

RESOLUTION NO. _____

**AUTHORIZATION FOR THE EMERGENCY PROCUREMENT
TO REPLACE/REPAIR THE AMERICANS WITH DISABILITIES ACT (ADA) DOOR
OPERATORS AND HARDWARE AT ST CATHERINE COURT**

Item No. 5J

WHEREAS, funds have been identified from the U.S. Department of Housing and Urban Development under the Capital Fund Program to award a contract to Destiny Communications, LLC. for the emergency replacement/repair of ADA door operators and hardware at St Catherine Court located at 1114 South 4th Street; and

WHEREAS, a recent inspection conducted by Sherman Carter Barnhart Architects concluded that a total of thirty single doors and four double doors, from floors 1 thru 16, were in need of replacement to assure continued functional and safe access to the elevators and laundry/ trash rooms located in this property; and

WHEREAS, the sealed bid process was followed; however, due to no public interest in the solicitation throughout the sealed bid process, and not having received any bids, the competition was determined inadequate; and

WHEREAS, Executive Director, Lisa Osanka, in strict compliance with LMHA's and HUD's Procurement Policies, issued a Declaration of Emergency Procurement, due to public exigency, in addition to matters relative to "the public's health, welfare and safety to residents," in addition to implementing necessary measure to avoid an emergency event; and

WHEREAS, the Capital Improvements Team, using the Non-Competitive Procurement Method, and citing exceptions 2 CFR 200.320(c)(3) and (5), obtained 4 quotes from experienced contractors, including 2 MBE firms, to perform the needed repairs/replacements; and

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WHEREAS, the quote submitted by Destiny Communications, LLC., was reasonable by the Authority's architect, Sherman Carter Barnhart; and Staff also determined Destiny Communications to be well qualified to perform the required replacement/repair work.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to award a contract to Destiny Communications, LLC. to replace/repair all ADA door operators and hardware as necessary at St Catherine Court, located at 1114 South 4th Street for \$211,590.00.

RESOLUTION BACKGROUND STATEMENT

AUTHORIZATION FOR THE EMERGENCY PROCUREMENT TO REPLACE/REPAIR THE AMERICANS WITH DISABILITIES ACT (ADA) DOOR OPERATORS AND HARDWARE AT ST CATHERINE COURT

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I. STATEMENT OF FACTS:

The Louisville Metro Housing Authority is required by building codes, housing codes and HUD Regulations to keep our properties in a clean and safe condition, to include addressing repairs that may have the potential to affect the health and safety of our residents. In that regard, the ADA door operators and hardware located at the St Catherine Court housing development need to be replaced/repared immediately to assure continued access to the elevators, laundry rooms, and trash disposal rooms.

LMHA's review of the existing ADA door operators and hardware located at St Catherine Court concluded that the ADA door operators and associated hardware should be replaced/repared as soon as practical. A recent inspection by Sherman Carter Barnhart Architects revealed that the door operators and hardware on floors 1 through 16 (a total of thirty single doors and four double doors) were at serious risk of failure.

After a failed attempt by the Capital Improvements Department to obtain bids to perform the work under the Competitive Procurement Method (there was no public interest during the pre-bid meeting and site visit, and no bids were received), the competition was determined inadequate.

Public exigency in addition to serious threats to the public's health, welfare and safety due to equipment failure, and the potential for an emergency event, will not justify further delay in award of a contract to perform the needed replacement/ repair work resulting from having to re-solicit this project under the Competitive Procurement Method. Additionally, there is concern that LMHA would again receive no responses in the event of a re-bid process.

In strict compliance with LMHA's and HUD's Procurement Policies, the Executive Director issued a Declaration of Emergency Procurement, and LMHA team proceeded to solicit Non-competitive Proposals to perform the work under exceptions 2 CFR 200.320(c)(3) and (5).

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I. STATEMENT OF FACTS (cont'd.):

Using the same scope of work created by Sherman Carter Barnhart Architects for the Sealed Bids, on April 5, 2023 LMHA has obtained quotes from four companies, including 2 MBE contractors, as follows:

<u>CONTRACTOR</u>	<u>PROPOSAL</u>
Destiny Communications, LLC. (MBE)	\$211,590.00
J F Hilliard Company, LLC. (MBE)	\$551,250.00
Stanley Schultze & Company Inc.	\$575,500.00
Klein Brothers	\$219,324.00

The proposal submitted by Destiny Communications, LLC. was determined to be the lowest responsible and responsive bid received. The qualifications and experience of the contractors were considered.

II. ALTERNATIVES:

- A. Approve the resolution for the emergency procurement to replace/repair ADA doors and hardware at St Catherine Court located at 1114 South 4th.
- B. Do not approve the resolution for the emergency procurement currently.

III. RECOMMENDATION:

Staff recommends Alternative "A."

IV. JUSTIFICATION:

- LMHA's and Sherman Carter Barnhart Architects' recent inspection of the ADA door operators and hardware located at 1114 South 4th Street revealed that the door operators and hardware at this site, on floors 1 thru 16 (a total of thirty single doors and four double doors) were at serious risk of failure.

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IV. JUSTIFICATION (cont'd.):

- An attempt to obtain bids to perform the needed replacement/repairs, using the Competitive Procurement Method, failed and the competition was deemed inadequate.
- In strict compliance with LMHA's and HUD's Procurement Policies, the Executive Director and Contracting Officer, Lisa Osanka, issued a Declaration of Emergency Procurement.
- The Emergency Procurement to replace/repair the ADA door operators and hardware at St. Catherine Court, using the Non-Competitive Procurement Method, and citing exceptions 2 CFR 200.320(c)(3) and (5), is critical to assure continued and safe access to the elevators and laundry facilities by residents, visitors, and Staff.
- Although only one bid is required by LMHA's Procurement Policy for Emergency Procurements, the Capital Improvements Team obtained four proposals to perform the needed work, of which two were from MBE Firms.
- The proposal submitted by Destiny Communications, LLC. was determined to be lowest responsible and responsive quote received.

V. BUDGET APPROVAL:

Funding for this project is provided from the Capital Fund Program.

Jeff Ralph, Director of Finance

Date

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VI. PROCUREMENT CERTIFICATION:

This procurement complies with the Louisville Metro Housing Authority's procurement policies and procedures.

Steve Webb, Purchasing Agent

Date

Submitted by: Keith McCarthy, Assistant Director
Norma Ward, Director
Capital Improvements Dept./ Choice Construction Implementation
April 18, 2023