

# RESOLUTION OF THE CITY COUNCIL

No. 355

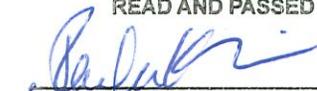
Approved July 23, 2024

RESOLVED, That the Members of the Providence City Council hereby Authorize Approval of the following Contract Award by the Board of Contract and Supply in accordance with Section 21-26 (b)(1) of the Code of Ordinances.

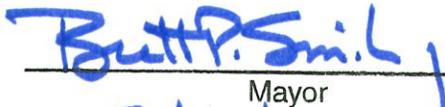
Boyle and Fogarty Construction Co., Inc.  
(Water Supply Board)

\$19,668,680.00

IN CITY COUNCIL  
JUL 18 2024  
READ AND PASSED

  
\_\_\_\_\_  
RACHEL M. MILLER, PRESIDENT  
  
\_\_\_\_\_  
CLERK

I HEREBY APPROVE.

  
\_\_\_\_\_  
Mayor  
Date: 7/23/24



OFFICE OF THE INTERNAL AUDITOR  
*City of Providence*

May 30, 2024

Ms. Tina Mastroianni  
City Clerk's Office  
City of Providence  
25 Dorrance Street  
Providence, RI 02903

Dear Tina:

I am writing to request that the following requested contract award be submitted to the City Council and the Finance Committee for approval:

- **Department of Information Technology**
  - Requesting approval to extend the contract with **Jimmy Chiu** for Lawson system Support for a total amount not to exceed **\$30,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (2).
  - Requesting approval to pay **Ungerboeck Systems International, LLC** for "annual hosting and support of the VenueOps platform" in the amount of **\$24,840.00** in accordance with the Code of Ordinances, Section 21-26 (b) (2)
  
- **Department of Parks**
  - Award to **John Rocchio Corporation** for Site Improvements to India Point Park in the amount of **\$2,210,600.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1).
  
- **Department of Public Property**
  - Award to **Bentley Builders** for "Design Build (D/B) Services for Major Construction Renovation Projects (Phase (IV), Fox Point Neighborhood" in the amount of **\$30,000,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1). (**Vartan Gregorian ES**)
  - Award to **Maron Construction** for "Design Build (D/B) Services for Major Renovation Projects, High School Facility" in the amount of **\$30,000,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1). (**Hope HS**)
  - Award to **Maron Construction** for "Design Build (D/B) Services for Minor Renovations Project, Middle School Facility" in the amount of **\$15,000,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1). (**DelSesto MS**)

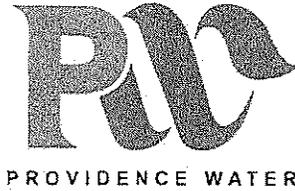
- Award to **O&G Industries** for “Design Build (D/B) Services for New Construction Project (Phase 4), New Pre K-8 Facility, Elmhurst Neighborhood” in the amount of **\$78,000,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1). (**Robert F. Kennedy ES**)
  - Award to **Dimeo Construction/JCJ Architecture** for “Design Build (D/B) Services for Major Construction and/or Additions Projects (Phase 4), Elmhurst Neighborhood in the amount of **\$85,000,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1). (**Nathanael Greene MS**)
  - Award to **Gilbane Construction** for “Design Build (D/B) Services for Major Construction and/or Additions Projects (Phase IV), South Providence Neighborhood in the amount of **\$95,000,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1). (**Roger Williams MS**)
  - Award to **Bentley Builders** for for “Design Build (D/B) Services for Minor Renovations Projects (Phase IV), Elementary School Facility in the amount of **\$15,000,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1). (**Anthony Carnevale ES**)
  - Award to **Ahlborg Construction** for “Design Build (D/B) Services for New Construction Project (Phase 4), New Pre K-8 Facility, Mt Hope Neighborhood in the amount of **\$48,500,000.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1). (**Martin Luther King ES**)
  - Requesting a change order with **Construction Junction** for the “Dexter St Garage Bathroom” in the amount of **\$35,870.00** in accordance with the Code of Ordinance, Section 21-26 (b) (4).
  - Requesting approval to pay **Federal Hill Commerce Association** in the amount of **\$1,000,000.00** for a Capital Improvement Grant in accordance with the Code of Ordinances, Section 21-26 (b) (1) and (2).
  - Requesting approval to pay **Woonasquatucket River Watershed Council** in the amount of **\$350,000.00** for a Capital Improvement Grant in accordance with the Code of Ordinances, Section 21-26 (b) (2).
- **Water Supply Board**
    - Award to **Boyle and Fogarty Construction Co, Inc** for “Accelerated Lead Service Line Replacement Program contract 1.3” in the amount of **\$19,668,680.00** in accordance with the Code of Ordinances, Section 21-26 (b) (1).
- **Department of Art, Culture and Tourism**
    - Requesting approval to amend the award for **Landmark Public Art Design Services** in the amount of **\$960,011.00** in accordance with Code of Ordinances, Section 21-26 (b) (4).
  - **Department of Human Resources**
    - Requesting approval to enter into a contract with **Blue Cross & Blue Shield of Rhode Island** for Medical Stop Loss Insurance in the amount of **\$787,297.32** in accordance with the Code of Ordinances, Section 21-26 (b) (2).
  - **Police Department**
    - Approval to purchase Armor Equipment from Arms Unlimited in the amount not to exceed **\$23,415.00** in accordance with the Code of Ordinances, Section 21-26 (b) (2).

