

Instructions for Using Standard Contract

First Unitarian Congregational Society in Brooklyn

Approved by the Board of Trustees April 8, 2021

These instructions describe the process by which any Project Manager will solicit, receive, review and award bids from Contractors on a project of the First Unitarian Congregational Society in Brooklyn (“First Unitarian”).

Definitions

- A Project Manager is the person who oversees or directs the execution of a project at First Unitarian. The Project Manager can be a staff member, a congregant or committee member, or a third-party professional (such as an architect), designated by the Board of Trustees (“the Board”) to manage the project.
- A project is a non-recurring activity which First Unitarian will pay for. This also includes projects funded by restricted contributions to First Unitarian intended specifically for this project.
- A Contractor is a third party or firm that First Unitarian will pay to perform work in a project.

Authority

Preferably by October 1 of each year, but in any case no later than January 1, the Board will designate the individual, workgroup or committee with authority for each of the projects expected to be undertaken in the following fiscal year. For most projects, the Board will vest this authority in the Project Manager. But for complex projects with large expense, multiple design decisions, and/or significant aesthetic impact, the Board may vest this authority in a workgroup or committee. The party designated by the Board (whether a Project Manager or a group) is encouraged to consult with others, but will have ultimate authority and responsibility to make final design decisions and execute the project. If the project budget includes funds for consultations with architects, engineers or other professionals in a planning phase, the Board may authorize the designated party to begin incurring costs for those planning consultations before the year in which the project is budgeted.

Applicability of Standard Contract

The Standard Contract, or an equivalent contract containing all the same elements:

- Must be used by the Project Manager for work awarded to a Contractor expected to cost more than \$10,000.
 - Multiple work orders of less than \$10,000 each for various aspects of the same project must be added together to determine whether the \$10,000 threshold is reached.
- Is recommended to the Project Manager for work awarded to a Contractor expected to cost more than \$5,000 but less than \$10,000.
- Is suggested as a guideline to the Project Manager for work awarded to a Contractor expected to cost less than \$5,000.

For projects expected to cost less than \$10,000 which do not use the Standard Contract in its entirety, any bid or quotation the Project Manager signs should be consistent with the elements of the Standard Contract that are most relevant to the work.

The standard contract forms published by the American Institute of Architects (AIA) are acceptable in lieu of the Standard Contract because they include all the same elements as the Standard Contract.

Specifications

Any work awarded to a Contractor must be based on written specifications. The thoroughness of the specification will be consistent with the complexity and cost of the work to be performed.

Written specifications serve three principal goals:

- Before bidding the job, they document the work to be performed, so that interested staff or congregants can validate that the work will meet the purpose of the project.
- While bidding the job, they provide a precise scope of work upon which a contractor can submit a bid, and they allow a direct comparison of bids from multiple Contractors – all are bidding to perform the same work.
- After awarding the job, they enable the Project Manager to manage the work of the Contractor, ensure that the work is being completed as desired, and confirm that the completed work meets requirements for payment.

Written specifications must describe the work to be performed by:

- Describing its component parts. [The Bid Form will state whether the Contractor must bid a price for each of these component parts or only for the entire piece of work.]
- Stating quantities, measurements and dimensions, locations, etc., using photographs and drawings where helpful.
- Stating any specific products the Contractor must furnish and/or install, using either a generic description or exact makes and models.
- Referencing any industry standards the work must meet.

Or alternatively, written specifications may describe the problem First Unitarian is trying to solve, and ask the Contractor's written bid to propose a solution with the above specificity, which the Project Manager may then accept, modify, or reject.

Written specifications can be:

- Prepared by the Project Manager before discussions with a Contractor, or
- Prepared by a Contractor after discussions with the PM, incorporated in the Contractor's written bid, and then accepted or modified by the Project Manager.

Before preparing written specifications for work in a project, the Project Manager may:

- Engage a third-party advisor, such as an architect or engineer, for guidance on solutions to meet the objectives of the project, and how best to structure the work.
- Ask one or more Contractors for advice on possible solutions or ways to structure the work. However, after those consultations the Project Manager must still issue written specifications,

obtain written bids from multiple Contractors, and award the work only to a Contractor who submits a written bid addressing the specifications.

