

In The Matter Of:

*Delaware Department of Transportation
In re: Pre-Bid Meeting Contract T201780105.01*

*Hearing
April 21, 2017*

*Wilcox & Fetzer, Ltd.
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Wilmington, DE 19801
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Min-U-Script® with Word Index

THE STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF: :
: :
Pre-Bid Meeting Re: Bid Proposal for :
Contract T201780105.01 :
Equipment Storage Sheds, Statewide :

.. . . .

Delaware Department of Transportation
Transportation Administration Center
Laurel-Hartly Room
800 Bay Road
Dover, Delaware 19903

Friday, April 21, 2017
2:00 p.m.

.. . . .

BEFORE: Robert A. Kovacs,
Competitively Bid Contracts Coordinator

.. . . .

-- Transcript of Proceedings --

WILCOX & FETZER
1330 King Street
Wilmington, DE 19801
(302) 655-0477
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1 MR. KOVACS: All right. Good
2 afternoon, everybody. My name is Bob Kovacs. I'm a
3 Contracts Coordinator here with DelDOT.

4 Before I turn it over to the project
5 manager, there's just a few things I want to go over
6 with you real quick regarding the contract.

7 This is a pre-bid meeting for
8 Contract Number T201780105.01. This is the
9 Equipment Storage Sheds Project.

10 I have my sign-in sheet going around
11 the room, so I just ask that you sign that, fill it
12 out as neat as you can, and fill out all the
13 information, please.

14 If you think of any questions after
15 you guys leave, over the next several days coming
16 up, I'd just ask that you send them to our dot-ask
17 mailbox. If you don't have the address, I have it
18 right here, and you can grab it on your way out.

19 I just want to turn your attention to
20 two bidders' notes regarding the project. The first
21 is bidders' note number three. It talks about the
22 surety bond. Each proposal must be accompanied by a
23 deposit of either surety bond or security for a sum
24 equal to at least 10 percent of the bid, or of your



1 bid, which is standard language in all of our
2 contracts.

3 But after that I added, "Bid includes
4 all items bid or the items that you have selected."
5 This one is a little different, so usually I would
6 tell you guys not to leave anything blank on the bid
7 forms.

8 This one, the quantity is one for
9 everything, and everything is broken up. So you are
10 just bidding on what you actually want to bid. Now,
11 you can bid on everything, that's fine, but you are
12 giving totals in the amount column. So anything you
13 would like to bid on, you can fill out that column.
14 Anything you don't want to bid on, you don't have to
15 put anything in there. Does everyone understand
16 that or?

17 All right. Bidders' note number
18 nine, the second item I want to point out to you,
19 just states that the Department reserves the right
20 to make multiple awards.

21 Regarding our Affidavit of Employee
22 Drug Testing Program form, since we have to come up
23 with -- well, since this project deals with
24 buildings, we are going to have to come up with our



1 subcontractor category listing. We will do that
2 here shortly. I just want you to remember that you
3 must include that affidavit for yourself as well as
4 any subcontractors that we come up with, and that
5 has to be submitted with your bid.

6 Again, as a reminder, when you are
7 filling out your certification page and your bid
8 bond page, just make sure you are filling out all
9 that information on all of our forms. So like if
10 anything needs to be notarized, please make sure
11 it's notarized. If anything needs to be signed,
12 please make sure it's signed.

13 The DBE goal for this project is
14 zero. Also, this project incorporates Federal
15 Transit Administration forms. I believe there is
16 five. We have the Buy America certification. On
17 that form, on the Buy America certification, you are
18 either filling out the top portion or the bottom
19 portion. You are either going to be in compliance,
20 or you will be filling out the noncompliance
21 section. You don't have to fill out that whole
22 form. And that just says that steel and iron must
23 be manufactured here in the United States.

24 There is also a certification of



1 eligibility form, a non-collusion form, a debarment,
2 suspension form, and certification of restrictions
3 on lobbying.

4 So these FTA forms, as well as our
5 regular forms, all need to be filled out, signed
6 where they need signatures, notarized where they
7 need to be notarized, and submitted with your bid.
8 I just wanted to remind everybody about that.

9 I'm going to turn it over to the
10 project manager right now. Once he is finished
11 relaying the information that he would like to
12 relay, we need to figure out what subcontractor
13 categories you guys want for this particular
14 project. Like I said, we will do that after he is
15 done with his spiel.

16 The only other thing I ask is that,
17 since, what do we got, seven or eight of you in
18 here, just so we can get a clear recording from our
19 court reporter, any questions that you might have,
20 just please state your name, the company that you
21 represent. And I ask that you would do that before
22 each question so we can get a good recording, and
23 that you guys try to remember to talk one person at
24 a time.



