

Tim Carroll

From: McCabe, Walter R. [Walter.McCabe@ropesgray.com]
Sent: Friday, April 27, 2012 10:25 AM
To: 'Tim Carroll'; Ronald H. Rappaport Esq. (rrappaport@rrklaw.net)
Subject: RE: FW: Chilmark IFB Preschool Bathroom

Tim and Ron:

Per Tim's request I have prepared this short email to confirm what I advised Tim yesterday on this possible Bid Protest matter. Based on the facts Tim disclosed to me I see no reason why the award of the contract to the second low bidder ((Knight Construction (sp?))) should not proceed as voted by the Selectmen. 1) Laliberty's bid must be rejected b/c there was no bid bond included as confirmed by 3 witnesses. 2) the failure by the bidders to acknowledge two addenda one that offered greater time flexibility for the bidders in completing the work and a second that extended the time for bids to be received do not seem to be material to the bid process or the project and should be able to be waived by the Selectmen as not material deviations in the bid submission.

If the Town decides to proceed to contract then a protest may be made to the AG's Office Bid Protest Unit but the town is not compelled to await such Office's hearing and decision before proceeding nor to abide by its non-binding decision. Laliberty can only legally block the work by seeking an injunction in court.

Let me know if you have any questions.

Walter

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From: Tim Carroll [mailto:execsec@chilmarkma.gov]
Sent: Friday, April 20, 2012 1:51 PM
To: McCabe, Walter R.
Subject: FW: FW: Chilmark IFB Preschool Bathroom

Walter
Can we go over this complaint?

Tim Carroll, Executive Secretary 508-645-2101 v 2110 f

Please change @ci.chilmark.ma.us to @chilmarkma.gov for all Chilmark addresses. The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

Twitter at [TimCarrollEMD](https://twitter.com/TimCarrollEMD)

From: Thomas Pappas [<mailto:laliberty@yahoo.com>]
Sent: Thursday, April 19, 2012 1:21 AM
To: Assistant Exec Secretary
Cc: 'tcarroll@chilmarkma.gov'
Subject: Re: FW: Chilmark IFB Preschool Bathroom

Please be advised that Laliberty Is formally protesting the award to knight home builders for the bathroom renovations to the Chilmark preschool.

The bid date was changed from March to April 4th and there was no bid opening that day nor an Addendum issued for an extension for the new bid date of April 11th as previously issued for the change to April 4th. Laliberty was the only bidder and submitted their package via overnight mail. Laliberty had a bid bond in the package but it apparently was not in the envelope at the opening. It was issued by the Bond Company Western Surety and a copy was provided the same day after the opening as proof. Had the 2nd Addendum been issued Laliberty would have had a chance to re-submit. Laliberty was told after the bid opening that the opening would be extended to try to get more bidders. Please also be aware that Night Builders did not acknowledge the Addendum #1 specifically changing the new bid date and work schedule.

Thank you
Thomas Pappas

--- On **Mon, 4/2/12**, Assistant Exec Secretary <asstexecsec@chilmarkma.gov> wrote:

From: Assistant Exec Secretary <asstexecsec@chilmarkma.gov>
Subject: FW: Chilmark IFB Preschool Bathroom
To: "'laliberty@yahoo.com'" <laliberty@yahoo.com>
Cc: "'tcarroll@chilmarkma.gov'" <tcarroll@chilmarkma.gov>
Date: Monday, April 2, 2012, 7:44 PM

Thomas the information you need to complete a bid is accessible at link below
http://www.chilmarkma.gov/Pages/ChilmarkMA_BBoard/Preschool%20Bathroom/ please let me know if you need anything else. -Dilly

-----Original Message-----

From: Tim Carroll [<mailto:execsec@chilmarkma.gov>]
Sent: Monday, April 02, 2012 3:31 PM
To: 'laliberty@yahoo.com'
Cc: 'Assistant Exec Secretary'
Subject: Chilmark IFB Preschool Bathroom

http://www.chilmarkma.gov/Pages/ChilmarkMA_BBoard/Preschool%20Bathroom/INVITATION%20FOR%20BIDS%20Preschool%20Bathroom.pdf

Thomas Pappas