

# CITY OF STAMFORD

MAYOR  
*CAROLINE SIMMONS*

DIRECTOR OF OPERATIONS  
*MATT QUINONES*  
Email: MQuinones@StamfordCT.gov



CITY ENGINEER  
*LOUIS CASOLO, JR., P.E.*  
Email: LCasolo@StamfordCT.gov

## OFFICE OF OPERATIONS ENGINEERING BUREAU

Tel: (203) 977-4180/Fax: (203) 977-4137  
Government Center, 888 Washington Blvd., Stamford, CT 06901

September 28, 2023

**O31.037**

To: Caroline Simmons  
From: Louis Casolo, City Engineer

RE: Pavement Restoration by AWC in Shippan Area

Dear Mayor,

The Aquarion Water Company (AWC) has recently installed water mains on three roadways in the Shippan area. AWC is responsible for restoring paving on the side of the road where they performed work. The City of Stamford Highway Department then determined that the other side of these roads requires restoration.

As such, the city has entered into an agreement to pay AWC for the paving restoration on the side of the road where AWC has not installed main.

The terms of this agreement are spelled out on the attached document and payment for this work requires a bid waiver which requires Board of Finance approval as the amount exceeds \$100,000. The agreement also requires review and approval by the Board of Finance and the Board of Representatives as the value of the agreement exceeds \$100,000.

Please forward these documents to the Board of Finance prior to the deadline of Friday September 29, 2023 and submit the attached summary of cost allocation agreement to the Board of Representatives for their review and approval.

Sincerely,

Louis Casolo

Agreement. 2024.0123

## Bid Waiver

Requesting Department: Engineering Department Date of Request: September 28, 2023

Requisition No.: R.2024.004686 Vendor Name: Aquarion Water Company

Requisition Amount: \$320,491.20

*Bid Waivers over \$100,000 shall require the approval of the Board of Finance.*

Bid waiver is requested in accordance with the Purchasing Ordinance, per Section (select one):

- |   |   |  |   |  |  |
|---|---|--|---|--|--|
| <input type="checkbox"/> Critical emergency purchase<br>Sec. 23-18.3A | <input type="checkbox"/> Reasonable/qualified or unique source<br>Sec. 23-18.3B(1)(a) | <input type="checkbox"/> Special source<br>Sec. 23-18.3B(1)(b) | <input checked="" type="checkbox"/> Time is critical<br>Sec. 23-18.3B(1)(c) | <input type="checkbox"/> Formal procurement would cost more/be inefficient/disruptive<br>Sec. 23-18.3B(1)(d) | <input type="checkbox"/> Cost is federal or state regulated<br>Sec. 23-18.3B(1)(e) |
|---|---|--|---|--|--|

**What are you buying? (attach additional sheets if necessary)**

Asphalt milling and paving restoration services for city portion of Ocean Drive East, Hobson Street, and Sea Beach Drive.

**For bid waivers requested per Section 23-18.3B(1)(a), (b), (c) or (d) – is this the lowest cost/most cost effective provider? If not, why were they selected? (attach quotes or proposals - attach additional sheets if necessary)**

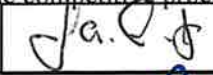
AWC furnished the City of Stamford a cost estimate for this service based on the bidding process conducted by the AWC. See more as noted in next section due to space limitations here.




**What is the justification for a bid waiver? (attach additional sheets if necessary)**

AWC is required to pave the side of the roadway where recently installed water mains were installed. Following the assessment of the other side of the road by the City's Highway Department, it requires milling and paving as well. In order to complete curb to curb pavement restoration by the end of the paving season it was decided by the City of Stamford to utilize AWC's paver to perform this work. A breakdown of Aquarion's cost proposal is attached. AWC bid water main replacement work in Stamford in 2022 for Avery Street, Cover Road, Euclid Avenue, Houston Avenue, Sachem Road, and Van Buskirk Avenue through our internal procurement Department and the work was awarded to A.J. Penna & Sons Construction (Penna) as the low bidder for the work. Based on favorable pricing in the contract AWC worked with Penna to extend the contract/unit prices for completion of work for Phase II of the Shippan work.

