



June 4, 2012

Mr. Chris Eddy  
Athletic Director  
Charter School of Wilmington  
100 North Dupont Road  
Wilmington, DE 19807

VIA E-MAIL and HARDCOPY

RE: New Running Track  
Recommendation for Contract Award

Dear Mr. Eddy:

ELA Sport has completed our review of the bids received on June 1, 2012 for the New Running Track for the Charter School of Wilmington (School).

As a result of this review, we recommend the project be awarded to the apparent low bidder, American Athletic Courts, Inc. for the base bid amount of **\$473,000.00** (Bid Tabulation attached). It is our understanding that the School wishes to accept the Alternate No. 2 (Sealed All Weather Track Surfacing System – add of \$25,000.00) and Alternate No. 3 (D Area with Sealed All Weather Track Surfacing System – add of \$94,500.00) which would increase the bid price to **\$592,500.00**. The bid is considered to be a competitive bid.

From our discussions with a company representative and our research of the company's capabilities, it appears American Athletic Courts, Inc. has the resources, experience, and manpower necessary to complete the project.

As for the next steps the School must take in awarding the Bid, I refer you to the Specifications, in particular Document 000200 "Instructions to Bidders" Section 5.4. I have excerpted the pertinent subsections and commented on the steps that the School and / or the Bidder must take written in red italic lettering:

5.4 ACCEPTANCE OF BID AND AWARD OF CONTRACT

5.4.1 A formal Contract shall be executed with the successful Bidder within twenty (20) calendar days after the award of the Contract. – A *Letter of Intent to Award* must be issued once the School has determined which Bidder to award the contract to. ELA Sport can issue that letter on behalf of the School if so desired. It should be

*issued as soon as possible based on the required completion date of August 13, 2012.*

- 5.4.2 Per Section 6962(d)(13) a., Title 29, Delaware Code, "The contracting agency shall award any public works contract within thirty (30) days of the bid opening to the lowest responsive and responsible Bidder...." – *The School must award the Contract by June 29, 2012.*
- 5.4.3 and 5.45 – No steps for School or Bidder to take.
- 5.4.5 The successful Bidder shall execute a formal contract, submit the required Insurance Certificate, and furnish good and sufficient bonds...within twenty (20) days of official notice of contract award. Bonds shall be for the benefit of the Agency with surety in the amount of 100% of the total contract award. Said Bonds shall be conditioned upon the faithful performance of the contract. Bonds shall remain in effect for period of one year after the date of substantial completion. – *The Bidder must present an executed Contract with required bonds to the School twenty (20) days after the receipt of the Intent to Award letter. In order for this to happen the contract in the project specifications (the basic standard American Institute of Architects (AIA) contract) must be revised by the School to reflect the contractor, contract amount and conditions set forth in the "General Conditions of the Contract" (AIA form A201) and Document 000800 "Supplemental General Conditions A201-2007" prior to issuance to the Bidder for their signature. ELA Sport can do that if so desired. It is suggested that you refer all Contract Documents to your solicitor for review prior to execution.*
- 5.4.6 If the successful Bidder fails to execute the required Contract and Bond, as aforesaid, within twenty (20) calendar days after the date of official Notice of the Award of the Contract, their Bid guaranty shall immediately be taken and become the property of the State for the benefit of the Agency as liquidated damages, and not as a forfeiture or as a penalty. Award will then be made to the next lowest qualified Bidder of the Work or re-advertised, as the Agency may decide. – *Unlikely to occur but put in place to protect the School.*
- 5.4.7 Prior to receiving an award, the successful Bidder shall furnish to the Agency proof of State of Delaware Business Licensure.... – *The apparent low bidder, American Athletic Courts, Inc., has provided proof of business licensure in the State of Delaware with their bid.*
- 5.4.8 The Bid Security shall be returned to the successful Bidder upon the execution of the formal contract. The Bid Securities of unsuccessful bidders shall be returned within thirty (30) calendar days after the opening of the Bids. – *The School must return all Bid Bonds to the unsuccessful bidders by June 29, 2012. ELA Sport can return the Bonds on behalf of the School if so desired.*

If there are any questions with regard to the recommendation or you wish any assistance on the matter do not hesitate to call.

