



# Baldwin County Commission

## Legislation Text

---

**File #:** 19-0860, **Version:** 1

---

**Meeting Type:** BCC Work Session

**Meeting Date:** 3/12/2019

**Item Status:** New

**From:** Junius Long, Building Facilities Coordinator

**Submitted by:** Wanda Gautney, Purchasing Director

---

### ITEM TITLE

Contract for Labor and Incidental Materials for Roof Restoration at the Baldwin County Board of Education Administration Building Located in Bay Minette, Alabama

### STAFF RECOMMENDATION

Terminate the Contract "without cause" with "10 days written notice" between the Baldwin County Commission and E. Cornell Malone Corporation for Labor & Incidental Materials for Roof Restoration at the Baldwin County Board of Education Administration Building located in Bay Minette as outlined on Page 4, Section XVIII, of the Professional and Construction Services Contract with the termination date to be effective March 29, 2019.

### BACKGROUND INFORMATION

#### **Previous Commission action/date:**

9/18/2018 meeting: Adopted as it relates to the Baldwin County Fiscal Year 2018-2019 Budget, Resolution #2018-117, which, pursuant to Amendment No. 772 to the Constitution of Alabama 1901 and related to the promotion of local economic and industrial development, provides for respective determinations by the Baldwin County Commission that a variety of expenditures of public funds, as relates to a myriad of appropriations authorized by the Baldwin County Fiscal Year 2018-2019 Budget, will respectively serve valid and sufficient public purposes.

11/06/18 Meeting: 1) Approved the specifications and authorized the Purchasing Director to place a competitive bid for the labor and incidental materials for the roof restoration at the Baldwin County Board of Education Administration Building; and 2) Further, authorized the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised; and 3) Approved and authorized the Purchasing Director to issue a Purchase Order to Garland Company, Inc., in the amount of \$44,123.66 but not to exceed \$45,500.00 for the roofing materials which is being purchased off the U. S. Communities Contract.

1/15/19 meeting: Awarded the bid to the lowest bidder for Labor & Incidental Materials for Roof Restoration at the Baldwin County Board of Education Administration to E. Cornell Malone Corporation as per the attached Award Listing and authorized the Chairman to execute the Contract.

(Contract shall commence immediately upon the same date as its full execution, and shall terminate upon either the expiration of not more than Sixty (60) days after the notice to proceed is given).

**Background:** The Building Facilities Coordinator requested during FY 19 budget deliberations that the Commission budget for the roof restoration on the Board of Education Administration Building. After the funds were approved Building Facilities Coordinator requested that a competitive bid be placed for the roof restoration. The bid was advertised and awarded to E. Cornell Malone Corporation on January 15, 2019. The Contract was executed on February 5, 2019, with E. Cornell Malone Corporation for the project. The Building Facilities Coordinator just learned that this Administration Building that was budgeted for repair is not maintained by the Baldwin County Commission but belongs to the Baldwin County Board of Education. The Baldwin County Commission does maintain the newer BOE Administration building that was built by Baldwin County Commission located on the same property but not this older building.

The Building Facilities Coordinator is requesting that the Baldwin County Commission terminate the Contract with E. Cornell Malone Corporation giving them a "10 days Written Notice" without cause as outlined on page 4, section VIII of the Contract for Professional and Construction Services with the termination date to be March 29, 2019.

#### **FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?** N/A

#### **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

#### **ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

**FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** 03/19/2019

**Individual(s) responsible for follow up:** Wanda Gautney/Purchasing Director

**Action required (list contact persons/addresses if documents are to be mailed or emailed):** Letter to Contractor

**Additional instructions/notes:** N/A