I, the undersigned, hereby certify that this request is made in full compliance with Article II, Sec. 23 (Rev. 2014) of the Stamford Code of Ordinances, that the funding for this request has been duly appropriated, that the above justification/information is accurate and complete to the best of my knowledge, and that I have no personal or business interests relative to this request.

Attached hereto is the above referenced requisition together with an appropriate explanation. I attest that it is in the public's best interest to waive the competitive process and your authorization is hereby requested.

Department Head Certification  9/28/23  
Date

<b>Approval</b>	Purchasing Agent		9.28.2023
	Director of Administration		9/28/23
	Mayor		9/29/23

If required - Board of Finance date of approval \_\_\_\_\_

# Bid Waiver

## Justification guidance

- For requests made per **Section 23-18.3 A**: The Purchasing Ordinance, in Sec. 23-15, defines Critical emergency purchases as those purchases of goods or services which, if not purchased or ordered immediately, can result in injury or damage to human life or property. This shall include all goods or services needed on an emergency basis to comply with federal, state or local public health, safety or housing codes and emergency repair of city-owned property, buildings, infrastructure, equipment and vehicles. Requests approved per **Section 23-18.3 A** are rare. It is often more appropriate to cite **Section 23-18.3 B(1)(c)**.
- All bid waivers per Section 23-18.3 B(1) shall include price quotations from three (3) vendors, if available. This specifically applies to bid waivers requested per Section 23-18.3 B(1)(c) and Section 23-18.3 B(1)(d).
- For requests made per **Section 23-18.3 B(1)(a)** or **Section 23-18.3B(1)(b)**
  - Explain what makes this vendor/product unique to the application. Do not just explain why you want to use this vendor/product.
  - If you claim the vendor is a sole source, provide a “sole source” letter from the vendor.
- **Software** – the Purchasing Ordinance classifies software as a “good.”
  - If you are requesting a bid waiver for an annual maintenance fee for software you have in place and have used for many years cite **Section 23-18.3 B(1)(d)**
  - If you are requesting a bid waiver for a new Software as a service (SaaS) cite **Sec. 23-18.3B(1)(a)**. Explain how this SaaS is more like a professional service, then a “good” and why the chosen vendor offers a superior service with unique features i.e. there may be similar software on the market, but it lacks key features that are critical to the needs of the City.

## Sec. 23-18.3. - Waivers of competitive bid process or competitive proposal process.<sup>[22]</sup>

### **A. Critical emergency purchases.**

- (1) Critical emergency purchases, as defined above, may be made by waiving the competitive bid or proposal process. Emergency procurement shall be limited to those supplies, services or construction items necessary to meet the emergency. Said purchases shall be authorized by the appropriate department head or designee with the written consent of the Mayor or the Director of Administration if the Mayor is unavailable.
- (2) Written certification of the emergency and the reason for the selection of the particular supplier, signed by the department head or designee, shall be submitted to the purchasing agent, the Director of Administration and the Mayor within five (5) working days of the authorization of the waiver and shall be made a part of the purchase file.
- (3) Notification of all such emergency purchases shall be made to the Board of Finance and Board of Representatives within two (2) weeks of authorization.

### **B. Other purchases made by a waiver of bid or proposal process.**

- (1) Purchases of goods and services, other than critical emergency purchases, may be made by waiving the bid or proposal process for the following reasons:
  - (a) Only one (1) reasonable or qualified source can be identified. This shall include situations where only one (1) vendor or provider is manufacturer authorized or certified or where parts are available only through a single distributorship.
  - (b) A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will provide a lower cost than that which would result from a bid process.
  - (c) Time is a critical factor.
  - (d) A bid or proposal process would result in substantially higher costs to the city or inefficient use of personnel or cause disruption to city operations.
  - (e) Prices of goods or services are federal or state regulated.
- (2) Such purchases shall require the written certification of the reason for the waiver, signed by the department head, and the written approval of the purchasing agent, the Director of Administration and the Mayor. Purchases over one hundred thousand dollars (\$100,000.00) shall require the approval of the Board of Finance.
- (3) Sole source bid and proposal waivers shall clearly document that only one (1) reasonable or qualified source exists. Bid waivers for other reasons shall include price quotations sought from three (3) vendors, if available. All waiver documentation shall be made a part of the purchase or contract file.
- (4) A written record of all waivers of the competitive bid or proposal process shall be kept by the purchasing agent and be included in the quarterly report. This record shall include the reasons why a bid waiver was used.