Mr. Chris Eddy  
New Running Track  
Recommendation for Contract Award

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June 4, 2012

Sincerely,  
ELA GROUP, INC.

*Original on File*

Hugh D Cadzow, ASLA  
Principal and Studio Director

CC: Mr. Charles Baldwin, President (VIA E-mail)  
Mr. Jed Desmond, CFO (Via E-mail)

Enclosures

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June 5, 2012

Mr. Bill Narozanick, CTB  
American Athletic Courts, Inc.  
2050 Route 206  
Vincentown, NJ 08088-3529

RE: New Running Track  
Charter School of Wilmington  
Notice of Intent to Award

**VIA E-MAIL and HARDCOPY**

Mr. Narozanick:

The Charter School of Wilmington (School) intends to award American Athletic Courts, Inc. the following items listed in your Bid provided to the School on June 1, 2012:

- Base Bid Price of **Four-Hundred and Seventy Three Thousand Dollars (\$473,000.00)**
- Alternate No. 2 (Sealed All Weather Track Surfacing System) for a Price of **Twenty Five Thousand Dollars (\$25,000.00)**.
- Alternate No. 3 (D Area with Sealed All Weather Track Surfacing System) for a Price of **Ninety Four Thousand and Five Hundred Dollars (\$94,500.00)**

The three items combined will make the total bid price **Five-Hundred and Ninety Two Thousand and Five Hundred Dollars (\$592,500.00)**. The Proposed Contract Sum is as written in your Bid Form submitted to the School on the aforementioned date.

As per Specification Document 000850 "General Requirements", the following information is to be furnished to the School within the time limits as noted below. Two (2) copies of each are required:

1. Performance Bond and Payment Bond (Refer to General and Supplementary Conditions) naming both the Charter School of Wilmington and Red Clay School District as Insured/Owner and are to be supplied within five (5) days of receipt of the Notice of Intent to Award;
2. Signed form of Agreement (AIA Form A101 Owner/Contractor Agreement, including General and Supplementary Conditions (Refer to Forms included in the Bid Documents) and are to be supplied within five (5) days of receipt of the Notice of Intent to Award;
3. All Required Certificates of Insurance must include both the Charter School of Wilmington and Red Clay School District as additional insured and are to be supplied within twenty (20) days of receipt of the Notice of Intent to Award;
4. Preliminary Schedule of Values within five (5) days of receipt of the Notice of Intent to Award;

As you are the apparent low bidder, your bid security will be held until the Owner-Contractor Agreement is executed.

Issuance by the Owner of this Notice of Intent to Award a contract shall not be construed as an Award of Contract, shall not obligate the Owner to award a contract and shall not give a bidder any right to recover from the Owner any expenses incurred by the bidder in complying with the requirements of the Contract Documents or Notice of Intent to Award, or in anticipation of being awarded a contract.

After review, and resolution of any discrepancies, of the Agreement, bonds, and other requirements by the Owner's solicitor, the Agreement will be executed and the Notice to Proceed will be issued.

We look forward to working with your organization toward successful completion of the project. If you have any questions, or require clarification in regard to any of the submittal items noted herein, please feel free to contact me at (717) 626-7271.

Sincerely,  
ELA SPORT

*Original on File*

Hugh D Cadzow, RLA ASLA  
Principal - Studio Director

HDC/hdc  
AZ128-001

cc: Mr. Chris Eddy, Charter School of Wilmington – (via e-mail & hardcopy)  
Mr. Charles Baldwin, Charter School of Wilmington, President (VIA E-mail)  
Mr. Jed Desmond, Charter School of Wilmington, CFO (Via E-mail)  
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