Bidding, Awarding and Managing the Work

Preparing the Standard Contract:

- The Standard Contract consists of four parts: the Introduction, the Specifications, the Bidding Process, and the Terms and Conditions.
- Before requesting bids, the Project Manager will first:
 - Fill in all the blanks in the Standard Contract
 - Attach written Specifications. [An example is provided in page 6 of these instructions.]
 - Attach a Bid Form, specifying the level of detail at which the Contractor must provide prices: by each major component of work, or for the Project as a whole. [An example is provided in page 7 of these instructions.]

Obtaining Bids:

- For work expected to cost more than \$5,000, the Project Manager will identify at least three individuals or firms who appear to be qualified to do the work, and will invite them to provide written bids in response to written specifications. For work between \$5,000 and \$10,000, an email description of the work is acceptable. For work above \$10,000, formal written Specifications are required.
- The Project Manager may request a written bid from fewer than three individuals or firms if:
 - So few individuals or firms have the required expertise and availability in our geography, or in the price range allowed by the budget, that the Project Manager is only able to identify one or two [for example, an acoustic engineer offering a heavily discounted fee to accommodate First Unitarian as a house of worship], or
 - Previous experience of First Unitarian or other clients has been so overwhelmingly positive with a given individual or firm that the Project Manager considers it highly unlikely that another candidate would provide a superior bid or services [for example, a cabinet maker who restores historic woodwork], or
 - First Unitarian has already engaged an individual or firm for a number of assignments similar to the current work; and the overall relationship is governed by a written agreement that is the result of competitive bidding among qualified candidates [for example, an architect] or,
 - The individual or firm will provide a single instance of professional advice so that the Project Manager can prepare a larger project that will involve multiple bids [for example, a structural engineer engaged prior to a large renovation], and
 - In all four of the above instances, the staff member to whom the Project Manager reports or the Project Manager's Board Liaison must approve requesting bids from only one or two rather than three individuals or firms. However, the Standard Contract remains applicable as described on the first section of these instructions, and the Project Manager must still issue written Specifications and obtain written bid(s).

- If the Project Manager invites at least three contractors but only one or two provide written bids and the Project Manager wishes to award the work to one of them, the staff member to whom the Project Manager reports or the Project Manager's Board Liaison must approve awarding the work without obtaining bids from more contractors.

Awarding the work:

- The Project Manager will award the work to the Contractor whose bid is the most favorable in some or all of the following aspects:
 - Acceptance of the Standard Contract
 - Adherence to the bidding process
 - Fulfillment of the written Specifications
 - Showing the fullest understanding of the project
 - Proposing the best solution, equipment, or technique
 - Most extensive experience or most favorable reference checks
 - Lowest cost
- If the Contractor bid which the Project Manager considers to be most favorable fails to meet any material aspects of the written Specifications, the Project Manager may award the work to that Contractor only with the concurrence of the staff member to whom the Project Manager reports or the Project Manager's Board Liaison.
- If a workgroup or committee is assisting the Project Manager, the Project Manager will consider their evaluation of the Contractor bids, as well as the Project Manager's own evaluation, and attempt to reach a consensus.
- If two or more bids are very closely competitive, or one bid excels in some aspects and another bid excels in others and the award therefore depends on how those aspects are weighted, or the workgroup or committee assisting the Project Manager prefers to award the work to a different Contractor than the Project Manager, then the Project Manager will make the final decision together with the staff member to whom the Project Manager reports or the Project Manager's Board Liaison.
- Before awarding the contract, the Project Manager will obtain the Contractor's insurance certificates, confirming the Contractor's property, casualty and liability insurance and naming First Unitarian as an additional insured, as described on page 4 of the Standard Contract. For contracts expected to exceed \$50,000 in value, the Project Manager will confer with the Director of Congregational Services as to whether to request a consultation with First Unitarian's insurance broker to confirm the adequacy of the Contractor's insurance.
- After awarding the contract, the Project Manager will notify the other bidders that they were not awarded.

Entering into the contract:

- If the Contractor's bid is written in the form of a binding quote that both the Contractor and First Unitarian will sign, and it accepts all the terms of the Standard Contract, the Project Manager can sign the quote (subject to the dollar threshold of the Project Manager's signing authority) without requiring a more formal contract.