Mill & Overlay Depth (2 inches)	MILLING AWC Portion (As measured by Luchs)				MILLING City Portion				
	Location/Description	Mill Area (SY)	Asphalt (TON)	Aquarion Water Company of CT		Mill Area (SY)	Asphalt (TON)	City of Stamford	
				Milling Cost/SY	Asphalt Cost/Ton			Milling Cost/SY	Asphalt Cost/Ton
				\$4.95	\$149.00			\$4.95	\$149.00
Ocean Drive East	7295.0	1117.00	\$36,110.25	\$166,433.00	5005.0	767.00	\$24,774.75	\$114,283.00	
Hobson Street	3615.0	552.00	\$17,894.25	\$82,248.00	2585.0	400.00	\$12,795.75	\$59,600.00	
Rockledge Drive	1205.0	186.00	\$5,964.75	\$27,714.00	0.0	0.00	\$0.00	\$0.00	
Sea Beach Drive	2370.0	366.00	\$11,731.50	\$54,534.00	2030.0	314.00	\$10,048.50	\$46,786.00	
<b>Paving Totals</b>	<b>14,485</b>	<b>2,221</b>	<b>\$71,700.75</b>	<b>\$330,929.00</b>	<b>9,620</b>	<b>1,481</b>	<b>\$47,619.00</b>	<b>\$220,669.00</b>	

**Summary of Total Costs**

Total Cost Mill and Paving Costs \$670,917.75  
 Traffic Control Allowance \$26,000.00  
**Total Costs \$696,917.75**

**Summary of AWC Costs**

AWC Milling and Paving Allocation \$402,629.75  
 Traffic Control Allowance Allocation \$15,600.00  
**Subtotal \$418,229.75**  
 Contingency (15%) \$62,734.46  
**Total AWC Cost \$480,964.21**

**Summary of Stamford Costs**

Stamford Milling and Paving Allocation \$268,288.00  
 Traffic Control Allocation \$10,400.00  
**Subtotal \$278,688.00**  
 Contingency (15%) \$41,803.20  
**Total Stamford Cost \$320,491.20**

**Summary of Cost Allocation for Final Paving**

City of Stamford and the Aquarion Water Company of Connecticut

Aquarion Water Company of Connecticut (AWC) has completed the replacement of water main on Ocean Drive, Sea Beach Drive and Hobson Street in the Shippan Area of Stamford in 2023. As agreed with the City of Stamford the restoration shall include the following:

- Milling of the existing roadways to a depth of 2-inch and replacement with 2" of asphalt top course.
- The work shall include milling, paving, traffic control, and pavement markings.
- The limits of paving restoration are for Ocean Drive East, Sea Beach Drive and Hobson Street. Paving restoration on Rockledge Drive is not included in the cost allocation and will be completed and paid for by AWC.


The limits of transverse paving restoration included in this agreement shall include curb to centerline on the roadway section not impacted by the installation of the watermain to be paid for by the City of Stamford. The restoration of the areas over the watermain are included in a prior permit issued by the City of Stamford for this project and will be paid by AWC.

The City of Stamford will provide inspection of the final milling, paving and markings in coordination with AWC inspectors.

AWC shall warrantee the pavement restoration for a period of 2 years after acceptance of work by the City of Stamford. A written acceptance will be provided by the City of Stamford within 5 business days from the time the work is completed and accepted.

The terms of payment by the City of Stamford for the work described above on the section to be paid for by the City of Stamford is estimated to cost no more than \$320,491.20 as shown on the attached summary of costs. Payment shall be made upon the city's acceptance of the work and issuance of a purchase order.

All restoration shall be completed prior to the end of the 2023 paving season.

  
\_\_\_\_\_  
Daniel R. Lawrence, P.E.

9/28/2023  
Date:

Vice President of Engineering and Real Estate  
Aquarion Water Company of Connecticut

\_\_\_\_\_  
Caroline Simmons  
Mayor of Stamford

\_\_\_\_\_  
Date: