

**Regular Meeting Minutes  
CAPITAL PROJECT BUILDING COMMITTEE  
Room 300 - Plainville Municipal Center**

**Committee:** Capital Projects Building Committee

**Date:** May 29, 2018

**Time:** 6:00 pm

**CPBC Attendees:** Thomas Arcari, Mark Belanger, Danny Carrier, Tom Lozaw, Ken Restelli, Jim Tufts

**Absent:** Steve Martino, Richard Negro

**Also Present:** Assistant to the Town Manager: Scott Colby, Tighe & Bond: Vice President Stephen Seigal

**Early Departure:**

**Call to Order:**

The meeting was called to order at 6:00 PM by Chairman Belanger.

**Approval of Minutes:**

**JIM TUFTS MADE A MOTION TO APPROVE THE MINUTES FROM THE MAY 14, 2018 SPECIAL MEETING. THOMAS ARCARI SECONDED THE MOTION. THE MOTION PASSED 5 YES VOTES, 1 ABSTENTION. MR. LOZAW ABSTAINED FROM VOTING. THE MOTION CARRIED.**

**Bid review for the WPCF Phosphorus Removal Upgrade Project:**

Scott Colby reported that on May 17, 2018 the Town of Plainville opened five bids for the Plainville WPCF Phosphorus Removal Upgrade Project. The low bid was from Daniel O'Connell's Sons from Holyoke MA in the sum of \$11,164,800, the second lowest bid was from Lawrence Brunoli, Inc. from Farmington, CT in the sum of \$11,307,000. On May 21, 2018 Robert Lee, Town Manager, received a bid protest letter from the second low bidder Lawrence Brunoli, Inc.

The letter is as follows:

*Dear Mr. Lee:*

*This comes to you in response to the public bid opening that took place on May 17, 2018 for the above referenced project.*

*During the public opening it was apparent that Daniel O'Connell's Sons (DOS) Company had made an error in submission of their bid. On Item 6 of the unit process that was to be completed by the bidder, DOS provided a unit price of Four Hundred Dollars \$400.00 per ton for the contract required estimated 500 tons. DOS miscalculated the Total Amount of this item to be \$20,000.00 when in fact; the actual total of this item should have been reported as \$200,000.00. During the public Bid opening a member of the audience spoke up and identified the flaw to all those present.*

*To compound this error DOS inappropriately miscalculated their Proposed Contract Price (Item 5.4) as \$10,250,800.00 on the Bid form. Utilizing their written Unit price of \$400.00 per ton for the Contaminated Soils, their proposed Contract Price should have been \$180,000.00 higher or \$10,430,800.00.*

*Lastly on Friday, May 18 I personally visited your office and received a complete copy of Daniel O'Connell's Son bid for the project. Upon review I noticed that my copy was missing pages 2 and 3 of Bid forms. I returned to your office today (May 21, 2018) to examine the original copies that were submitted on bid day and confirmed that Daniel O'Connell's Son bid was in fact incomplete; pages 2 & 3 were missing from O'Connell's bid. This can be corroborated by your assistant Scott Colby Jr.*

*By failing to include these pages with their bid, Daniel O'Connell's Son has violated the terms and conditions of the Bid, the Specifications and the Instructions to Bidders.*

*At a minimum, Daniel O'Connell's Son has failed to comply with the following bid requirements.*

*INSTRUCTION TO BIDDERS, ARTICLE PREPARATION OF BIDS*

*Paragraph 13.1;*

*"A Bid must be made on the Bid form with the Project Manual. The Bid form shall not be altered in any way."*

*Paragraph 13.7:*

*In order to be considered for selection, the Bidder must submit a complete bid package in accordance with these Bidding Documents."*

*Paragraph 13.8:*

*Any deviations in completion of the Bid form and accompanying documents from the instructions provided in this Article may be cause for rejection of the Bid."*

*Daniel O'Connell's Son Company bid is fatally flawed and should be rejected.*

*We ask that the Town of Plainville exercise its discretion as more fully explained in ARTICLE 20, EVALUATION OF BIDS AND AWARD OF CONTRACT and award the contract for the Water Pollution Control Facility Phosphorus Removal Upgrade Project to Lawrence Brunoli, Inc. as the lowest responsible bidder.*

