



John Birath <jbirath@ncmcs.org>

Southern Pines Elementary School

Robert Hall <roberthall@clancytheys.com>
To: "John Birath (jbirath@ncmcs.org)" <jbirath@ncmcs.org>
Cc: Tom Hughes <thughes@sfla.biz>

Tue, Mar 5, 2019 at 9:16 AM

John,

Per our conversation this morning, attached is our formal letter of withdrawal.

We look forward to other opportunities to work with you in the future.

Thank You,

Robert

Robert W. Hall

Vice President/CEO Charlotte Division
Clancy & Theys Construction Company
[7730 England Street](#)

[Charlotte, NC 28273](#)
O: 704.357.6602

M: 704.591.9289

[www.clancytheys.com](#)



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Southern Pines Elementary School Withdrawal Letter 3-5-19.pdf
248K

March 5, 2019

Mr. John Birath
Moore County Board of Education
5277 Hwy 15-501
South Carthage, NC 28327

Re: Southern Pines Elementary School

Mr. Birath,

Following the submission of Clancy & Theys' bid on this project, we received an email and letter from Thomas W. Hughes, AIA with sFL+a Architects stating that our bid was in excess of the funds available for the project, and, as such, the school board would be unable to award the contract to Clancy & Theys at the bid price.

Unfortunately, Clancy & Theys is not going to be able to perform the work at the reduced price. Accordingly, pursuant to N.C.G.S. 143-129(b), (i) Clancy & Theys' bid is deemed null and void, and is hereby, withdrawn, and (ii) the school board is authorized to readvertise for bids after it makes such changes in plans and specifications as may be necessary to bring the cost of the project within the funds available therefor.

Since the contract was not awarded at the bid price, Clancy & Theys' bid bond is no longer applicable.

We are sorry that Clancy & Theys will be unable to work with Moore County School Board on this project.

Sincerely,

CLANCY & THEYS CONSTRUCTION COMPANY



Robert W. Hall
Vice President/CEO Charlotte Division

CC: Tom Hughes – SFL+A Architects
Keith A. Satsky, Esq., Satsky & Silverstein, LLP



John Birath <jbirath@ncmcs.org>

Southern Pines Elementary School

John Birath <jbirath@ncmcs.org>
To: Robert Hall <roberthall@clancytheys.com>

Tue, Mar 5, 2019 at 10:07 AM

Thank you, Robert. This correspondence confirms receipt of the letter.
John

[Quoted text hidden]

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John Birath, AIA LEED AP
Executive Officer for Operations
Moore County Schools
PO Box 1180
5277 Hwy 15-501 S
Carthage, NC 28327
phone: (910) 947.2976 ext 100230
fax: (910) 947.3011

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'Don't tell me you need a bridge, show me the canyon.' - Giuseppe Delena
'If you don't know where you are going, any road will get you there.' - Lewis Carroll



John Birath <jbirath@ncmcs.org>

Review of Clancy & Theys Bid Submission

John Birath <jbirath@ncmcs.org>

Wed, Mar 13, 2019 at 11:57 AM

To: Robert Hall <roberthall@clancytheys.com>

Cc: Rod Malone <rmalone@tharringtonsmith.com>, Neal Ramee <nramee@tharringtonsmith.com>, Robert Grimesey <rgrimesey@ncmcs.org>

Robert,

I would like to thank you, Baker and Ben for taking time to meet with Rod Malone and me regarding your request to withdraw the bid Clancy & Theys submitted on the Southern Pines Elementary School project. Thank you for providing substantiating documentation on each line item in your bid, including the cell formula information in the spreadsheet that led to the error. After reviewing the materials, I am have concluded that Clancy & Theys made an error in the submission of the bid. While I believe there was an error, the statute does not allow you to withdraw the bid because the withdrawal request was not made within 72 hours of the submission of the bid. However, given that an arithmetic mistake was made in the creation of your bid, I am going to recommend that the Moore County Board of Education reject your bid as being nonresponsive when the Board meets on Monday, March 18. My recommendation will also include the award of the project to Monteith Construction, the project's lowest responsive and responsible bidder.

Thanks for submitting a bid on this project. I hope you will bid future work for the Moore County Schools.

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Review of Clancy & Theys Bid Submission

Robert Hall <roberthall@clancytheys.com>
To: John Birath <jbirath@ncmcs.org>

Wed, Mar 13, 2019 at 5:14 PM

John,

I enjoyed meeting you today and I do thank you for taking the time to meet with us and review the error that led to us to where we are. I understand the position we put you in and I appreciate your understanding and the way this has been handled.

I hope that we can work together in the future.

Take Care,

Robert

Robert W. Hall

Vice President/CEO Charlotte Division
Clancy & Theys Construction Company
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Charlotte, NC 28273

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From: John Birath [mailto:jbirath@ncmcs.org]

Sent: Wednesday, March 13, 2019 11:57 AM

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Cc: Rod Malone <rmalone@tharringtonsmith.com>; Neal Ramee <nramee@tharringtonsmith.com>; Robert Grimesey <rgrimesey@ncmcs.org>

Subject: [EXTERNAL] Review of Clancy & Theys Bid Submission

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