



The City of
NORMAN

PUBLIC WORKS DEPARTMENT

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ENGINEERING DIVISION

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June 25, 2018

RDNJ, LLC, d/b/a A-Tech Paving
Attn: Jay Doyle
7845 N. Robinson Avenue, Suite H-2
Oklahoma City, OK 73116

RE: BID 1819-1: Street Maintenance Bond Program- Urban Concrete Pavement &
BID 1819-2: Street Maintenance Bond Program- Urban Asphalt Pavement

Mr. Doyle:

Your construction company recently submitted on the two above mentioned City of Norman Street Maintenance Bond Program project bids. Both of your bids were the low bid on each of the corresponding projects. However, City staff has determined that due to poor past performance on recent City of Norman projects and noncompliance with some items in City standard specifications, your recent bids mentioned above are not considered the lowest responsible bids. As a result, City staff is moving forward on contracts with the second low bidder on each project that in our opinion are the lowest responsible bids. Staff will continue to monitor your performance on the remainder of your active City of Norman projects and may consider bids from your company at a later date if the projects are completed in conformance with contract documents including contract time and with no more than 40% of the work being completed by sub-contractors.

Justification for not awarding RDNJ, LLC, d/b/a A-Tech Paving BID 1819-1 and BID 1819-2 is as follows:

1. Section 1102.12 **DISQUALIFICATION OF BIDDERS** (F) of the City of Norman Standard Specifications and Construction Drawings General Conditions, states that "Uncompleted work, which, in the judgment of the City, will hinder or prevent the prompt completion of additional work if awarded." is grounds for disqualification.

A-Tech has several projects with the CON that are either behind schedule or has uncompleted punch list items. Examples include:

- a. Iowa and Dakota Street Reconstruction Projects: Several significant punch list items have not been completed in spite of several attempts and reminders to the contractor to complete them.
- b. Lahoma, Grey to Nebraska Project: As of the date of this letter, 98 of 100 construction days have expired, but the project is only 35% complete. City staff's observation is that the contractor does not have the right kind of equipment and/or people on site to complete the work efficiently.
- c. Main Street Pavement Patching Project: Punch list items are still incomplete on this project. Multiple attempts by City staff have been made to try to schedule your company to finish the remaining items and close the project have been unsuccessful.
- d. Imhoff Creek Channel Repair Project: As of the date of this letter, we are 136 days past the calendar completion date of February 9, 2018 and the project is still not

complete. Staff observes that this is due to inconsistent work force and equipment as well as inadequate care of water for the duration of the project

2. Failure to Satisfy Bid Requirements: Section 1, Page 9 of the bid documents requires that the bidders provide a qualification Statement including list of incomplete projects. RDNJ, LLC, d/b/a A-Tech Paving listed several incomplete projects with the City of Oklahoma City; none of the four above mentioned City of Norman projects were listed as well as the current State Highway 9 trail project. All of the projects with the exception of the trail project are behind schedule.
3. Section 1107.1 **SUBLETTING OF WORK** of the City of Norman Standard Specifications and Construction Drawings General Conditions, states that:
 - a. The Contractor shall not employ any subcontractor on the work without prior written acceptance of the Engineer and the City.
 - b. Subcontractors proposed for any part of the work and all subcontractors must be accepted by the City in writing within thirty (30) days after the award of the contract.
 - c. The Contract shall not subcontract more than 40% after excluding the cost of all materials without written permission of the City of Norman.

On the Imhoff Creek Channel Repair Project, none of the above three conditions were complied with, which constitutes a breach of the applicable contract. Further, RDNJ, LLC, d/b/a A-Tech Paving has failed to consistently provide a foreman to supervise the subcontractor. As a result, City inspectors were forced to address subcontractor issues like unsafe working conditions, means and methods of conduction the work, etc. City staff also observed that essentially all concrete channel installation and concrete drop structure with the exception of a small segment at the onset of the project has been completed by the subcontractor. Importantly, the submittals for BID 1819-1 and BID 1819-2 do not adequately demonstrate that RDNJ, LLC, d/b/a A-Tech is capable of satisfying Section 1107.1 on these projects.

For the above mentioned reasons, the City of Norman has disqualified RDNJ, LLC, d/b/a A-Tech Paving on BID 1819-1 and BID 1819-2. City staff hopes that RDNJ, LLC, d/b/a A-Tech Paving makes a concerted effort to complete the current City of Norman projects in conformance with contract documents so that we may be able to consider your bids in the future.

Sincerely,



Tony Mensah, P.E.
Capital Projects Engineer

cc: Shawn O'Leary, Director of Public Works
Scott Sturtz, City Engineer
Beth Muckala, Assistant City Attorney
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Enclosures