*We are available to discuss this project further at your convenience and look forward to hearing from you.*

*Sincerely,*

*Daniel R. Neagle*

*Vice President*

Mr. Colby reported that after reviewing the bid errors with the Town Attorney Michael Mastrianni, Mastrianni & Seguljic, LLC, the attorney suggested that Tighe & Bond issue a letter of denial or letter of rejection of Brunoli's bid protest. He further suggested that it should address the three issues raised:

- 1) The mistake was a mathematical mistake only (not an error of judgement)
- 2) The mistake when corrected did not change the status of bidders (still low bid); and
- 3) The low bid was submitted complete with no missing pages and that the failure to include the missing pages was a clerical copy mistake by Town staff.

Chairman Belanger asked if the total amount of the bid contract from Daniel O'Connell's Sons \$11,164,800.00 was the figure after it was recalculated. Mr. Colby responded yes.

Mr. Colby then asked Stephen Seigal, Vice President from Tighe & Bond, Engineers/Environmental Specialists to speak to the committee in regards to the review of Daniel O'Connell's Sons project bid.

His letter to Mr. Lee, Town Manager is as follows:

*Dear Mr. Lee:*

*On May 17, 2018, the Town of Plainville opened five bids for the Plainville WPCF Phosphorus Removal Upgrade Project. The bidders and their respective bid prices are attached.*

*As requested, we evaluate the bid information submitted by the apparent low bidder Daniel O'Connell's Sons (DOC) including performance and financial reference information. The results of our evaluation are described below.*

### ***Bid Evaluation***

*The bid submitted by Daniel O'Connell's Sons conforms with the requirements of the bidding documents, and the required attachments were submitted. Note that there was a discrepancy in Item No. 6 on their bid form for "Contaminated Soil, Transportation and Disposal". DOC typed in the price of Four Hundred Dollars (\$400) per ton. However, they multiplied this cost per ton by the specified quantity of 500 tons and miscalculated the Total Amount of the item to be \$20,000. Multiplying \$400 per ton times the 500 ton quantity, the Total Amount of the item should have read \$200,000.*

*The bidding documents are very clear regarding the resolution of such discrepancies. An excerpt from the bid specifications, Page 00200-8, Article 14.1.C reads, as follows:*

- For unit price items, discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of unit prices. Discrepancies between any indicated sum and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between words and figures will be resolved in favor of words.*

*Thus, their corrected bid for Item No. 6 is \$400/ton X 500 tons = \$200,000. Their proposed contract price is therefore increased by the amount \$180,000 which brings their total proposed contract price to \$11,164,800 (including all alternates).*

*For comparison, Tighe & Bond's opinion of probable construction cost for the project was \$11,210,000.*

*DOC has signed the Clean Water Fund Memorandum 2016-003 stating they will conform to the Disadvantaged Business Enterprise (DBE) Subcontractor participation requirements.*

*DOC included statements indicating that DOC has neither participated in adversarial proceedings within the past 5 years, not been terminated or failed to complete work on any project in the past 5 years.*

*We have reviewed the letter that the Town received from Lawrence Brunoli, Inc. (the second lowest bidder) requesting that the Town reject DOC's bid on the basis of the unit price discrepancy and alleged missing two pages from DOC's bid form. Our understanding is that the two pages were not missing, since they were subsequently found in the Town's files, and they were in the correct place in the photocopy that was made for Tighe & Bond immediately after opening bids. And as noted above, the resolution of discrepancies in the bid of the type made by DOC is clearly defined in the bidding documents. In this case, DOC remains the low bidder after correcting for their discrepancy.*

### ***Reference Evaluation for Performance***

*Tight & Bond reviewed the project lists provided with DOC's bid and contacted six reference by telephone to verify DOC's performance with respect to quality of workmanship, work schedules on prior projects, submittal and change order processing, cooperation, and overall satisfaction (see attached reference questionnaire forms). The references contacted have worked with DOC on projects ranging from less than \$7.5 million dollars to over \$35 million dollars. One reference particularly recommended them for very tricky treatment facility upgrades because of their excellence in communication, coordination, and providing low cost alternatives. Based*

