

From: Moose, James <jmoose@avconinc.com>
Sent: Monday, March 15, 2021 5:16 PM
To: Eric Payne; Adam Stumb
Cc: Rodgers, Zuzana
Subject: Ashe County Airport - Partial Parallel Taxiway

Guys, there is a lot of information here. I suggest we have a call to discuss this in more detail.

The bid opening for the above referenced project occurred on March 3, 2021 at 11:00 am. James R. Vannoy & Sons Construction was the apparent low bidder. A summary of the bids is below:

We found 3 irregularities in the numbers written on the bid proposal from James R. Vannoy & Sons Construction, however, the errors did not change the number of the bid amount total. We did find one large irregularity in how the bid form was used by James R. Vannoy & Sons Construction and JD Goodrum. Section 20-07 PREPARATION OF PROPOSAL state "The bidder shall submit their proposal on the forms furnished by the Owner. All blank spaces in the proposal forms, unless explicitly stated otherwise, must be correctly filled in where indicated for each and every item for which a quantity is given. **The bidder shall state the price (written in ink or typed) both in words and numerals which they propose for each pay item furnished in the proposal. In case of conflict between words and numerals, the words, unless obviously incorrect, shall govern.**" Both James R. Vannoy & Sons Construction and JD Goodrum wrote out the Total Amount Per item in words and not the Unit Price for each pay item. The bid proposal also states that the Unit Price should be in words. If using the words written out, Tri-County would be the low bidder.

A summary of the DBE/MBE/WBE Participation is below:

- | Schedule 1: | 5% DBE goal |
|-------------|---------------------------|
| Schedule 2: | 5% Combined MBE/WBE |
| Schedule 3: | 14% Combined MBE/WBE goal |

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DBE SUB	PREQUALIFIED STATUS	SCHEDULE 1		Met Schedule Goal	SCHEDULE 2		Met Schedule Goal	SCHEDULE 3		Met Schedule Goal
		\$	%		\$	%		\$	%	
Foothills Construction Services, Inc.	DBE/WBE SUBCONTRACTOR	\$130,993.00	4.90%		\$19,540.00	4.88%		\$33,715.00	20.04%	
M.A. Surety, LLC	DBE/WBE/HUB	\$35,890.05	1.34%		\$3,000.00	0.75%				
		\$166,883.05	6.25%	YES	\$22,540.00	5.62%	YES	\$ 33,715.00	20.04%	YES
JD GOODRUM										
DBE SUB	PREQUALIFIED STATUS	SCHEDULE 1		Met Schedule Goal	SCHEDULE 2		Met Schedule Goal	SCHEDULE 3		Met Schedule Goal
		\$	%		\$	%		\$	%	
Foothills Construction Services, Inc.	DBE/WBE SUBCONTRACTOR	\$138,053.00	4.48%	NO	\$19,740.00	3.85%	NO	\$32,510.00	24.99%	YES

We did find that the numbers reported by JD Goodrum were inaccurate, which is why they are in red.

Also, as the low bidder, James R. Vannoy & Sons Construction was required to get their DBE/WBE/MBE Good Faith Effort (GFE) to us within 5 days. That would have been Monday, March 8. James R. Vannoy & Sons Construction had all the documents delivered to the AVCON Charlotte office, however, no one was in the office at the time of delivery. We have proof of delivery, however, the documents were left at the front door. These documents were not delivered to a person directly and when someone returned to the office, they were not there. Some of the documents technically should have been delivered to the Airport, some to AVCON. AVCON reached out to James R. Vannoy & Sons Construction the following Friday regarding delivery of the GFE documents. We were sent the delivery confirmation below and a digital copy of the GFE documents. A follow up document was sent to AVCON by James R. Vannoy & Sons Construction today with some missing GFE documents.

Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number
122153170172758744

Weight
4.00 LBS

Service

UPS Next Day Air®

Shipped / Billed On
03/05/2021

Delivered On

03/08/2021 10:05 A.M.