- If the Contractor proposes a contract embodying the terms in the Standard Contract but also containing other terms or modifications, the Project Manager will review the contract with the staff member to whom the Project Manager reports or the Project Manager's Board Liaison, before signing it.
- Contracts must be signed as follows:
 - Contracts over \$20,000 must be signed by the President or a Co-President of the Board
 - Contracts between \$10,000 and \$20,000 must be signed by the Staff member to whom the Project Manager reports, or the President or a Co-President of the Board
 - Contracts below \$10,000 may be signed by the Project Manager, or the staff member to whom the Project Manager reports, or the President or a Co-President of the Board

Managing the contractor:

- Throughout the course of the work, the Project Manager will:
 - Evaluate the quality of the Contractor's work and its fulfillment of the written Specifications and other requirements of the Standard Contract, and the written bid.
 - Monitor the Contractor's fulfillment of the timetable and milestones of the work.
 - Advise the Contractor of any aspects in which the work is failing to meet expectations.
- The Contractor can deviate from the commitments in the Standard Contract or written bid only with the explicit approval of the Project Manager.
- Before authorizing final payment, the Project Manager will:
 - Inspect the completed work for fulfillment of the written Specifications and written bid.
 - Ensure that the Project Manager or staff understand how to operate and maintain any installed equipment.

Example of Specifications

MAIN SANCTUARY ACCESSIBILITY IMPROVEMENTS – WHEELCHAIR SEATING

First Unitarian Church is seeking a contractor to perform flooring work, furniture making/ cabinetry work and electrical work in the historic 1845 sanctuary. Pews and flooring are original, and contractors with experience working in historic buildings with original materials is sought for this project. The work is expected to be of the highest quality, appropriate for a church of historic status.

WORK SCOPE:

1. **Remove 4 pews** – Carefully remove pews, disassemble components and wrap in canvas drop cloth. Store in basement storage room. Remove pew racks and store.
2. **Remove 112 sf of existing floorboards** – (2) locations at 7'x8' (56sf) each. Store and protect floorboards for use in reinstallation. Approximately 9 floorboards each side.
3. **Remove subfloor** and any blocking or framing discovered to create flush condition for reinstallation of floorboards.
4. **Repair 112sf framing** – Provide labor and material allowance to sister new joists to existing framing. Assume (8) 2x10's at 10' length. Actual cost shall be time & materials as needed.
5. **Provide and Install 112sf subfloor** – Install 5/8" plywood subfloor
6. **Reinstall 112sf flooring** – Reinstall original floorboards to be flush with the flooring level of the aisle floor. Install with squarehead cut nails to match existing.
7. **Provide and Install 20lf of black walnut border trim at aisle** – Install ¾" x 4" (approx. dims – match existing) border trim. Field measure to verify dimensions & length.
8. **Provide and Install 50 lf of black walnut base trim** – Install ¾" x 4" base trim at three sides of area where flooring was dropped to cover gap. Verify dimensions & length.
9. **Provide and Install (4) end panels at remaining pews** – Install (4) panels (18"x18" approx. dims). 1" premium solid walnut. Provide walnut top cap and trim pieces to match existing. Architect will provide concept sketch. Cap and trim profiles to be approved by architect. Provide shop drawing and mockup panel prior for approval. Walnut cap and trim available from JJ Wohlferts, Baird Brothers or other sources.
10. **Restore finish of 112sf of flooring** – Retain character and finish of existing floorboards, to match existing. Provide oil and wax finish to renew and protect flooring. Clean and prep with fine steel wool or rag as required. Do not sand existing finish.

Example of Bid Form

BID FORM - Main Sanctuary Accessibility Improvements – Wheelchair Seating

1. Removal and Demolition:	\$ _____
- Remove, disassemble and Store (4) Pews in canvas tarps	
- Remove, protect and store Floorboards for re-installation	
- Demo subfloor, blocking and framing	
- Miscellaneous associated demolition	
2. Framing Allowance:	\$ 2,500.00
- Sister (8) 10'-2x10's to existing framing if required. Time & Materials	
3. Flooring Installation:	\$ _____
- Install 112sf subfloor	
- Reinstall 112sf of salvaged floorboards	
- Install 20lf black walnut 4" aisle border trim	
- Install 50lf black walnut 4" base trim	
- Refinish 112sf existing floorboards (match existing finish)	
4. Pew End Closure Panels:	\$ _____
- Provide and Install 4 custom 1" solid walnut panels	
- Provide and install 4 custom solid walnut panel caps	
- Provide and Install miscellaneous walnut trim pieces for panels.	_____
Contractor Overhead and Profit:	\$ _____
TOTAL BID:	\$ _____