*upon the feedback obtained from contacted references, as well as Tight & Bond's own experience working with them, it appears that DOC has the experience to perform the work.*

***Reference Evaluation for Financial Standing***

*In addition, Tighe & Bond evaluated the financial standing of Travelers Casualty and Surety Company of America, the company that provided DOC's bid bond for this project. Travelers Casualty and Surety Company of America has an "A++" (Superior) rating and a financial size category XV (\$2 billion or greater) with AM Best Company.*

***Recommendation***

*Based upon the references that we contacted for this project, we find that Daniel O'Connell's Sons is the lowest responsible bidder for the Plainville Water Pollution Control Facility Phosphorus Removal Upgrade Project. We recommend that the Town of Plainville proceed with awarding the contract for the Plainville Water Pollution Control Facility Phosphorus Removal Upgrade Project to Daniel O'Connell's Sons, contingent upon CT DEEP approving the contract award.*

*Tight & Bond will forward a copy of a draft Clean Water Fund application to the Town for its review. Pending the Town and DEEP's approval, we recommend issuing a "Notice of Award" to DOC notifying them that they are the successful bidder and requesting that they submit the required bonds, certificates of insurance, and MBE/WBE subcontractor verification forms for each subcontractor. After submitting the required securities and forms, a contract can then be executed and a "Notice to Proceed" issued.*

*Please call me at (508) 471-9639 or Paul Moran at (413)875-1314 with questions.*

*Very truly yours,*

*Tight & Bond, Inc.*

*Stephen E. Seigal, P.E.*

*Vice President*

Discussion continued.

**JIM TUFTS MADE A MOTION TO RECOMMEND TO THE PLAINVILLE TOWN COUNCIL TO AWARD THE CONTRACT FOR THE PLAINVILLE WPCF PHOSPHORUS REMOVAL UPGRADE PROJECT TO DANIEL O'CONNELL'S SONS FROM HOLYOKE, MA IN THE SUM OF \$11,164,800.00. THOMAS ARCARI SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE MOTION CARRIED.**

**Approval of Invoices:**

**JIM TUFTS MADE A MOTION TO APPROVED INVOICE #COM-1464-18/1, DATED MARCH 30, 2018 TO WILLIAM B. MEYERS, INC. IN THE SUM OF \$2,680.00. THOMAS ARCARI SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE MOTION CARRIED.**

**Adjournment:**

**JIM TUFTS MADE A MOTION TO ADJOURN THE MEETING. KEN RESTELLI SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE MOTION CARRIED. The meeting ended at 6:25 PM.**

Respectfully Submitted,

Tina Gryguc

Tina Gryguc  
Recording Secretary

**MOTIONS MADE AT THE  
CAPITAL PROJECTS BUILDING COMMITTEE MEETING  
TUESDAY, MAY 29, 2018**

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**Plainville WPCF Phosphorus Removal Upgrade**, May 17, 2018, 2:00 PM  
 Present: Robert E. Lee, Joseph Alosso, Scott Colby, Steve Seigal, Paul Moran  
**Summary of Bids Received**

