

Hacker, Marsha

From: Stauffer, Paul
Sent: Wednesday, July 03, 2013 7:48 AM
To: Boutelle, Alane
Subject: RE: Streets West Cold Storage Roof Replacement. Contract #7025

Alane,
I spoke with Rob and we will reject all bids and re-bid the contract under a new number.
Paul

From: Boutelle, Alane
Sent: Tuesday, July 02, 2013 1:23 PM
To: Stauffer, Paul
Subject: FW: Streets West Cold Storage Roof Replacement. Contract #7025

Hi Paul,
What is the status of Alois for contract #7025?

Alane

From: Dailey, Mike
Sent: Friday, June 28, 2013 9:34 AM
To: Fahrney, John; Boutelle, Alane
Subject: FW: Streets West Cold Storage Roof Replacement. Contract #7025

fyi

From: Stauffer, Paul
Sent: Friday, June 28, 2013 9:32 AM
To: Davis, Norman
Cc: Hoffman, Jeanne; Phillips, Rob; Dailey, Mike
Subject: Streets West Cold Storage Roof Replacement. Contract #7025

Norm,
As of this date, the low bidder, Alois, for this project has not been able to meet some of the qualification as a license applicator for the specified roofing system. Can you review Maly Roofing to determine if they meet the SBE Goal requirements. We gave Alois until noon on Tuesday to provide the required documentation. If they are unable to do this I would recommend to the BPW on Wednesday that we accept the second lowest bidder, Maly Roofing.
Thanks

Paul Stauffer
(608) 266-4366 Desk
(608) 575-5270 Cell

Hacker, Marsha

From: Davis, Norman
Sent: Tuesday, July 02, 2013 3:33 PM
To: Boutelle, Alane
Cc: Fahrney, John; Stauffer, Paul
Subject: RE: SBE Information for Third Lowest Bidder - #7025
Attachments: Custof foam Corp 7025.doc

Please see the attached letter being sent today.

Norman

-----Original Message-----

From: Davis, Norman
Sent: Tuesday, July 02, 2013 1:33 PM
To: Boutelle, Alane
Cc: Fahrney, John; Stauffer, Paul
Subject: RE: SBE Information for Third Lowest Bidder - #7025

This SBE Compliance Report is rejected. Letter is forthcoming.

Norman

-----Original Message-----

From: Boutelle, Alane
Sent: Monday, July 01, 2013 4:13 PM
To: Davis, Norman
Cc: Fahrney, John
Subject: SBE Information for Third Lowest Bidder - #7025

Norman,
Attached is the SBE information for the next lowest bidder on contract #7025.

Alane

-----Original Message-----

From: cityengineering@cityofmadison.com [<mailto:cityengineering@cityofmadison.com>]
Sent: Monday, July 01, 2013 3:11 PM
To: Boutelle, Alane
Subject: Message from "EN-MP8001-EMIL"

This E-mail was sent from "EN-MP8001-EMIL" (Aficio MP 8001).

Scan Date: 07.01.2013 16:11:06 (-0400)
Queries to: cityengineering@cityofmadison.com



Department of Civil Rights

Lucía Nuñez, Director
Norman D. Davis, Division Manager

Affirmative Action Division
210 Martin Luther King, Jr. Boulevard, Room 523
Madison, Wisconsin 53703
PH 608 266 4910
FAX 608 266 6514
TTY/Textnet 866 704 2314
www.cityofmadison.com/dcr

July 9, 2013

SENT VIA US MAIL AND FAX (608) 847-6739

Ms. Jessica Hartje
Custofoam Corporation
N4929 State Rd 58
Mauston, WI 53948

RE: Contract No. 7025 – STREETS WEST COLD STORAGE ROOF REPLACEMENT

Dear Ms. Hartje:

Please be advised that this department has reviewed the Small Business Enterprise (SBE) Compliance Report submitted by **Custofoam Corporation** dated June 19, 2013 in response to the City of Madison's advertisement for bids for Contract No. 7025.

It is the determination of this department that **Custofoam Corporation** did not achieve the specified goal for SBE participation on this contract and that it did not demonstrate good faith efforts to do so. As such, **Custofoam Corporation** has been deemed a non-responsible bidder ineligible for award of this contract.

The specific reasons for our denial of **Custofoam Corporation's** bid include:

1. **Custofoam Corporation** has not demonstrated meeting the prescribed goal for this project;
2. **Custofoam Corporation** has not demonstrated good faith effort to meet the prescribed goal for this project.
3. **Custofoam Corporation** has failed to submit completed *SBE Contact Reports* as required, thus rendering their SBE Compliance Report incomplete.

According to the Instructions to Bidders, included in the contract documents:

- *"Bidders shall take all necessary affirmative steps to assure that SBEs are utilized when possible and that the established SBE goal for this project is achieved. A contractor who self performs a portion of the work and is pre-qualified to perform that category of work, may subcontract that portion of the work, but shall not be required to do so. When a bidder is unable to achieve the established SBE goal, the bidder must demonstrate that a good faith effort to do so was made. Such a good faith effort should include the following:*

2.4.1.1. Attendance at the pre-bid meeting.

2.4.1.2. Using the City of Madison's directory of certified SBEs to identify SBEs from which to solicit bids.

2.4.1.3. Assuring that SBEs are solicited whenever they are potential sources.

2.4.1.4. Referring prospective SBEs to the City of Madison Affirmative Action Division for certification.

2.4.1.5. Dividing total project requirements into smaller tasks and/or quantities, where

- economically feasible, to permit maximum feasible SBE participation.*
- 2.4.1.6. *Establishing delivery schedules, where requirements permit, which will encourage participation by SBEs.*
- 2.4.1.7. *Providing SBEs with specific information regarding the work to be performed.*
- 2.4.1.8. *Contacting SBEs in advance of the deadline to allow such businesses sufficient time to prepare a bid.*
- 2.4.1.9. *Utilizing the bid of a qualified and competent SBE when the bid of such a business is deemed reasonable (i.e. 5% above the lowest bidder), although not necessarily low.*
- 2.4.1.10. *Contacting SBEs which submit a bid, to inquire about the details of the bid and confirm that the scope of the work was interpreted as intended.” (Sec. 2.4.1)*
- *“Bids submitted without a completed SBE Compliance Report as outlined below will be deemed non-responsible and the bidder ineligible for award of this contract.” (Sec. 2.4.2)*
 - *“If the bidder does not meet the goal established for SBE utilization, the Small Business Enterprise Compliance Report shall consist of the following:*
 - 2.4.2.2.1. *Cover Page, Page C-7;*
 - 2.4.2.2.2. *Summary Sheet, C-8; and*
 - 2.4.2.2.3. *SBE Contact Report, C-9 and C-10. (A separate Contact Report must be completed for each applicable SBE which is not utilized.)” (Sec. 2.4.2.2)*

Custofoam Corporation may appeal this decision. As stated in the Instructions to Bidders, included in the contract documents:

- *“A bidder which does not achieve the established goal and is deemed non-responsible for failure to demonstrate a good faith effort to achieve such goal and subsequently denied eligibility for award of contract may, within 72 hours of receiving such notification, appeal that decision to a special appeals committee composed of three (3) members of the Affirmative Action Commission, three (3) members of the Board of Public Works and a seventh member appointed by the Mayor. All appeals must be made in writing to the City Engineer and received within 72 hours of City of Madison’s notice. Postmark not applicable.” (Sec. 2.5)*

Please contact me at (608) 267-8759 with any questions regarding this matter.

Sincerely,

Norman D. Davis
Division Manager

cc: Lucía Nuñez, Department of Civil Rights Director
Engineering Division