Delivered To
HUNTERSVILLE, NC, US

Received By

OFFICE

Left At

Office

Informalities and/or Irregularities

Unfortunately, several informalities or irregularities in the bid were found. A summary of the informalities or irregularities is found below. Please note that the contract documents state that Ashe County reserves the right to waive any informalities or irregularities in or reject any or all bids and to award or refrain from awarding the contract for the work, whichever is deemed to be in the Owner's best interest. Section 20-08 RESPONSIVE AND RESPONSIBLE BIDDER state "A responsive bid conforms to all significant terms and conditions contained in the Owner's invitation for bid. It is the Owner's responsibility to decide if the exceptions taken by a bidder to the solicitation are material or not and the extent of deviation it is willing to accept."

James R. Vannoy & Sons Construction

Section 20-07 PREPARATION OF PROPOSAL states "The bidder shall submit their proposal on the forms furnished by the Owner. All blank spaces in the proposal forms, unless explicitly stated otherwise, must be correctly filled in where indicated for each and every item for which a quantity is given. The bidder shall state the price (written in ink or typed) both in words and numerals which they propose for each pay item furnished in the proposal. In case of conflict between words and numerals, the words, unless obviously incorrect, shall govern." Both James R. Vannoy & Sons Construction and JD Goodrum wrote out the Total Amount Per Item in words and not the Unit Price for each pay item. The bid proposal also states that the Unit Price should be in words. If using the words written out, Tri-County would be the low bidder.

James R. Vannoy & Sons Construction did not meet the project DBE/MBE/WBE goals for the bid. The GFE was not in the hands of Ashe County or AVCON technically per the specifications. Proof of delivery was submitted as well as a digital copy of the documents when requested. We have not submitted the GFE effort to the state yet, we need direction on how to proceed before doing so.

Tenney Electric is a sub to James R. Vannoy & Sons Construction, they are not listed on the NCDOT prequalification list which is a requirement of the project. It is likely that they can obtain their prequalification prior to starting work.

Tri-County Paving

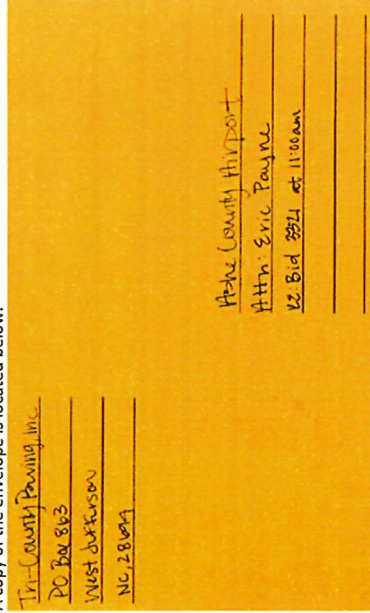
The notice to bidders requires the proposals to be submitted in a specific manner, see below:

Sealed envelopes containing bid proposals shall be addressed to:

Mr. Eric Payne, Airport Manager
Ashe County Airport
639 Airport Road
Jefferson, North Carolina 28640

Envelopes must be marked "Bid Proposal – GEV – Partial Parallel Taxiway and Apron Expansion" and must have the bidder's North Carolina contractor's license number on the envelope.

A copy of the envelope is located below:



Griffin Contracting is a sub to Tri-County, they are not listed on the NCDOT prequalification list which is a requirement of the project. It is likely that they can obtain their prequalification prior to starting work.

JD Goodrum

Section 20-07 PREPARATION OF PROPOSAL states "The bidder shall submit their proposal on the forms furnished by the Owner. All blank spaces in the proposal forms, unless explicitly stated otherwise, must be correctly filled in where indicated for each and every item for which a quantity is given. The bidder shall state the price (written in ink or typed) both in words and numerals which they propose for each pay item furnished in the proposal. In case of conflict between words and numerals, the words, unless obviously incorrect, shall govern." Both James R. Vannoy & Sons Construction and JD Goodrum wrote out the Total Amount Per Item in words and not the Unit Price for each pay item. The bid proposal also states that the Unit Price should be in words.

