

COUNCIL OF THE TOWN OF LA PLATA
Resolution 09-7

Introduced By: Mayor Roy G. Hale
Date Introduced: August 25, 2009
Date Adopted: August 25, 2009
Date Effective: August 25, 2009

1 **A Resolution concerning**

2
3 **Award of Bid for Wills Park Elevated Water Storage Tank Painting Project**

4
5 **FOR** the purpose of accepting and awarding a certain bid submitted by Corrosion Control
6 Corporation for the Wills Park Elevated Water Storage Tank Painting project; and all
7 matters relating to acceptance of such bid.

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11 **EXPLANATORY STATEMENT:** The Town of La Plata issued a Notice of Public Bid
12 seeking proposals from qualified contractors for the interior and exterior repair, modification,
13 cleaning and painting of the Town's 300,000 gallon welded steel potable water storage tank
14 known as the Will's Park Elevated Water Storage Tank, located at 500 St. Mary's Avenue, La
15 Plata, Maryland 20646. The Instructions to Bidders for the project provided that sealed bids
16 would be received until Friday, August 7, 2009, at 11:30 a.m., in the La Plata Town Hall when
17 such bids would be opened and read aloud. Bidders were required to submit bids on the Bid
18 Form provided with the Instructions to Bidders. The Bid Form stated that "The Town of La
19 Plata, Maryland reserves the right, without liability, to accept and/or reject any and all bids,
20 waive informalities and award the contract it deems is in the best interest of the Town of La
21 Plata."

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23 Nine bidders submitted bids in response to the Notice of Public Bid. Five of these bids
24 were received at Town Hall prior to 11:30 a.m. on August 7. Four additional bids were delivered
25 by Federal Express and received at Town Hall at 11:35 a.m. on August 7. Daily deliveries to
26 Town Hall by Federal Express typically are received by 10:30 a.m., but delivery was late on
27 August 7 because of a vehicle accident in Waldorf that delayed traffic on Route. 301. These
28 latter four bids, nevertheless, were received before the bid opening commenced and were
29 included with the bids that were opened and read aloud commencing at approximately 11:40 a.m.

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31 The nine bids ranged in Total Bid Price from a high of \$334,750 to a low of \$196,035,
32 and in Base Bid Price from a high of \$284,750 to a low of \$137,035. Of these nine bids, the
33 range of Total Bid Price for the five bids that were received prior to 11:30 a.m. on August 7 was

34 a high of \$334,750 to a low of \$236,150. The Total Bid Price for the four bids that were
35 received at 11:35 a.m. ranged from a high of \$232,815 to a low of \$196,035. Of these nine bids,
36 the range of Total Base Bid for the five bids that were received prior to 11:30 a.m. on August 7
37 was a high of \$334,750 to a low of \$236,150. The Total Base Bid for the four bids that were
38 received at 11:35 a.m. ranged from a high of \$200,500 to a low of \$137,035.

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40 Corrosion Control Corporation submitted one of the four bids that were delivered at
41 11:35 a.m. on August 7. Corrosion Control Corporation submitted the lowest Total Bid Price of
42 \$196,035 and lowest Total Base Bid of \$137,085. Corrosion Control Corporation's Total Bid
43 Price was \$40,115 lower than the lowest Total Bid Price submitted by bidders whose bids were
44 received by 11:30 a.m. on August 7. Corrosion Control Corporation's Total Base Bid was
45 \$28,695 lower than the lowest Total Base Bid submitted by bidders whose bids were received by
46 11:30 a.m. on August 7.

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48 Section C8-23 of the La Plata Town Charter provides that written contracts shall be
49 awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of
50 delivery or completion and responsibility of bidders being considered. Section C8-23 further
51 provides that the Town Treasurer may reject all bids and re-advertise. Finally, Section C8-23
52 authorizes the Town Council to provide by ordinance for rules and regulations regarding the use
53 of competitive bidding.

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55 Section 43-3.D of the La Plata Town Code authorizes the Town to reject any and all bids.
56 Section 43-5 of the Town Code provides that the Town Council, by a two-thirds majority, may
57 authorize the bypassing of any one or all bid procedure steps in cases which warrant such
58 approval, and also may authorize the Town's Chief Executive Officer to negotiate directly with
59 any supplier if it is in the best interest of the Town to do so.

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61 The Town Council finds that the delay in delivery of four bids until shortly after 11:30
62 a.m. on August 7, 2009 was beyond the control and reasonable expectation of those bidders. The
63 Town Council further finds that there was substantial compliance with the 11:30 a.m. proposal
64 receipt deadline when proposals were delivered at 11:35 a.m. prior to the commencement of the
65 opening and reading of bids. The Town Council further finds Corrosion Control Corporation
66 submitted a bid, based upon Total Bid Price and Total Base Bid, which was substantially lower
67 than any other bid. The Town staff has determined that Corrosion Control Corporation is
68 responsible and has the qualifications to perform and complete the project in a timely manner.
69 Furthermore, the rejection of all bids and rebidding the project is likely to place the time for
70 performance of work at a time of year that presents unfavorable temperature conditions and may
71 not result in more favorable bids. For all of these reasons the Town Council has determined that
72 the award of the bid to Corrosion Control Corporation is in the best interest of the Town.

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74 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN**
75 **OF LA PLATA**, by the affirmative vote of at least five (5) members of the Council, that:

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77 1. It hereby accepts the bid submitted by Corrosion Control Corporation for the
78 Wills Park Elevated Water Storage Painting project.

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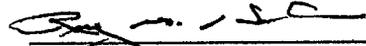
2. It waives and authorizes the bypassing of the stated condition that all bids be received by 11:30 a.m. on August 7, 2009.

3. It authorizes the Town Manager (Chief Executive Officer) to negotiate directly with Corrosion Control Corporation to consummate a contract for the Wills Park Elevated Water Storage Painting project consistent with the bid submitted by Corrosion Control Corporation.

ADOPTED AND APPROVED by the Council of the Town of La Plata on August 25, 2009.

SEAL:

COUNCIL OF THE TOWN OF LA PLATA



Roy G. Hale, Mayor



R. Wayne Winkler, Councilman

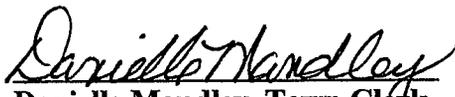


C. Keith Back, Councilman

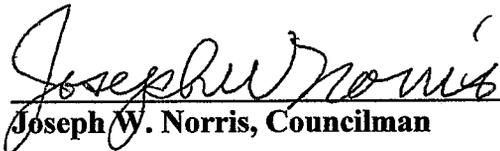
ATTEST:



Paretta D. Mudd, Councilwoman



Danielle Mandley, Town Clerk



Joseph W. Norris, Councilman

Date 8/25/09