

Board of Directors Special Meeting Agenda

February 22, 2022 - 6:00 p.m.

All panelists and attendees will connect to the meeting online via Zoom Webinar;
there will be no in-person option to attend.

Everyone is welcome to join us using this link –

<https://fpschools.zoom.us/j/82609402546?pwd=YVV5cDFBTnNLNEtyQ3MzVk02b09uUT09>

or by phone at +1 (253) 215 8782 or +1 (346) 248 7799 or +1 (312) 626 6799. Webinar
ID: 826 0940 2546 Password: Ws022222

Call Special Meeting to Order: Dr. Gil Mendoza

1. Superintendent's Update
2. Bid Protest: Recommendation to Award Contract - FP Performing Arts Center
3. Board Action: Recommendation to Award Contract - FP Performing Arts Center
4. Other



Franklin Pierce Schools

315 129th Street S, Tacoma, WA 98444
253-298-3010, Fax 253-298-3015
www.fpschools.org

MEMORANDUM

TO: Board of Directors
FROM: Robin Heinrichs, Executive Director of Support Services
DATE: February 22, 2022
SUBJECT: Bid Protest - Franklin Pierce School District Performing Arts Center

BACKGROUND INFORMATION

On February 18, 2022, Neeley Construction provided the District with written notice of a bid protest concerning information from the bid opening for the Franklin Pierce School District Performing Arts Center project. The protest centered on the fact that several of the bidders had named separate subcontractors for the Plumbing work in Division 22 and HVAC work in Division 23. Neeley stated that those bids should be determined to be unresponsive since they did not conform to the requirements of the bid specifications in Section 20000 which states that all work included in Division 22 and 23 is to be the responsibility of a single mechanical contractor.

The letter of protest was forwarded on to the project architect who determined that the argument presented by Neeley Construction was not strong since the state law only requires that the mechanical subcontractors be named.

We subsequently forwarded the letter of protest and the architect's determination to our attorney who reviewed the situation and rendered the following legal opinion:

Mr. Heinrichs,

In my opinion the wording of the Specification language, stating that a single Mechanical Contractor shall have the "responsibility" for both Sections 22 and 23 work, creates an ambiguity when read with the language of the Subcontractor listing statute. The ambiguity could have been cured either: by stating that the "listed" Subcontractor must be the same for both; or by a clear statement in the Instructions to Bidders. The ambiguity is reflected in the bids submitted by knowledgeable, experienced contractors.

If there were a clear Instruction to Bidders requiring the "listed" Mechanical and HVAC subcontractors be the same, then that would clearly present a question of statutory interpretation. I have not seen a case clarifying that question.

It is my opinion that the Board may legally award the contract to the lowest responsible bidder.

*Respectfully yours,
Darrel*

Based upon this legal opinion, I have directed the architect to issue a written response to Neeley Construction advising them of our determination.

RECOMMENDATION

None.

ACTION REQUIRED

None. This is an information only item.



February 18, 2022

Superintendent
Franklin Pierce School District
315 129th Street South
Tacoma, WA 98444

RE: Franklin Pierce High School – Performing Arts Center – **Bid Protest**

Superintendent,

For the Franklin Pierce High School – Performing Arts Center, that was bid on February 17th, 2022, we are protesting the responsiveness of the General Contractors that listed separate subcontractors for the HVAC and Plumbing scopes of work. Following the instructions to bidders, we offer the following items:

Protesting Contractor

Neeley Construction Company

Description of the Protest

- In specification section 20000 General Mechanical Requirements, 1.01 General, paragraph C, it states the following;
 - o All work included in Division 22 and 23 shall be the responsibility of a single Mechanical Subcontractor.
- The submitted bids for Jones & Roberts Co., Pease & Sons Inc, Lincoln Construction and Kassel & Associates all listed separate subcontractors for the scopes of work in Division 22 Plumbing and Division 23 HVAC. As such, they do not meet the requirements of the specification listed above.
- The utilization of separate subcontractors for the General Contractors listed above, creates an unfair advantage against the General Contractors that listed a single source as required. Following the specification necessitated decisions and provisions to meet this requirement.