JD Goodrum did not meet the project DBE/MBE/WBE goals for the bid. As they were not the apparent low bidder, we did not request their GFE. We did find an error in the amount of participation listed in the bid.

Next Step

Ultimately, we believe the County has 3 options to moving forward. I have tried to summarize the options below. We will need direction from the County on how best to move forward, making sure we are doing it such that the County can support any decisions made.

Option 1 – The County could review all the bid documents and find all informalities or irregularities from James R. Vannoy & Sons Construction waivable. We would submit the DBE/MBE/WBE GFE documents for review by the state. Assuming those come back with no issues, then we would move forward with awarding the contract to James R. Vannoy & Sons Construction. We would also make any needed updates to the bid tab, certify it, and show James R. Vannoy & Sons Construction as the low bidder.

Option 2 – The County could review all the bid documents and find all informalities or irregularities from James R. Vannoy & Sons Construction non-waivable. We would need to waive the informalities or irregularities found in Tri-County Paving's bid, however, those do not impact the overall amounts of their bid or their DBE participation. With not waiving James R. Vannoy & Sons Construction informalities or irregularities, we would not be able to waive the ones from JD Goodrum. We would also make any needed updates to the bid tab, certify it, and show Tri-County Paving as the low bidder.

Option 3 - The County could review all the bid documents and find all informalities or irregularities from all three contractors as non-waivable. We would formally reject all three bids and plan to rebid the project within two weeks of making that decision.

James M. Moose, P.E.
Regional Manager | AVCON, INC.

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Adam Stumb

From: Moose, James <jmoose@avconinc.com>
Sent: Friday, March 26, 2021 2:25 PM
To: Eric Payne; Adam Stumb
Cc: Rodgers, Zuzana
Subject: Ashe County Airport - Partial Parallel Taxiway and Apron Expansion Bid Clarification
Attachments: RE: Ashe County Airport - Partial Parallel Taxiway and Apron Expansion Bid Clarification-
; Re: Ashe County Airport - Partial Parallel Taxiway and Apron Expansion Bid Clarification

Adam, Eric,

Please find emails attached from Vannoy and Tri-County Paving regarding the clarification requested regarding waiving of any irregularities or informalities. Each email is their response to the email I sent them this AM. Please review and let me know if there are any questions. Please forward to John Kilby if needed. Zuzana and I will both plan to be at the next Commissioners meeting to discuss the bid results. Please keep us posted on when you expect that to be, either April 4th or the 19th. Thanks.

James M. Moose, P.E.
Regional Manager | AVCON, INC.

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Adam Stumb

From: Doug Moxley <doug.moxley@jrvannoy.com>
Sent: Friday, March 26, 2021 2:14 PM
To: Moose, James; Rodgers, Zuzana
Cc: Rocky Vannoy
Subject: RE: Ashe County Airport - Partial Parallel Taxiway and Apron Expansion Bid Clarification-

James

See our formal responses below.

Please let me know if you need anything else.



Doug Moxley
Project Manager
Vannoy Construction
1608 Hwy 221N
PO Box 635
Jefferson, NC 28640
Cell- (828)785-2743
Office (336)846-4233
Fax (336)846-7112

From: Moose, James <jmoose@avconinc.com>
Sent: Friday, March 26, 2021 8:44 AM
To: Doug Moxley <doug.moxley@jrvannoy.com>
Cc: Rodgers, Zuzana <zrodgers@avconinc.com>
Subject: Ashe County Airport - Partial Parallel Taxiway and Apron Expansion Bid Clarification

External Email: Use CAUTION with Links and Attachments.

Doug,

Below are three informalities or irregularities that were found in the review of your bid documents for the above referenced project. I have been asked to contact you in regards to those informalities or irregularities and to inquire if the county waived those informalities or irregularities, would that change any individual bid unit prices, the total cost of any schedules of work, or your total bid amount of \$3,113,776.50. Please review the informalities or irregularities below

and respond to each one with a Yes or No to whether it would impact any of the bid information submitted by James R. Vannoy & Sons Construction. Please respond to this email no later than 5 pm, Monday, March 29, 2021.