Item No.	Description	Qty	Daniel O'Connell's Sons			Lawrence Brunoli, Inc.			Methuen Construction			C.H. Nickerson & Co., Inc.			D'Amato Construction		
			Unit Price	Total Price		Unit Price	Total Price		Unit Price	Total Price		Unit Price	Total Price		Unit Price	Total Price	
1	WPCF Improvements	LS	N/A	\$9,120,000.00		N/A	\$9,561,950.00		N/A	\$9,547,763.00		N/A	\$10,244,100.00		N/A	\$13,979,000.00	
2	Cloth Media Filtration System	LS	N/A	\$1,057,900.00		N/A	\$1,057,900.00		N/A	\$1,057,900.00		N/A	\$1,057,900.00		N/A	\$1,057,900.00	
3	Cloth Media Filtration Validation Testing	LS	N/A	\$29,800.00		N/A	\$29,800.00		N/A	\$29,800.00		N/A	\$29,800.00		N/A	\$29,800.00	
4	Cloth Media Filtration Spare Parts	LS	N/A	\$23,100.00		N/A	\$23,100.00		N/A	\$23,100.00		N/A	\$23,100.00		N/A	\$23,100.00	
5	Cloth Media Filtration Extended Warrantee	LS	N/A	\$0.00		N/A	\$0.00		N/A	\$0.00		N/A	\$0.00		N/A	\$0.00	
6	Contaminated Soil Transportation and Disposal	500	\$400.00	\$200,000.00		\$65.00	\$32,500.00		\$100.00	\$50,000.00		\$55.00	\$27,500.00		\$200.00	\$100,000.00	
<b>Proposed Contract Price - Base Bid</b>				<b>\$10,430,800.00</b>			<b>\$10,705,250.00</b>			<b>\$10,708,563.00</b>			<b>\$11,382,400.00</b>			<b>\$15,189,800.00</b>	
Alt 1	Solids Handling Corridor	LS	N/A	\$160,000.00		N/A	\$84,750.00		N/A	\$223,100.00		N/A	\$262,100.00		N/A	\$122,725.00	
Alt 2	SCADA Upgrades	LS	N/A	\$54,000.00		N/A	\$53,000.00		N/A	\$54,700.00		N/A	\$67,100.00		N/A	\$54,600.00	
Alt 3	Actuators for Sludge Valves	LS	N/A	\$52,000.00		N/A	\$84,000.00		N/A	\$66,000.00		N/A	\$85,300.00		N/A	\$72,967.00	
Alt 4	SBR Analyzers	LS	N/A	\$72,000.00		N/A	\$44,000.00		N/A	\$81,900.00		N/A	\$117,300.00		N/A	\$88,900.00	
Alt 5	SBR Influent Phosphorus Analyzer	LS	N/A	\$28,000.00		N/A	\$41,000.00		N/A	\$35,200.00		N/A	\$46,200.00		N/A	\$31,527.00	
Alt 6	Filter Influent Jockey Pump	LS	N/A	\$44,000.00		N/A	\$25,000.00		N/A	\$82,200.00		N/A	\$99,700.00		N/A	\$59,562.00	
Alt 7	Plant Water System	LS	N/A	\$65,000.00		N/A	\$75,000.00		N/A	\$94,400.00		N/A	\$217,500.00		N/A	\$203,425.00	
Alt 8	RTD Feed Pump No. 2 and No. 3	LS	N/A	\$140,000.00		N/A	\$117,000.00		N/A	\$168,600.00		N/A	\$245,000.00		N/A	\$158,860.00	
Alt 9	Primary Clarifier Coagulant Feed System	LS	N/A	\$35,000.00		N/A	\$22,000.00		N/A	\$45,200.00		N/A	\$180,600.00		N/A	\$38,225.00	
Alt 10	Filtrate Force Main	LS	N/A	\$40,000.00		N/A	\$22,000.00		N/A	\$37,600.00		N/A	\$77,400.00		N/A	\$36,720.00	
Alt 11	Equalization Tank Spray Header	LS	N/A	\$44,000.00		N/A	\$34,000.00		N/A	\$38,300.00		N/A	\$115,400.00		N/A	\$80,640.00	
<b>Proposed Contract Price Including All Alternates</b>				<b>\$11,164,800.00</b>			<b>\$11,307,000.00</b>			<b>\$11,635,763.00</b>			<b>\$12,896,000.00</b>			<b>\$16,137,951.00</b>	
Bid Bond Provided			✓			✓			✓			✓			✓		
Addenda Acknowledged			✓			✓			✓			✓			✓		
Evidence of Authority to Sign			✓			✓			✓			✓			✓		
Evidence of Authority to do business in CT			✓			✓			✓			✓			✓		
List of Adversarial Proceedings			✓			✓			✓			✓			✓		
List of Terminated or Failed Projects			✓			✓			✓			✓			✓		
CWF Memorandum			✓			✓			✓			✓			✓		
Plainville Drug and Alcohol Testing Compliance Certification			✓			✓			✓			✓			✓		
CT DAS Prequalification Certificate			✓			✓			✓			✓			✓		
CT DAS Prequalification Update Statement			✓			✓			✓			✓			✓		

Note: There was a discrepancy in Daniel O'Connell's Sons Item No. 6, which indicated a unit price of \$400 and a Total Price of \$20,000. The error was resolved in accordance with Section 00200 in favor of the unit price.

