



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

MEMORANDUM

TO: ROBERT W. HEALY, City Manager

FROM: RICHARD C. ROSSI, Deputy City Manager
DIANE WYNshaw-BORIS, Purchasing Agent

RE: RESPONSE TO COUNCIL ORDER #12, DATED 2/14/94
REPORT ON LETTER RECEIVED FROM MARK ERLICH RE: THE AGASSIZ
SCHOOL PROJECT

DATE: February 18, 1994

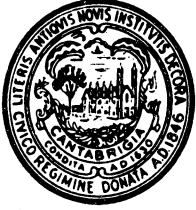
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The Purchasing Department, in its normal course of business, investigates, on its own and through its designee, i.e., the architect for the particular project, whether the lowest bidder for a construction project is "responsible." "Responsible" is defined by M.G.L. c. 149, §44A, to mean:

demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called for by a particular contract, based upon a determination of competent workmanship and financial soundness in accordance with the provisions of section forty-four D of this chapter.

After an exhaustive investigation of the lowest bidder for the New Agassiz School, the City determined that Eastern Contractors appears to be "responsible" and, therefore, there is no basis for rejecting its bid. Moreover, it should be noted that Eastern is a SOMBA certified minority business.

Whether a contractor is under investigation does not and should not impact a decision with respect to determining whether a contractor is "responsible." Only a judgment or decision rendered by a court or an administrative body, respectively, adverse to the contractor and impacting the factors to be considered with respect to responsibility would be considered by the City as sufficient for rejecting a bidder. The City has found no judgment or decision by an authoritative body that would allow the City to conclude that Eastern is not "responsible."



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February 28, 1994

To The Honorable, The City Council:

With reference to Awaiting Report Item No. 11, requesting a report on the letter received from Mark Erlich relative to the Agassiz School Project, please find attached a response from Deputy City Manager Richard C. Rossi as well as Purchasing Agent Diane Wynshaw-Boris.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

Consent Agenda #5

S-81

Transmitting Communicaiton from R.W. HEaly
re: Awainting Report Item No. 11 requesting
a report on the letter received from Mark
Erlich regarding the Aggasiz School Project.

for original order see
1994 City Manager's
Requests # 41.

In City Council February 28, 1994

Placed on file.