1 So, with that being said, I would
2 like to turn it over to the project manager, Jeff
3 Armstrong.

4 MR. ARMSTRONG: Jeff Armstrong,
5 DelDOT. What we have is a contract where we know we
6 have a need in the next few years for approximately
7 ten equipment sheds. It may be more; it may be
8 less. Some of them may be metal; some of them may
9 be pole barn, wood pole barn buildings.

10 And the sizes may vary. A standard
11 size of each bay would be about 15-foot by 60-foot,
12 and then each of the pole barns might be as wide as
13 150-foot. So that would be ten bays.

14 There may be some that we have a need
15 to have the bays enclosed, and most we won't.

16 We do have some irregular shapes on
17 there. We are also looking -- we understand that
18 not everybody does metal or everybody does wood. We
19 are looking for pricing on both. But, for example,
20 if somebody only does metal buildings or if they
21 only do it in one or two counties, we would be happy
22 to look at that and see if that makes them eligible
23 for this contract.

24 We do expect to award contracts to



1 more than one bidder. And there will, you know,
2 probably be as many as three or possibly four.

3 Some of the requirements are
4 that you are responsible for getting the permits
5 from state and local government as well as the State
6 Fire Marshal. The State Fire Marshal should not
7 have a cost associated with it.

8 But the other permits, though, and
9 that will be addressed by, you know, you, the
10 contractor, and then DelDOT will pay the actual
11 building permit fees with no additional markup. So
12 that would not be included in your bid. You would
13 pay for it, and then you would invoice us for it as
14 an additional cost. And we will pay the actual
15 amount.

16 Let's see. We have other things on
17 here, other elements such as overhead door, a
18 personnel door. Let's see. We have electrical. We
19 have lighting. Some doors will have the overhead
20 door with the remote on it. We have had buildings
21 that had heated bays in the past.

22 So these are extra elements. We are
23 not actually asking for that when we ask for the
24 pricing of these sized buildings on our detail



1 sheet, but there are some additional elements down
2 below that you can price out on the unit. And we
3 want to just take a look at that.

4 When we get to a specific building,
5 we will have a more specific writeup for you, and
6 you will be able to give us a price based on that.

7 You are responsible for the drawings,
8 of course, and this is just from Middletown, to lay
9 everything out, everything you need for your permit,
10 and that should be included in your price for each
11 building.

12 Okay? Does anybody need to see this
13 up close? Does anybody have any questions about
14 these instructions and our intent to build the metal
15 or wooden pole buildings? Okay. Is there anything
16 you would like to add, Edwin?

17 MR. TENNAFOSS: Not really.

18 MR. KOVACS: So nobody has any
19 questions at this time? We are all good? Like I
20 said, if you think of anything, just e-mail it to
21 our dot-ask e-mail box.

22 Okay. We are required to come up
23 with subcontractor category lists for this project.
24 Once we come up with the categories, over the next



1 few days I will post them -- I will post them on the
2 web as an addendum. You guys will just go out to
3 that website and grab those categories, that
4 listing, fill that out, and you will submit that
5 with your bid.

6 And when you do that, whatever
7 categories we come up with, whether it's 100 or
8 one -- I'm sure it will be very few -- you fill
9 out -- the only thing you are going to be filling
10 out on that listing is the category, itself, the
11 subcategory, and then their address.

12 So you don't have to add any
13 information. Please don't alter the form. Don't
14 add anything; don't delete anything. Whatever we
15 come up with, whatever form I put on the web, just
16 use that and just fill out only what we have on the
17 form.

18 So, with that being said, does
19 anybody have any subcontractor categories that they
20 would like to list? Or maybe you don't have any.

21 MR. BREEDING: Well, Andrew Breeding,
22 Bob Breeding Contractors. If we are procuring the
23 metal building, would you count the metal building
24 supplier as a subcontractor?



1 MR. TENNAFOSS: No.

2 MR. BREEDING: So you're talking
3 about trade subcontractors for electrical,
4 mechanical, plumbing, and earth work. So
5 electrical.

6 MR. KOVACS: I mean --

7 MR. BREEDING: Yeah.

8 MR. TENNAFOSS: I would keep -- Edwin
9 Tennafooss from DelDOT. I would say we keep it
10 simple.

11 MR. KOVACS: Has anybody ever -- is
12 anybody familiar with the subcontractor categories
13 on the jobs?

14 MR. TENNAFOSS: I would say
15 electrical, concrete, and framing.

16 MR. KOVACS: Usually it's you guys
17 keep them to a minimum, which is probably the route
18 to go. So, like Edwin said, I mean, I'll put down
19 on here whatever you guys want. You all have to
20 agree on it, however. So I can put down electrical.
21 All right? I mean --

22 MR. BREEDING: Yeah.

23 MR. KOVACS: As long as everyone is
24 in agreement. Everyone has to be in agreement with



1 it. Does that sound good to everybody?

