

BATAVIA CITY COUNCIL SPECIAL CONFERENCE MEETING

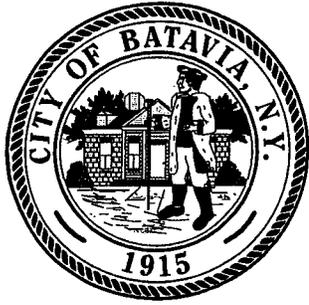
City Hall - Council Board Room
One Batavia City Centre
December 21st 2023 at 9:00 a.m.

AGENDA

- I. Call to Order
- II. Invocation – Councilmember Viele
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications

 - a. Nothing At This Time
- VII. Council President Report
 - a. Announcement of the next City Council Meeting to be held on Monday, January 8th, 2024 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
- VIII. New Police Facility General Contracting Bid Award ***
- IX. New Police Facility Electrical Bid Award ***
- X. New Police Facility Mechanical Bid Award ***
- XI. New Police Facility Plumbing Bid Award ***
- XII. New Police Facility Site Construction Bid Award ***
- XIII. Transportation Alternatives Program (TAP) Grant ***
- XIV. Adjournment

***Move to Today's Business Agenda



City of Batavia

Memorandum

To: Honorable City Council

From: Brett Frank, Director of Public Works

Date: December 7, 2023

Subject: New Police Station Bid Awards

The Department of Public Works issued a Request for Bids in October of 2023 for the New Police Station Project.

On November 21, 2023, bids documents were opened and reviewed by City, Architecture Unlimited, and Ashley McGraw Engineers staff.

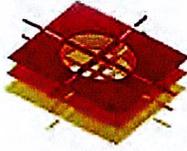
- We received a total of seven bidders on the general contracting portion of the project. After reviewing all of the proposals, we chose to move forward with Building Innovation Group as the winning bidder for the project in the amount of \$5,468,698.
- We received a total of five bidders on the electrical contracting portion of the project. After reviewing all of the proposals, we chose to move forward with Kaplan Schmidt Electric, Inc. as the winning bidder for the project in the amount of \$1,365,500.
- We received a total of four bidders on the HVAC mechanical contracting portion of the project. After reviewing all of the proposals, we chose to move forward with Crosby-Brownlie, Inc. as the winning bidder for the project in the amount of \$1,897,200.
- We received a total of three bidders on the plumbing/fire contracting portion of the project. After reviewing all of the proposals, we chose to move forward with MKS Plumbing Corp. as the winning bidder for the project in the amount of \$895,000.
- We received a total of seven bidders on the site contracting portion of the project. After reviewing all of the proposals, we chose to move forward with Ingalls Development as the winning bidder for the project in the amount of \$1,559,500.

We recommended City Council to award the contracts at the December 21st, 2023 business meeting.

Supporting Documentation:
Bid Tabulation
Recommendation Letter
Resolution

Department of Public Works
One Batavia City Centre
Batavia, New York 14020

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Building Science Services, LLC

8304 Main Street
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www.BuildingScienceServices.com

December 15, 2023

Mrs. Rachael J. Tabela – City Manager
City of Batavia
One Batavia City Centre
Batavia, New York 14020

**Re: City of Batavia – New Police Department Project
City Contract ID No. 21007
BSS Project No. 22-01**

Rachael,

Bids were submitted and opened publicly at 10:00 a.m. on November 21st, 2023 regarding five separate prime contracts for the above referenced project. The bidding was a result of robust public outreach and promotion, primarily thru the NYS Contract Reporter and the Construction Exchange of WNY.

In reviewing the bid process, as well as the bid evaluations conducted by the AE team led by Ashley McGraw, I can affirm that the AE has reviewed the bids in accordance with the provisions set forth in the Owner/Architect Agreement as well as Article 5 of the Instructions to Bidders provided in the Bid Documents. Of note:

§5.2 provides that “Unless otherwise prohibited by law, the Owner shall have the right to reject any or all bids”.

§5.3.1 provides that “It is the intent of the Owner to award a Contract to the lowest responsive and responsible Bidder...” and further, that “Unless otherwise prohibited by law, the owner shall have the right... to accept the Bid which, in the Owner’s judgement, is in the Owner’s best interests”.

Five (5) separate contracts were let as part of this Bid, each receiving at least three bids, and some receiving as many as seven bids.

Four of five bids successfully received a bid that can be judged to be both ‘the lowest responsive bid’ and the ‘lowest responsible bid’, those being Contracts 1, 3, 4 & 5 (General Construction, HVAC, Electrical, and Plumbing/Fire Protection).

As you are aware, the lowest bid for Contract 2, that being Site Construction received from Double A Services, could not be determined by our review to meet the standards for being judged ‘the lowest responsive and responsible bid’.

