactive – unless building becomes inherently unsafe due to:
 - fire damage,
 - flood damage,
 - storm damage,
 - lack of maintenance, etc.

Fire Code Inspections

- Goal: To ensure safety of the public through compliance with the *Fire & Life Safety Codes*
- Pertains to new and existing structures
- Inspections through all phases of construction, then regular inspections as an existing occupancy

Building Code – Storrs Center Example

- Features examined:
 - Footing
 - Structure
 - Mechanical, electrical, plumbing (MEP)
 - Any temporary installations
 - Ensure compliance with sanitary temp. plumbing guidelines
 - Insulation
 - Any specific features
- If in compliance with Building Code, the Building Official issues a Certificate of Occupancy (CO) with approval of Fire Marshal

Fire Code – Storrs Center Example

- Features examined:
 - Underground fire protection mains
 - Gas equipment
 - Utilities
 - Fire-proofing of steel
 - Sprinkler systems
 - Stand pipes
 - Emergency power systems
 - Fire alarms
- Approves the Occupant Load

Fire Code – Storrs Center Example

- Emergency services access:
 - Temporary stairs
 - Gates with appropriate width for emergency vehicles
 - Stand pipes
 - Egress – primary and secondary
- Safety of flammable/combustible materials
- Safety of other hazardous materials

Fire Code – Storrs Center Example

- Signoff to Building for CO once building is in compliance
- More verification than inspection
 - E.g., cranes, licenses, certifications, etc.
- Inspectors will check:
 - Residences and restaurants annually
 - Smaller businesses less often – every two or three years

ZONING ENFORCEMENT INSPECTION

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Curt Hirsch, Zoning Agent



Zoning Enforcement Inspection

- Goal: To ensure that a proposed project is developed according to approved plans and conditions and to limit any land disturbance to the immediate site
- Inspections
 - Zoning Permit specifies inspection requirements on project-by-project basis, often based on PZC approval conditions
 - Common examples include limits on hours of construction activity, construction vehicle traffic patterns and monitoring reports for erosion controls
 - New structures required to provide footing/foundation as-built surveys prior to further construction

Zoning Enforcement Inspection

- Inspections (continued)
 - Zoning Agent monitors construction for deficiencies in compliance and conditions that warrant additional measures
 - Number of site visits during construction varies depending on scale of project
 - As site development nears completion, Zoning Agent verifies completion of required elements per approved plans
 - Certificate of Compliance issued upon completion of required site elements. May be issued earlier if public health and safety components are completed and arrangements are made to guarantee completion of remaining elements such as landscaping

SCOPE OF AUTHORITY

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Mike Ninteau, Building & Housing Inspection Director
Fran Raiola, Deputy Chief / Fire Marshal
Eric Ohlund, Clerk of Works

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Scope of Authority

- Situation of Safety Concern
- Referral Matters