2 MR. SOLLOWAY: Do you have concrete?

3 MR. TENNAFOSS: There would be
4 concrete in there. It would have concrete floors,
5 yes.

6 MR. KOVACS: You guys also want
7 concrete?

8 MR. TENNAFOSS: I'm okay if we don't,
9 but --

10 MR. SOLLOWAY: I'm just saying --

11 MR. KOVACS: Yeah, I mean, if you
12 guys don't want anything, you don't have to have
13 anything. Just whatever you come up with has to
14 be -- everyone needs to agree on it. That's all.

15 If you can't get agree on it, that's
16 fine. Then the Department will, you know, be the
17 overriding factor.

18 But, I mean, if you guys are
19 agreeable to it, I mean, I've got electrical and
20 concrete. Do you guys want to add anything else?
21 Do you want to delete one of those two items?

22 MR. BREEDING: I mean, if it's not on
23 that list, do we just assume that we self perform
24 that work? How -- I guess --



1 MR. TENNAFOSS: Not necessarily. I
2 mean, just those -- we are putting the ones on there
3 that are major items. So then, if it's not on there
4 and you subcontract it out, then you are not
5 necessarily locked into that person.

6 MR. KOVACS: Anything -- anybody that
7 we list -- or anybody that you guys list to come up
8 with, you have to use.

9 MR. BREEDING: Okay.

10 MR. KOVACS: So in the past when we
11 have come up with the listings, usually I know the
12 contractors like to keep it to a minimum. But, I
13 mean, it's up to you guys in here.

14 If these two items sound good to you,
15 then I'll have --

16 MR. TENNAFOSS: I think the framing
17 needs to be in there. I would assume that most
18 people do the framing themselves, but I would say
19 electrical, concrete, and framing.

20 MR. BARTSCH: I got -- I'm Jesse
21 Bartsch from Bartsch Excavating. How can we lock in
22 on somebody like that? I mean, why would we want to
23 -- you're saying you have various locations. We
24 might use somebody different in a different county



1 or in a different part of the state. Me,
2 personally, I wouldn't want to lock myself into
3 somebody.

4 MR. KOVACS: Yeah, I understand what
5 you are saying. I just know the Delaware Code
6 states anytime we have a project that involves a
7 building, you must come up with a subcontractor
8 category list.

9 Now, maybe all of you here have zero
10 input and don't want to say anything. Okay.

11 MR. ARMSTRONG: Question. If they
12 say something, does that obligate them to use that?

13 MR. KOVACS: Yes.

14 MR. ARMSTRONG: So if you want to say
15 concrete, then you have to use concrete -- or a
16 concrete contractor. Or they may do it themselves;
17 correct?

18 MR. KOVACS: Whoever they list.

19 MR. TENNAFOSS: They can do it
20 themselves, or they have to use that sub.

21 MR. KOVACS: What I am saying is
22 whatever categories that you come up with -- let's
23 say it's electrical -- they are going to list their
24 subcontractor and their address. That's who they



1 have to use.

2 MR. TENNAFOSS: The only thing is,
3 because this is an open-end across three counties --

4 MR. KOVACS: Right.

5 MR. TENNAFOSS: -- it does seem
6 unfair that if -- that if you got an electrician,
7 you got one guy that's cheap up north but one guy
8 that's cheap down south, can you list two? You know
9 what I mean? Like, because that's not --

10 MR. KOVACS: Right. Or --

11 MR. TENNAFOSS: Yeah, and the same
12 with concrete. You might have a guy down in Sussex
13 County that's cheap for you, good for you, but up in
14 New Castle it's somebody different. And we are not
15 locking them in, just specific locations.

16 MR. KOVACS: Unless you want nothing
17 on there.

18 MR. BROWN: So what you are saying,
19 the categories you name, you are going to give us
20 names of contractors?

21 MR. KOVACS: No, no, I'm not.

22 MR. BROWN: You're not?

23 MR. KOVACS: No.

24 THE REPORTER.: I'm sorry. Will you



1 say your name, please?

2 MR. BROWN: Oh, I'm sorry. Bill
3 Brown with Conestoga.

4 MR. KOVACS: No. What I'm saying is
5 you come up with this list of subcontractors that
6 you feel everyone agrees upon that they feel that
7 they need to use for this project. Let's say it's
8 electrical.