- Requesting a change order with **The Providence Center** in the amount of **\$93,170.77** in accordance with the Code of Ordinance, Section 21-26 (b) (4)

Sincerely,

Gina M. Costa  
Internal Auditor

Cc: John Arzoomanian, Department of Public Property  
Alejandro Tirado, Director of Purchasing  
Shomari Husband City Treasurer  
Jim Silveria, Chief Information Officer  
Wendy Nilsson, Superintendent of Parks  
Ricky Caruolo, General Manager, Providence Water  
Joe Wilson Jr, Art, Culture & tourism  
Paul A. N. Winspeare, Chief of Human Resources Officer  
Oscar L. Perez, Chief of Police



May 20, 2024

The Honorable Mayor Brett Smiley  
Chairman, Board of Contract and Supply  
City Hall, 25 Dorrance Street  
Providence, RI 02903

RE: Accelerated Lead Service Line Replacement Program Contract 1.3

MinuteTraq ID: 44072  
Account Code: 848-848-52885

Minority Participation: 12% MBE, 0 % WBE

Dear Mayor Smiley,

DATE OF BID OPENING: March 25, 2024

RECOMMENDED BIDDER: Boyle and Fogarty Construction Co., Inc. 2 Industrial Drive Smithfield, RI, 02917

TOTAL AMOUNT RECOMMENDED: Total amount of the contract not to exceed \$19,668,680.00 through November 14, 2025, (*pending budget approval*).

In response to our request for proposal regarding the above entitled, our department received the following bids:

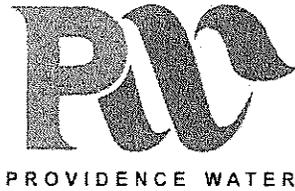
	VENDOR NAME	Rates
1.	Ferreira Construction Co., Inc	\$12,714,450.00
2.	Ricci Drain	\$19,496,450.00
3.	Bisko Contracting Corp.	\$19,505,875.00
4.	Boyle and Fogarty Construction Co., Inc.	\$19,668,680.00
5.	Murphy Pipelines Contractors, LLC.	\$20,070,675.00

On the basis of said bids, we recommend the bidder identified on LINE: 4. While not the apparent low bidder, a review of the bids reveal that it is in the best interest of the City to reject the low bidder. See the Explanation below.

Additional documentation to support the decision for this award is attached to this letter.

**Bid Evaluation**

On January 30, 2023, CDM Smith Inc. was contracted through Providence's Board of Contract and Supply for the Program Manager – Accelerated Lead Service Line Replacement (Procurement #38741). This contract is for complete program management of the accelerated lead service line replacement project including, but not limited to, project planning, project oversight, project bidding, construction management, lead service line inventory management, funding assistance, and regulatory reporting, for all five (5) phases of this Project.



On March 25, 2024, Providence Water (PW) received five (5) bids for the Accelerated Lead Service Line Replacement Program Contract 1.3

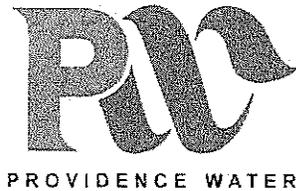
#### **Review of Bid Documents**

CDM Smith reviewed all bid packages for administrative completeness. Table 3 (Administrative Review of Bid Packages) attached tabulates the documents required to be submitted with the bid and prior to award.

