

April 4, 2025

Linda Whitaker
Project Manager | Facilities & Fleet Management
Union County Government
1407 Airport Road
Monroe, NC 28110

Subject: Bid Review of Construction Contract
Progress Building Parking Lot Improvements
IFB 2025-028

Dear Linda:

Upon further review of the bid by Dave's Construction Services we have identified a number of conditions and exclusions outlined on pages 10-14 of the bid document that we find materially inconsistent with contract documents. Please see items below that were identified to be in contradiction with the contract documents:

- *Final construction start date for construction schedule will be set once all material submittals have been approved and materials ordered with delivery dates confirmed, so all materials received on site to not delay construction schedule.*

Gensler note: This condition contradicts A101-2017 Article 3, "Date of Commencement and Substantial Completion", paragraph 3.1 "The date of commencement of the Work shall be: A date set forth in a notice to proceed issued by the Owner".

- *Asphalt pricing based of NCDOT asphalt/fuel pricing for the month of March 2025. Copy of index per ton pricing attached. If index goes up above the fuel pricing at time of pavement installation price will need to be approved.*

Gensler note: This condition appears to go against the terms of a hard bid Contract Sum as outlined in A101-2017, Article 4 "Contract Sum".

- *DCS is not responsible for any design conflicts between bid documents and existing conditions.*

Gensler note: This condition contradicts Section 01 73 00 "Execution". 3.1 EXAMINATION: A. Existing Conditions: The existence and location of utilities and other construction indicated as existing are not guaranteed. Before beginning work, investigate and verify the existence and location of mechanical and electrical systems and other construction affecting the Work.

- *The use of existing water/electrical power onsite will be made available to DCS at no additional cost.*

Gensler note: This condition contradicts SECTION 01 50 00 - TEMPORARY FACILITIES AND CONTROLS, 1.4 USE CHARGES, General: "Cost or use charges for temporary facilities shall be included in the Contract Sum". Including A201-2017 General Conditions ARTICLE 3 CONTRACTOR, 3.4 Labor and Materials, 3.4.1 "Unless otherwise provided in the Contract Documents, the Contractor shall provide and pay for labor, materials, equipment, tools, construction equipment and machinery, water, heat, utilities, transportation, and other facilities and services necessary for proper execution and completion of the Work, whether temporary or permanent and whether or not incorporated or to be incorporated in the Work."

- *DCS excludes any cost associated with delays/increases in material due to no confirmed start date or supply chain issues. DCS excludes any increases due to tariffs for any materials that may come from future government control.*

Gensler note: This condition appears to go against the terms of a hard bid Contract Sum as outlined in A101-2017, Article 4 "Contract Sum".

Gensler finds that these exclusions add conditions to the base contract which could impact the total bid cost providing an unfair advantage to Dave's Construction Services over other bidders. Based on this fact Gensler recommends Union County to consider awarding the construction contract to Hoss Contracting, who is the next apparent low bidder. Hoss Contracting base bid with owner contingency is \$357,451, and \$18,000 for Alternate. Total bid amount for Base Bid with an Alternate is \$375,451.

It is worth noting that Hoss Contracting has included Unit Pricing to "remove and repair unsuitable soils" in the amount of \$100/CY. The bid documents did not include remediation of unsuitable soils as a project requirement. Providing a unit price for this item would not materially impact the bid as other bidders would not be expected to include unsuitable soil remediation within their base bids.

Sincerely,
Gensler Architecture, Design & Planning, P.C.



Taras Kes AIA, LEED AP BD+
Architect | Associate