Relief Requested

- The submitted bids for Jones & Roberts Co., Pease & Sons Inc., Lincoln Construction and Kassel & Associates, should all be considered as non-responsive and not be included in the evaluation and award of this contract.

Thank you for your consideration,


Mitch Neeley
President, Neeley Construction Company



Franklin Pierce Schools

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253-298-3010, Fax 253-298-3015
www.fpschools.org

MEMORANDUM

TO: Board of Directors
FROM: Robin Heinrichs, Executive Director of Support Services
DATE: February 22, 2022
SUBJECT: Recommendation to Award the Contract for Construction of the Franklin Pierce School District Performing Arts Center

BACKGROUND INFORMATION

The Support Services Department recommends award of the contract to construct the Franklin Pierce School District Performing Arts Center to Jones and Roberts Company of Olympia, Washington in the amount of \$14,040,000.00 which includes the base bid, \$14,025,000.00:

Base Bid	\$14,025,000.00
Alternate A-3 Leak Detection	\$ 15,000.00
Total Contract Award	\$14,040,000.00

A copy of the bid tabs showing all bidders on the contract and the pricing for the alternate has been included as reference.

RECOMMENDATION

I move that the Board of Directors award the contract for construction of the Franklin Pierce School District Performing Arts Center to Jones and Roberts Company of Olympia, Washington in the amount of \$14,040,000.00. This amount includes only the base bid and bid alternate A-3.

ACTION REQUIRED

February 22, 2022

Board of Directors
Franklin Pierce School District No. 402
315 129th Street South
Tacoma, WA 98444

Re: Franklin Pierce School District Performing Arts Center - Recommendation to Award Contract

Dear Board,

The bid opening for the Franklin Pierce School District Performing Arts Center occurred on February 17, 2022. A total of eight responsive bids were received. After reviewing the bids and consulting with district administration, we recommend awarding the contract to the responsible low bidder, Jones and Roberts Construction from Lacey, Washington.

The contract amount shall be as follows:

Base Bid:	\$14,025,000.00
Alternate Bid A-3 (Roof Leak Detection)	<u>\$ 15,000.00</u>
Recommended Contract Amount	\$14,040,000.00

Erickson McGovern has worked with Jones and Roberts Construction in the past with good success. We feel that they will be a very capable general contractor for this project.

Sincerely,



Raymond Mow, AIA
Principal

X:\2020-01 FPHS PAC\7 Specs - Bidding\B - Bid Tab\2020-01 FPHS PAC Recommendation to Award Contract 2-22-22.docx



BIDDERS		Forma Construction	Lewis/Cutler Construction	Kassel & Associates	Pease Construction, Inc.
BID BOND		Yes	Yes	Yes	Yes
NUMBER OF ADDENDA		1,2,3,4,5	1,2,3,4,5	1,2,3,4,5	1,2,3,4,5
BASE BID		\$14,575,000.00	\$15,519,500.00	\$14,397,000.00	\$14,068,000.00
TRENCH EXCAVATION SAFETY PROVISIONS		\$2,500.00	\$5,000.00	\$5,000.00	\$10,000.00
UNIT PRICES					
1	Excavation of Unsuitable Soil (Per Bank Cubic Yard)	\$25.00	\$42.00	\$28.00	\$40.00
2	Import and Place Structural Fill (Per Bank Cubic Yard)	\$30.00	\$37.00	\$33.00	\$50.00
ALTERNATE BIDS					
A-1	Phenolic Cladding	\$119,500.00	\$195,700.00	\$387,000.00	\$250,000.00
A-2	Not used	n/a	n/a	n/a	
A-3	Leak Detection	\$15,700.00	\$16,600.00	\$15,000.00	\$15,000.00
A-4	HS Entry Vestibule	\$499,600.00	\$454,950.00	\$188,000.00	\$274,000.00
T-1	Acoustic Tower Shells	\$110,000.00	-\$52,900.00	\$195,000.00	-\$1,000.00
T-2	Added Rigging	\$76,600.00	\$78,200.00	\$142,000.00	\$76,000.00
AV-1	Wireless Microphone	-\$19,600.00	-\$18,000.00	-\$20,000.00	-\$40,000.00
AV-2	AV Loose Equipment	-\$16,800.00	-\$15,000.00	-\$17,000.00	-\$38,000.00
SUBCONTRACTOR LISTING					
HVAC		Crescent Mechanical	Crescent Mechanical	Capital Heating and Cooling	Capital Heating and Cooling
PLUMBING		Crescent Mechanical	Crescent Mechanical	Diamond Plumbing and Heating	Capital Heating and Cooling
ELECTRICAL		Systems Solutions of Washington	Groff Electric	Systems Solutions of Washington	Systems Solutions
FIRE SPRINKLER		Fireshield	Knight Fireprotection	knight fireprotection	FSI
EARTHWORK		JSB Contractors	CSE	JSB Contractors	JSB Contractors
STRUCTURAL STEEL INSTALL		Riverside Steel Erectors	PCS Erectors	Riverside Steel Erectors	Riverside
REBAR INSTALLATION		Farwest Steel	Lewis Cutler	Grizzly Bar	Grizzly