**Clinton Wastewater Treatment Plant Phosphorus  
Reduction Facility  
Clinton, MA**

**CONTRACTOR:** DANIEL O'CONNELL'S SONS

**REFERENCE PROJECT/LOCATION:** CLINTON WASTEWATER TREATMENT PLANT PHOSPHORUS  
REDUCTION FACILITY, CLINTON, MA

**REFERENCE PROJECT COST:** \$7,272,400

**REFERENCE NAME/COMPANY:** Anandan Navanandan, Massachusetts Water Resource  
Authority

**REFERENCE PHONE NUMBER:** 617-570-5425

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**1. Did the Contractor satisfactorily complete all work?**

Yes.

**2. Did they conform to the established project schedule?**

No, there was an issue with the performance of the new filters which delayed the project by about 6 months. This was mainly due to the filter Vendor.

**3. Did they provide adequate submittal and as-built documentation?**

As-built documentation is ongoing. Not bad, no problems.

**4. Did the project have any extra cost claims that are considered to be unfounded?**

No

**5. Were extra cost claims considered to be priced fairly?**

There were extra cost claims, but they were minor and priced fairly.

**6. Did the Contractor have a good competent full-time superintendent?**

Yes.

**7. Was the Contractor generally cooperative with the on-site project observer or Owner's representatives?**

Yes.

**8. Would you recommend the Contractor for a wastewater treatment upgrade project with potentially difficult construction?**

Yes.

**9. Additional comments?**

We've done about 3-4 other projects with them and would recommend.



## **MDC Aeration and Final Settling Tanks Metropolitan District Commission**

**CONTRACTOR:** DANIEL O'CONNELL'S SONS

**REFERENCE PROJECT/LOCATION:** MDC AERATION AND FINAL SETTLING TANKS, HARTFORD, CT

**REFERENCE PROJECT COST:** \$35,586,731

**REFERENCE NAME/COMPANY:** Frank Dellaripa, City of Hartford MDC

**REFERENCE PHONE NUMBER:** 860-757-9975

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**1. Did the Contractor satisfactorily complete all work?**

Yes

**2. Did they conform to the established project schedule?**

Yes

**3. Did they provide adequate submittal and as-built documentation?**

Yes

**4. Did the project have any extra cost claims that are considered to be unfounded?**

No

**5. Were extra cost claims considered to be priced fairly?**

Yes

**6. Did the Contractor have a good competent full-time superintendent?**

Yes

**7. Was the Contractor generally cooperative with the on-site project observer or Owner's representatives?**

Yes

**8. Would you recommend the Contractor for a wastewater treatment upgrade project with potentially difficult construction?**

Yes

**9. Additional comments?**

They were great. They did a large-scale project for us so they should do well with the \$11M project.

## **Charles River Wastewater Treatment Plant Facility Improvements**

### **Charles River Pollution Control District**

**CONTRACTOR:** DANIEL O'CONNELL'S SONS

**REFERENCE PROJECT/LOCATION:** CHARLES RIVER WASTEWATER TREATMENT PLANT FACILITY IMPROVEMENTS, MEDWAY, MA

**REFERENCE PROJECT COST:** \$19,650,800

**REFERENCE NAME/COMPANY:** Elizabeth Taglieri, Charles River Pollution Control District

**REFERENCE PHONE NUMBER:** 508-533-6762

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**1. Did the Contractor satisfactorily complete all work?**

Yes

**2. Did they conform to the established project schedule?**

Yes

**3. Did they provide adequate submittal and as-built documentation?**

Yes

**4. Did the project have any extra cost claims that are considered to be unfounded?**

No, there were change orders, but Daniel O'Connell's Sons helped up keep them as low cost as possible.

**5. Were extra cost claims considered to be priced fairly?**

Yes, they were great about recommending cost saving options. They also provided many no-cost swaps for different products.