This Bidder's amount was too far below both the AE's estimated costs for construction, as well as too far below the other market values presented by the six (6) other bids received. Double A Services could not provide satisfactory responses to the AE team to allow them to judge that the bidder would have enough resources to successfully complete the project work if a contract was awarded. Further, Double A Services was unresponsive to the City's separate invitation to come forth and meet with City Officials to review their bid.

As a result, it is my professional opinion and recommendation that the following be judged the lowest responsive and responsible bidders, and that the City accept the respective bids, and commence the process of entering into agreements, pursuant to the requirements of the Batavia City Council:

- For Contract 1 – General Construction:
Building Innovation Group, Inc., in the amount of **\$5,468,698.00**
- For Contract 2 – Site Construction:
Ingalls Site Development, Inc., in the amount of **\$1,559,500.00**
- For Contract 3 – HVAC/Mechanical Construction:
Crosby Brownlie, Inc., in the amount of **\$1,897,200.00**
- For Contract 4 – Electrical Construction:
Kaplan-Schmidt Electric, Inc., in the amount of **\$1,365,500.00**
- For Contract 5 – Plumbing Construction:
MKS Plumbing Corporation, in the amount of **\$ 895,000.00**

The total contracted amount for the project will be \$11,185,898.00. Please contact me if you have any questions or require further information.

Respectfully Submitted,
Building Science Services, LLC


Kenneth W. Pearl, RA
Partner

cc: Mr. George Van Nest – Counsel for City of Batavia
Mr. Brett Frank – Director Public Works, City of Batavia

ASHLEY MCGRAW



December 15, 2023

Ms. Rachael Tabelski
One Batavia City Centre
Batavia, NY 14020

Re: AM Project No. 21104
New Police Facility Project Bid

Dear Ms. Tabelski:

Bids for the New Police Facility Project were received on November 21, 2023 at the Batavia City Council Chambers in Batavia NY. A copy of the bid tabulation sheet is enclosed for your information. A total of TWENTY SIX (26) bids were received for the FIVE (5) proposed prime contracts. At least THREE (3) bids were received for each prime contract.

Ashley McGraw has reviewed the bids as submitted and contacted the apparent low bidders to perform a "de-scoping" of their bid. De-scoping involves reviewing the bid forms for accuracy, confirming addenda were received and understood, review of bid security, checking past experience, and a general review of the scope of work to be performed. This is done so that the City ultimately awards the contract to the lowest responsible bidder.

Following the de-scoping process, we are able to provide this letter of recommendation of the following responsible low bidders to the City of Batavia for its approval for each prime contract.

Contract	Contractor	Amount (including Alternates)
General Construction	Building Innovation Group	\$ 5,468,698
Electrical	Kaplan Schmidt Electric, Inc.	\$ 1,365,500
Mechanical	Crosby-Brownlie, Inc.	\$ 1,897,200
Plumbing	MKS Plumbing Corp.	\$ 895,000
Site	Ingalls Development	\$1,559,500

We are recommending the following alternates be accepted and the above proposed contract amounts include acceptance of these alternates: GC-1, GC-2, EC-1, and PC-1, at a total cost of \$132,880.00.

If you have any questions, please do not hesitate to give me a call.

Very truly yours,
Ashley McGraw Architects, D.P.C.

A handwritten signature in blue ink, appearing to read 'AS', with a long horizontal flourish extending to the right.

Andrew Schuster AIA, NCARB, LEED AP
Principal | Ashley McGraw Architects, D.P.C.
Attached: Bid Tabulation Report.

#XX-2023

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH BUILDING
INNOVATION GROUP FOR GENERAL CONSTRUCTION SERVICES FOR
THE POLICE FACILITY PROJECT**

Motion by Councilmember

WHEREAS, The City Council of the City of Batavia authorized the project for the Police Facility; and

WHEREAS, a request for construction bids was released for contractors to construct the project as specified in the project construction documents. The lowest responsible bidder for general construction is Building Innovation Group of East Rochester, New York.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the award of a contract for construction services for the Police Facility Project to Building Innovation Group of East Rochester, New York in the amount of \$5,468,698.

**Motion Seconded by Councilmember
And on roll call**

DRAFT

#XX-2023

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH KAPLAN
SCHMIDT ELECTRIC INC. FOR ELECTRICAL CONTRACT FOR THE
POLICE FACILITY PROJECT**

Motion by Councilmember

WHEREAS, The City Council of the City of Batavia authorized the project for the Police Facility; and

WHEREAS, a request for construction bids was released for contractors to construct the project as specified in the project construction documents. The lowest responsible bidder for electrical contract is Kaplan Schmidt Electric, Inc. of Rochester, New York.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the award of an electrical contract for the Police Facility Project to Kaplan Schmidt Electric, Inc. of Rochester, New York in the amount of \$1,365,500.

