



Board Action Report

File #: 20-091, **Version:** 1

Commissioner Jack Brown - Economic Development - To Award a Contract for Apple Creek Corporate Park Early Demolition Package to Cloningers Inc. at a Cost Not to Exceed \$179,043.00 and Authorize the County Manager to Execute Any Necessary Contract Documents

STAFF CONTACT

Donny Hicks - Economic Development - 704-825-4046

BUDGET IMPACT

No additional county funds. Funds coming from Land Purchase and Development 040-07-4920-4920-540004-18120 (Apple Creek).

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Gaston County Board of Commissioners approved purchase of (+/-) 330 acres in FY19 to develop the Apple Creek Corporate Park. The property has existing buildings/structures that must be removed for development of the business park. A pre-qualifications process was completed and bids were accepted at the Gaston County Economic Development Office on January 22, 2020 at 2 pm. Benesch recommend to Gaston County Economic Development Commission and the Gaston County Commissioners that this project contract be awarded to Cloninger Inc., a NC Unlimited General Contractor whose license number is #64057 (with classifications for Highway, PU, and Building), in the amount of one hundred seventy-nine thousand, forty-three dollars and zero cents (\$179,043.00 USD).

Bids were received from the following contractors:

Neilll Grading and Construction Co. - \$251,800.00

John E Jenkins, Inc - \$446,200.00

NEO Corporation - \$347,920.00

Cloningers, Inc - \$179,043.00

DH Griffin - Late Bid - Returned Unopened

Jones Grading and Fencing, Inc - \$325,931.20

Jones Grading and Building, Inc. - \$165,400.00

Please note that the bid proposal by Jones Grading and Fencing, Inc. is recommended ,by Alfred Benesch & Co., to be disqualified and declared invalid on the grounds that they did not include the correct Licensure number on their proposal, they used the same number as Jones Grading and Building Inc. Further, the license submitted is limited with a

classification of highway. The project whose primary purpose is to demolish and dispose of vertical buildings does not fall into that classification (most appropriately would be building). They listed no subcontractor whose licensure would change that view.

Further, also note that the bid proposal by Jones Grading and Building, Inc. also used the same NC General Contractor License number (67355 as above) and is a limited license with classification highway (as mentioned above). A copy of the license was not provided in this proposal as required. This project's primary purpose is the demolition and disposal of buildings. Highway classification does not fall into that category. Benesch recommends this bid be considered invalid due to lack of compliance with bid specifications. See "Notice to Bidders" which says: "bidding contractor must be appropriately licensed to perform the work". Limited, Highway Classification is not appropriate to a demolitions package for buildings and failure to provide a copy of the licensure with their bid.

Notwithstanding any resultant information from our diligence regarding the question of whether or not two or more companies, who are tied by the affiliation of one individual, can submit formal or informal bids on a public project in NC; our recommendation stands. Benesch was unable to determine conclusively through precedent, statute, or public policy whether or not this practice is permitted.

POLICY IMPACT

N/A

ATTACHMENTS

Recommendation of Contract Award - Apple Creek Corporate Park Early Demolition Package