1. Section 20-07 PREPARATION OF PROPOSAL states "The bidder shall submit their proposal on the forms furnished by the Owner. All blank spaces in the proposal forms, unless explicitly stated otherwise, must be correctly filled in where indicated for each and every item for which a quantity is given. The bidder shall state the price (written in ink or typed) both in words and numerals which they propose for each pay item furnished in the proposal. In case of conflict between words and numerals, the words, unless obviously incorrect, shall govern." The bid proposal also states that the Unit Price should be in words. For your bid proposal, the Total Amount Per Item was written out in words, not the Unit Price for each pay item.

No this will not affect or change any individual bid unit prices, the total cost of any schedules of work, our total bid amount of \$3,113,776.50 or any bid information submitted by James R. Vannoy & Sons Construction.

2. James R. Vannoy & Sons Construction did not meet the project DBE/MBE/WBE goals for the bid. The Good Faith Effort (GFE) documents were mailed to AVCON, but not the Airport, within the 5 days after the bid opening as allotted for delivery of the GFE documents per the bid documents. While the GFE documents were mailed to AVCON and proof of delivery was submitted, the GFE documents were not physically received by AVCON nor the Airport within the 5 days. A digital copy of the GFE documents was submitted to AVCON and hard copies were delivered to the Ashe County Airport when requested after the 5 days.

No this will not affect or change any individual bid unit prices, the total cost of any schedules of work, our total bid amount of \$3,113,776.50 or any bid information submitted by James R. Vannoy & Sons Construction.

3. Tenney Electric is a sub to James R. Vannoy & Sons Construction, on the day of the bid, they were not listed on the NCDOT prequalification list which is a requirement of the project. Since the bid date, they have obtained their NCDOT prequalification. Due to the prequalification irregularity, if they are unable to be utilized on the project, would that change any of the costs mentioned above?

No this will not affect or change any individual bid unit prices, the total cost of any schedules of work, our total bid amount of \$3,113,776.50 or any bid information submitted by James R. Vannoy & Sons Construction.

If you should have any questions about the items above, please reach out to me as soon as possible. Thanks.

James M. Moose, P.E.
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Adam Stumb

From: Lucian Jordan <lucian@tricountypavinginc.com>
Sent: Friday, March 26, 2021 1:22 PM
To: Moose, James
Cc: Rodgers, Zuzana; Kaitlyn Tricountypavinginc; Patricia
Subject: Re: Ashe County Airport - Partial Parallel Taxiway and Apron Expansion Bid Clarification

James,

The answer to question 1 is NO this would not change any pricing. The answer to question 2 is NO this would not change a line item bid number. I have reached out to Griffin and they are aware that their pre qualification has lapsed and will address that issue for future needs.

Thanks,
Lucian

On 2021-03-26 8:50 am, Moose, James wrote:

Lucian,

Below are two informalities or irregularities that were found in the review of your bid documents for the above referenced project. I have been asked to contact you in regards to those informalities or irregularities and to inquire if the county waived those informalities or irregularities, would that change any individual bid unit prices, the total cost of any schedules of work, or your total bid amount of \$3,240,904.51. Please review the informalities or irregularities below and respond to each one with a Yes or No to whether it would impact any of the bid information submitted by Tri-County Paving. Please respond to this email no later than 5 pm, Monday, March 29, 2021.

1. The Notice to Bidders required the proposal to be submitted in a specific manner. Envelopes must be marked "Bid Proposal – GEV – Partial Parallel Taxiway and Apron Expansion" and must have the bidder's North Carolina contractor's license number on the envelope. The proposal submitted was not marked with this information, only information related to Ashe County Airport.
1. Griffin Contracting is a sub to Tri-County Paving, on the day of the bid, they were not listed on the NCDOT prequalification list which is a requirement of the project. Due to the prequalification irregularity, if they are unable to be utilized on the project, would that change any of the costs mentioned above or any DBE/WBE/MBE goals established?

If you should have any questions about the items above, please reach out to me as soon as possible. Thanks.

James M. Moose, P.E.

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Lucian Jordan

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