

	<b>Agenda Title:</b>	<b>Agenda Date:</b>
	Harbor Boardwalk Reconstruction, Phase 2	December 4, 2025
	<b>Subject/Proposal/Request:</b>	
	Approve Determination of Nonresponsibility and authorize contract award.	
<b>Town of Cape Charles</b>	<b>Attachments:</b>	<b>For Council:</b>
	1. Tabulation of Revised Bids 2. Determination of Nonresponsibility	Action: x Information:
	<b>Staff Contact(s):</b>	<b>Reviewed by:</b>
	Bob Panek, Project Manager	Rick Keuroglan, Town Manager

**Background:**

The evaluation of harbor capital assets by our marine engineering firm, Langley & McDonald, indicated that the boardwalk built on top of the bulkhead at the outer harbor needed continuing repair to extend its service life. A subsequent detailed inspection revealed that much of the decking, supporting stringers and battens are rotted. A three-phase plan has been developed to reconstruct the boardwalk with pressure treated lumber rated for ground contact and synthetic decking. The first phase of 139 linear feet near the bath house was completed this spring. Council authorized award of a \$120,000 contract to Carolina Marine Structures, Inc. (CMS) for the second phase of 380 linear feet on September 4, 2025.

**Item Specifics:**

CMS defaulted on the contract due to bankruptcy after performing some of the demolition work. No payments have been made to the contractor. The three other bidders for the original contract were invited to submit revised bids based on a reduced scope of work reflecting partial demolition on November 12, 2025. Three bids were received on November 26, 2025. Attachment 1 is the tabulation of revised bids. The low bid was from Harmonia Contracting, Inc. While this bid is responsive to the Invitation for Bids, the extremely low amount raises the question of whether it is a responsible bid under the Virginia Public Procurement Act, Code of Virginia Sec. 2.2-4300 et seq. Attachment 2 is a proposed Determination of Nonresponsibility which is based on this unusual bid and prior experience with this contractor. Should Council approve this determination, the Town Manager, under the authority granted in Sec. 2.2-4302, will proceed with the notification process specified in Sec. 2.2-4359.

This does not preclude award of the contract to another bidder. Staff is of the opinion that it is in the public interest to award the contract to the second lowest bidder, Pratte Construction, as the partially demolished boardwalk poses a potential safety risk. This firm has the appropriate state contractor's license and is not debarred. Pratte was the subcontractor for the first phase of boardwalk reconstruction and delivered a high-quality product. The FY 2025 budget includes \$129,000 for this project.

**Recommendation:**

Staff recommends that Council:

1. Approve the Determination of Nonresponsibility and authorize the Town Manager to proceed with the notification and written determination process, per Code of Virginia, Sec. 2.2-4359.
2. Authorize the Town Manager to award the contract to Pratte Construction, Inc. in the amount of \$123,380, with a contingency reserve of \$5,620 should additional damage be discovered during reconstruction.