THIS IS TO CERTIFY THAT THE ABOVE FIGURES ARE A TRUE AND ACCURATE TABULATION OF BIDS RECEIVED:

Ray Mow, AIA



BIDDERS		Jones & Roberts Co.	Pease & Sons Inc.	Neeley Construction	Lincoln Construction	
BID BOND		Yes	Yes	Yes	Yes	
NUMBER OF ADDENDA		1,2,3,4,5	1,2,3,4,5	1,2,3,4,5	1,2,3,4,5	
BASE BID		\$14,025,000.00	\$14,315,318.00	\$14,040,000.00	\$15,218,000.00	
TRENCH EXCAVATION SAFETY PROVISIONS		\$1,000.00	\$500.00	\$5,000.00	\$2,500.00	
UNIT PRICES						
1	Excavation of Unsuitable Soil (Per Bank Cubic Yard)	\$45.00	\$44.00	\$28.00	\$28.00	
2	Import and Place Structural Fill (Per Bank Cubic Yard)	\$40.00	\$39.00	\$28.00	\$33.00	
ALTERNATE BIDS						
A-1	Phenolic Cladding	\$157,000.00	\$222,264.00	\$320,000.00	\$260,000.00	
A-2	Not used	n/a				
A-3	Leak Detection	\$15,000.00	\$19,836.00	\$15,000.00	\$17,000.00	
A-4	HS Entry Vestibule	\$305,000.00	\$378,328.00	\$315,000.00	\$317,000.00	
T-1	Acoustic Tower Shells	\$107,000.00	\$110,532.00	\$107,000.00	\$109,000.00	
T-2	Added Rigging	\$74,000.00	\$76,963.00	\$74,000.00	\$76,000.00	
AV-1	Wireless Microphone	-\$19,500.00	-\$32,358.00	-\$20,000.00	-\$20,000.00	
AV-2	AV Loose Equipment	-\$16,500.00	-\$29,357.00	-\$17,000.00	-\$17,000.00	
SUBCONTRACTOR LISTING						
HVAC		Capital Heating and Cooling	delta technology	Capital Heating and Cooling	Capital Heating and Cooling	
PLUMBING		Pac West Mechanical	pease piping	Capital Heating and Cooling	Pac West Mechanical	
ELECTRICAL		System Solutions of Washington	System Solutions	System Solutions of Washington Inc	System Solutions	
FIRE SPRINKLER		Knight Fire	Knight Fire	Fireshield Inc	Fire Sprinklers Inc	
EARTHWORK		Capital Septic and Excavation	Capital Septic and Excavation	JSB Contractors LLC	Fenix Earthworks	
STRUCTURAL STEEL INSTALL		Riverside Steel Erectors	Pease & Sons Inc.	Pipers-Caluori Steel Erectors LLC	Moe's Welding	
REBAR INSTALLATION		Jones and Roberts	Pease & Sons Inc.	Farwest Steel Reinforcing Company	Grizzley Bar	

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Ray Mow, AIA