The lowest bidder, Ferreira Construction Co., Inc. requested to withdraw their bid due to not being able to complete the work for the submitted bid price. The bidder misunderstood the scope, and, in their withdrawal request letter, they stated that they undervalued the extent of the customer coordination required to install each service.

The second and third lowest bidders (Ricci Drain-Laying Co., Inc and Biszko Contracting Corp., respectively) do not currently have state registered and active apprenticeship programs as confirmed by the Department of Labor and Training (DLT). This is both a City of Providence requirement for any City of Providence-sponsored project exceeding \$100,000 and a RI Infrastructure Bank requirement for lead service line replacement projects over \$1,000,000 per the Lead Poisoning Prevention Act. Per the Act and based on discussions with DLT, the programs must be established and active at the time of bid. Since the programs for Ricci Drain Laying Co., Inc., and Biszko Contracting Corp. were not active at the time of bid, this is considered a fatal flaw and these bidders are, therefore, not considered responsive.

The fourth lowest bidder, Boyle and Fogarty Construction Co., Inc. (Boyle and Fogarty), does have a state registered program as a signatory to the Laborers' Union. This program was active at the time of bidding and meets the City and State requirements. Boyle and Fogarty also included the required EPA Forms 6100-3 and 6100-4. These forms cover the EPA's Disadvantaged Business Enterprise (DBE) requirements. Boyle and Fogarty submitted MBE and WBE subcontractor information for the BOCS and the City of Providence. All WBE/MBE subcontractors are also licensed DBE subcontractors. Boyle and Fogarty propose to provide 13.6% of the work to D/WBE subcontractors and 0.0% to D/MBE subcontractors. This work breakdown meets the EPA's funding requirement and Providence Water's minimum requirement of 10% DBE. The City of Providence's goal is 10% WBE and 10% MBE. Boyle and Fogarty requested a waiver of the City of Providence's MBE and WBE goals, which was approved by the City of Providence's MBE/WBE Outreach Director on March 20, 2024.



**Bidders' Qualifications**

Qualifications were checked against the requirements of Section 00 21 13 Article 2. Based on the lowest bidders' responses, they met the qualification requirements of the contract.

Bidders were required to have experience replacing at least 1,000 lead service lines per Section 00 21 13 Article 2.2.A. The lowest bidder, Boyle and Fogarty, met the qualification requirements of the contract.

**Recommendation**

PW recommends awarding the contract to the lowest qualified and responsible bidder, Boyle and Fogarty Construction Co., Inc. The bidder does meet the 10% DBE minimum requirement for both the EPA and PW. Boyle and Fogarty has a certified and active Apprenticeship Program with the RI Department of Labor and Training. The bid information submitted by Boyle and Fogarty Construction Co., Inc. has been reviewed and meets the minimum requirements, therefore, PW recommends awarding the contract to the fourth lowest bidder, Boyle and Fogarty Construction Co., Inc., at a total contract price of \$19,668,680.00 (Base Bid plus Supplemental Bid items). No deficiencies were found that would preclude PW from awarding the work to Boyle and Fogarty Construction Co., Inc.

Respectfully Submitted,

Handwritten signature of Ricky Caruolo in black ink.

Ricky Caruolo,  
General Manager

Handwritten signature for Financial Approval in black ink.

Financial Approval

Handwritten signature of Peter LePage in black ink.

Department Subject Matter Expert: Peter LePage, Senior Director

*By signing, the subject matter expert certifies the following: That the recommended vendor(s) is/are the lowest, qualified bidder(s) with regards to the corresponding specifications. That all bids corresponding to this award were reviewed for completeness and that the recommended bidder's submission is inclusive of all required documents.*



**Table 3: Administrative Review of Bid Packages**  
 Providence Water Accelerated LSR Program - Contract 1.3; Project No. 20234  
 Opened: Monday, March 25, 2024, 2:15 p.m.