**Motion Seconded by Councilmember
And on roll call**

DRAFT

#XX-2023

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH CROSBY-BROWNLIE, INC. FOR MECHANICAL CONTRACT FOR THE POLICE FACILITY PROJECT

Motion by Councilmember

WHEREAS, The City Council of the City of Batavia authorized the project for the Police Facility; and

WHEREAS, a request for construction bids was released for contractors to construct the project as specified in the project construction documents. The lowest responsible bidder for mechanical contract is Crosby Brownlie, Inc. of Rochester, New York.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the award of a mechanical contract for the Police Facility Project to Crosby Brownlie, Inc., Inc. of Rochester, New York in the amount of \$1,897,200.

Motion Seconded by Councilmember

And on roll call

DRAFT

#XX-2023

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH MKS PLUMBING
CORP. FOR PLUMBING CONTRACT FOR THE POLICE FACILITY
PROJECT**

Motion by Councilmember

WHEREAS, The City Council of the City of Batavia authorized the project for the Police Facility; and

WHEREAS, a request for construction bids was released for contractors to construct the project as specified in the project construction documents. The lowest responsible bidder for Plumbing contract is MKS Plumbing Corp. of West Seneca, New York.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the award of a plumbing contract for the Police Facility Project to MKS Plumbing Corp. of West Seneca, New York in the amount of \$895,000.

Motion Seconded by Councilmember

And on roll call

DRAFT

#XX-2023

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH INGALLS
DEVELOPMENT FOR SITE CONSTRUCTION FOR THE POLICE FACILITY
PROJECT**

Motion by Councilmember

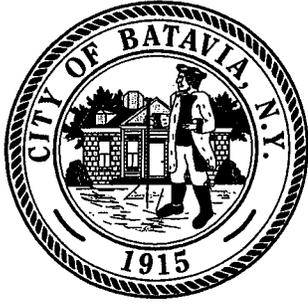
WHEREAS, The City Council of the City of Batavia authorized the project for the Police Facility; and

WHEREAS, a request for construction bids was released for contractors to construct the project as specified in the project construction documents. The lowest responsible bidder for site construction is Ingalls Development of West Seneca, New York.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the award of a contract for site construction for the Police Facility Project to Ingalls Development of West Seneca, New York in the amount of \$1,559,500.

**Motion Seconded by Councilmember
And on roll call**

DRAFT



City of Batavia

Memorandum

To: Honorable City Council

From: Rachael J. Tabelski, City Manager

Date: December 14, 2023

Subject: Transportation Alternatives Program (TAP) grant

On September 29, 2023, Governor Kathy Hochul announced \$165 million in new funding is available under the Transportation Alternatives Program (TAP). TAP supports bicycle, pedestrian, multi-use path and transportation-related projects and programs. Projects support community-based investments designed to strengthen the cultural, aesthetic, and environmental aspects of local and regional transportation systems while promoting safety and mobility.

The funding is available for projects that create new and enhance existing bicycle and pedestrian facilities, improve access to public transportation, create safe routes to schools, convert abandoned railway corridors to pedestrian trails, and help reduce congestion and greenhouse gas emissions from the transportation sector.

The City of Batavia desires to install over 10,000 linear feet of sidewalks on South Swan, Swan, Jackson and Ross Streets to connect Jackson Elementary School with Batavia Middle School.

The TAP grant program provides up to \$5 million in grant funding for communities to implement alternative transportation projects, funding 80% of the total project cost. The 20% local match is typically covered by CHIPS funding received from New York State to support continual street maintenance.

Currently the project estimates are being refined but the total project cost is estimated to be \$1.2 million, making the City's local match approximately \$240,000. The City can use CHIP's funding in addition to other City funding as part of the City's local match.

I recommend that the City Council of the City of Batavia support the Swan, Jackson, and Ross School Corridor TAP application and continue to improve the City's sidewalk network.

#XX-2023

**A RESOLUTION TO SUPPORT THE SUBMISSION OF A 2024 TRANSPORTATION
ALTERNATIVES PROGRAM GRANT**

Motion of Councilmember

WHEREAS, the New York State Department of Transportation announced the availability Transportation Alternatives Program (TAP) grant funding; and

WHEREAS, the TAP grant program provides up to \$5 million in grant funding for communities to implement alternative transportation projects; and

WHEREAS, the TAP grant program provides up to 80 percent of total project costs; and

WHEREAS, the City of Batavia desires to install sidewalks on South Swan, Swan, Jackson and Ross Streets to connect Jackson Elementary School with Batavia Middle School;

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia City Council does hereby enthusiastically authorize submission of the Transportation Alternatives Program grant for the sidewalk project

BE IT FURTHER RESOLVED, that the City of Batavia Council authorizes the City's share of the project to equal 20 percent of total project costs.

**Seconded by Councilmember
and on the roll call**