**6. Did the Contractor have a good competent full-time superintendent?**

Yes, excellent

**7. Was the Contractor generally cooperative with the on-site project observer or Owner's representatives?**

Yes

**8. Would you recommend the Contractor for a wastewater treatment upgrade project with potentially difficult construction?**

Absolutely

**9. Additional comments?**

Excellent, we had a very tricky upgrade which required constant coordination and a lot of retrofitting within existing buildings and tanks. They were great with communication and the constant coordination. They were beyond excellent and the helped us keep the few large change orders at a low cost.

**West Warwick Wastewater Treatment Plant  
Town of West Warwick, RI**

**CONTRACTOR:** DANIEL O'CONNELL'S SONS

**REFERENCE PROJECT/LOCATION:** WEST WARWICK WASTEWATER TREATMENT PLANT, WEST  
WARWICK, RI

**REFERENCE PROJECT COST:** \$11,487,805

**REFERENCE NAME/COMPANY:** Christine Suvajian, West Warwick Wastewater Division

**REFERENCE PHONE NUMBER:** 401-822-9228

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**1. Did the Contractor satisfactorily complete all work?**

Yes

**2. Did they conform to the established project schedule?**

Yes

**3. Did they provide adequate submittal and as-built documentation?**

Yes

**4. Did the project have any extra cost claims that are considered to be unfounded?**

No

**5. Were extra cost claims considered to be priced fairly?**

Yes

**6. Did the Contractor have a good competent full-time superintendent?**

Yes, there was a project manager there full-time who was great

**7. Was the Contractor generally cooperative with the on-site project observer or Owner's representatives?**

Yes

**8. Would you recommend the Contractor for a wastewater treatment upgrade project with potentially difficult construction?**

Yes

**9. Additional comments?**

They were great to work with, no issues communication or coordinating.

## **Fields Point & Bucklin Wastewater Treatment Plants Narragansett Bay Commission**

**CONTRACTOR:** DANIEL O'CONNELL'S SONS

**REFERENCE PROJECT/LOCATION:** BUCKLIN WASTEWATER TREATMENT PLANT, PROVIDENCE RI

**REFERENCE PROJECT COST:** \$35,367,656

**REFERENCE NAME/COMPANY:** Bill McConnell, CDM

**REFERENCE PHONE NUMBER:** 401-457-0318

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**1. Did the Contractor satisfactorily complete all work?**

Yes

**2. Did they conform to the established project schedule?**

Yes. Minor scheduling delay, but that was because of Owner's requests.

**3. Did they provide adequate submittal and as-built documentation?**

Yes

**4. Did the project have any extra cost claims that are considered to be unfounded?**

No

**5. Were extra cost claims considered to be priced fairly?**

Yes

**6. Did the Contractor have a good competent full-time superintendent?**

yes

**7. Was the Contractor generally cooperative with the on-site project observer or Owner's representatives?**

Yes

**8. Would you recommend the Contractor for a wastewater treatment upgrade project with potentially difficult construction?**

Definitely

**9. Additional comments?**

Good to work with, competent, organized.

## **Palmer Dam and Water Treatment Plant Aquarion Water Company**

**CONTRACTOR:** DANIEL O'CONNELL'S SONS

**REFERENCE PROJECT/LOCATION:** PALMER DAM AND WATER TREATMENT PLANT, STONINGTON, CT

**REFERENCE PROJECT COST:** \$14,093,641

**REFERENCE NAME/COMPANY:** Michael Hiltz, Aquarion

**REFERENCE PHONE NUMBER:** 203-337-5903

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**1. Did the Contractor satisfactorily complete all work?**

Yes

**2. Did they conform to the established project schedule?**

Yes, Owner added scope

**3. Did they provide adequate submittal and as-built documentation?**

Yes

**4. Did the project have any extra cost claims that are considered to be unfounded?**

No

**5. Were extra cost claims considered to be priced fairly?**

Yes

**6. Did the Contractor have a good competent full-time superintendent?**

Yes, very competent

**7. Was the Contractor generally cooperative with the on-site project observer or Owner's representatives?**

Yes

**8. Would you recommend the Contractor for a wastewater treatment upgrade project with potentially difficult construction?**

Yes, they were generally very good and competent.

**9. Additional comments?**

We'd like to hire them again, but are often not the lowest bidder or do not bid on our smaller projects.