	1	2	3	4	5
<b>NUMBER OF RESPONDENTS:</b>					
<b>LOWEST BIDDER:</b>					
<b>NAME OF BIDDER</b>	Ferreira Construction Co., Inc.	Mixed Drain Laying Co., Inc.	Bizko Contracting Corp.	Boyle and Fogarty Construction Co., Inc.	Murphy Pipelines Contractors, LLC.
<b>ADDRESS</b>	300 Centerville Road, Suite 101 South Warwick, RI 02886	19 Lily Street Providence RI 02909	20 Development Street Fall River, MA 02721	Two Industrial Drive South Unit one Smithfield, RI 02917	12235 New Berlin Rd Jacksonville FL 32216
<b>CITY, STATE, ZIP</b>					
<b>CONTACT NAME</b>	Robert Hillman, Estimating Coordinator	Armando Ricci	Alan C Bizko	Pete Fogarty	Andrew Mayer
<b>TELEPHONE</b>	(401) 519-6626	(401) 421-6877	(508) 679-0518	(401) 731-0007	(904) 764-6887
<b>E-MAIL</b>	rhillman@ferreraconstruction.com	aricci@mixedrain.com	abizko@bizko.com	petefogarty@boyleandfogarty.com	amayer@murphycontractors.com
<b>BID BOND</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>PERFORMANCE &amp; PAYMENT BOND</b>	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED
<b>BID FORM 1</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>BID FORM 2</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>BID FORM 3</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>BID FORM 4</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>BID FORM 5</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>MBE/WBE FORMS 11-13</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>MBE/WAIVER REQUEST FORM</b>	No Waiver Requested	No Waiver Requested	No Waiver Requested	0% MBE/13.6% WBE	NO. WAIVER INCLUDED
<b>MBE/WBE PERCENTAGE</b>	75% MBE/72.95% WBE	0.1% MBE/2.89% WBE	10% MBE/20% WBE	0% MBE/13.6% WBE	NO. WAIVER INCLUDED
<b>MEETS PROV MBE/WBE REQUIREMENTS</b>	YES	NO, WAIVER INCLUDED	YES	NO	NO
<b>DBE PERCENTAGE</b>	20%	20%	20%	20%	20%
<b>MEETS EPA DBE REQUIREMENTS</b>	YES	YES	YES	YES	YES
<b>EPA FORM 5100-2</b>	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED
<b>EPA FORM 5100-3</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>EPA FORM 5100-4</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>DD 41 00-1</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>1 41 00-7</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>1 41 00-8</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>ACKNOWLEDGEMENT OF ADDENDA</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>BID FORM</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>BID FORM PAGE 8</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>OFFICE NO. &amp; SIGNATURE PAGE</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>DD 43 36</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>DD 45 13</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>PROPOSED SUBCONTRACTORS</b>					
<b>QUALIFICATIONS FORM</b>	Includes de not indicate 1,000 FULL replacements including the customer side	QUALIFIED	QUALIFIED	QUALIFIED	QUALIFIED
<b>BONDING/SURETY INFORMATION</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>FINANCIAL INFORMATION</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>REFERENCES</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>CERTIFICATION</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>APPENDICES</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>EPA DEBARMENT AND SUSPENSION</b>	INCLUDED	INCLUDED	INCLUDED	INCLUDED	INCLUDED
<b>RICODO MBE FORMS</b>	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED
<b>PROVIDENCE MBE WBE</b>	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED	TO BE PROVIDED IF AWARDED
<b>APPROVED APPRENTICESHIP PROGRAM</b>	UNCLEAR	NO	NO	NO	NO
<b>TOTAL BASE BID AMOUNT</b>	\$ 31,998,680.00	\$ 18,817,950.00	\$ 518,852,175.00	\$ 18,987,380.00	\$ 19,316,375.00
<b>TOTAL SUPPLEMENTAL AMOUNT</b>	\$ 715,770.00	\$ 873,500.00	\$ 653,700.00	\$ 681,300.00	\$ 714,300.00
<b>GRAND TOTAL OF BID</b>	\$ 32,714,450.00	\$ 19,691,450.00	\$ 19,595,875.00	\$ 19,668,680.00	\$ 20,070,675.00
<b>FLAWS</b>	WITHDRAWN BID	DOES NOT HAVE A STATE APPROVED APPRENTICESHIP PROGRAM.	DOES NOT HAVE A STATE APPROVED APPRENTICESHIP PROGRAM.		DOES NOT MEET EPA AND PW DBE REQUIREMENTS. DOES NOT HAVE A STATE APPROVED APPRENTICESHIP PROGRAM