9 MR. BROWN: Okay.

10 MR. KOVACS: And you are putting
11 down -- once you grab the form from the website from
12 the addendum that I will post, you are going to
13 print that out, and you are going to list your
14 subcontract electrical firm --

15 MR. BROWN: Okay.

16 MR. KOVACS: -- and their address.

17 MR. TENNAFOSS: The previous contract
18 did not have that list, so --

19 MR. KOVACS: You don't have to -- you
20 don't have to have -- if nobody can agree on
21 anything --

22 MR. BROWN: Now that you have given
23 all this information, should we start over?

24 (Laughter)



1 MR. KOVACS: No, no. I'm telling you
2 --

3 MR. TENNAFOSS: Can we delete the
4 last five minutes? (Laughter)

5 MR. KOVACS: No, no, you don't need
6 to delete it. I'm just telling you --

7 MR. BROWN: You asked the question
8 before we got all this information. That's my only
9 question.

10 MR. KOVACS: Listen. I'm just asking
11 you --

12 MR. BROWN: Yeah.

13 MR. KOVACS: -- as the people at this
14 meeting, if you would like to come up -- we need to
15 come up with -- or I have to ask the question, hey,
16 we are supposed to come up with a list of
17 subcontractors, because this project involves a
18 building. And everyone is supposed to agree on it.
19 Now, if no one can agree on it --

20 MR. BROWN: Not a list of
21 subcontractors; a list of subcontractor categories.

22 MR. KOVACS: Categories, yeah. I'm
23 sorry. A list of subcontractor categories.

24 MR. BROWN: That might be some of the



1 confusion. I don't know.

2 MR. SHIMP: I will help. Joe Shimp
3 with Conestoga Buildings. I don't think we can
4 create a list of subcontractors based on it being
5 different locations.

6 MR. KOVACS: All right.

7 MR. BARTSCH: But you also said the
8 Department would come up with what they want to do,
9 so --

10 MR. KOVACS: No. What I'm saying was
11 let's say we have got five or seven different
12 subcontractor categories and no one can really --
13 you want one, somebody else wants two, you want
14 three, and we can't agree 100 percent on them. Then
15 the Department might -- then the responsibility
16 would fall back on the Department to say, you know
17 what, we don't need all of these; we're going to go
18 with one, two, and three, and we're calling it a
19 day. Now --

20 MR. BARTSCH: Can we go with zero?

21 MR. KOVACS: Yes. If everyone in
22 this room --

23 MR. BROWN: There you go. Thank you.

24 MR. BARTSCH: Problem solved.



1 MR. BROWN: That's what I was getting
2 at.

3 MR. BREEDING: I agree that we
4 disagree. (Laughter)

5 MR. KOVACS: All right. Well, that's
6 all I had. Yes, sir?

7 MR. SOLLOWAY: Robbie from Kent. Is
8 this state wage rate?

9 MR. KOVACS: Is it --

10 MR. BREEDING: That was my question,
11 too. Bob Breeding. There is a federal and a state
12 wage scale.

13 MR. KOVACS: Yes.

14 MR. BREEDING: And then there is a
15 note on the -- somewhere around the -- on one of the
16 pages about if it uses federal funds, then you have
17 to go by the federal or whatever is higher, I think.
18 But I didn't know.

19 MR. ARMSTRONG: We are not using
20 federal funds.

21 MR. KOVACS: It's State except for --

22 MR. TENNAFOSS: There may be the
23 occasional people that do use --

24 MR. KOVACS: The DTC.



1 MR. TENNAFOSS: The DTC may use
2 federal.

3 MR. KOVACS: That's why we had to put
4 that in there.

5 MR. TENNAFOSS: So I guess should we
6 have a separate price, then, list for if it's
7 federal? You know what I mean? Because, I mean,
8 personally, I don't want to be adding extra costs to
9 do my state- funded buildings.

10 You know, I don't want them to have
11 to assume that there is a federal rate, and then it
12 costs me more.

13 MR. KOVACS: We can -- we can -- um,
14 let me answer that in the addendum, because I think
15 there's certain --

16 MR. TENNAFOSS: Yeah. We will get
17 more information on that.

18 MR. KOVACS: Yeah. I want to word it
19 properly, so -- so when I do the addendum, I will
20 have that answer for you.

21 MR. TENNAFOSS: The majority of the
22 buildings will not be federal-funded.

23 MR. KOVACS: Any other questions?
24 Edwin, you good?



1 MR. TENNAFOSS: Yes.

2 MR. KOVACS: Jeff, you good?

3 MR. ARMSTRONG: I'm good.

4 MR. KOVACS: Did everybody sign in?

5 Everybody here signed in on my sign-in sheet? Okay.

6 If there are no other questions, this concludes our

7 meeting. I appreciate you guys coming out. Thank

8 you.

9 (Concluded at 2:20 p.m.)

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CERTIFICATE

I, Lorena J. Hartnett, a Notary Public and Registered Professional Reporter, do hereby certify that the foregoing is an accurate and complete transcription of the proceeding held at the time and place stated herein, and that the said proceeding was recorded by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witnesses.

I further certify that I am not a relative, employee, or attorney of any of the parties or a relative or employee of either counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 24th day of April 2017.



Lorena J. Hartnett
Registered Professional Reporter



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