RESOLUTION NO. 2016-15
RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS

ORDER AWARDING CONTRACT FOR THE REPAIR OF ANOKA COUNTY DITCHES 31 AND 46

Manager Bradley offered the following Resolution and moved its adoption, seconded by Manager Waller.

WHEREAS, on June 21, 2016, the Rice Creek Watershed District Board of Managers (Board), Drainage Authority for Anoka County Ditches (ACD) 31 and 46 adopted Resolutions 2016-11 and 2016-12, accepting plans and specifications for the repair of ACDs 31 and 46 and directing the solicitation of bids for the work to be performed according to the engineer’s plans and specifications;

WHEREAS, the Board, by its staff did advertise and accept bids according to law;

WHEREAS, bid processes followed accepted practices as generally defined within MS 103D.811 Bids for Construction and MS 471.345 Uniform Municipal Contracting Law;

WHEREAS, a mandatory pre-bid meeting was conducted on July 21, 2016 of which ten (10) prime bidders attended. The mandatory pre-bid meeting consisted of a review of specification and plan content, and a site visit to review conditions at two locations along the project. No information was discussed that was not described within the Specifications/Bid Package or the addenda;

WHEREAS, the bid opening for the Project was held at the District office on Thursday, July 28, 2016 at 2:00 pm. The Engineer’s Opinion of Probable Construction Cost for the Project was $639,374.00. A total of eight (8) sealed bids were received as directed by the administrator, the engineer has prepared and submitted plans and specifications for the repair;

WHEREAS, the low bidder is Veit & Company, Inc., with a bid of $401,097.00, and the second lowest bidder is North Pine Aggregate, Inc., with a bid of $532,152.81;

WHEREAS, the engineer reviewed the Bids for accuracy, completeness, and responsiveness. All bids were found to be mathematically correct. Each of the bidders provided examples of representative projects of a similar scale and using similar equipment. However, an irregularity exists between the apparent low bidder, Veit, and the second lowest bidder, North Pine, in that Veit did not attend the mandatory pre-bid conference;
WHEREAS, the Specification/Bid Package acknowledges the RCWD’s authority to waive such irregularities. Paragraph 15A of Section 00200 “Instruction to Bidders” reads:

OWNER reserves the right to reject any and all Bids, to waive any and all irregularities, informalities, or discrepancies in the Work and to negotiate contract terms with the Successful Bidder, and the right to disregard all non-conforming, non-responsive, unbalanced or conditional Bids. Also, OWNER reserves the right to reject the Bid of any Bidder if OWNER believes that it would not be in the best interest of the project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by OWNER;

WHEREAS, Veit’s non-attendance at the pre-bid meeting did not provide them an advantage in bidding the work. No information, other than a first-hand viewing of site conditions, was provided to bidders which was not otherwise available and contained within the plans and specifications for the work contained in the bid package;

WHEREAS, Veit has provided a signed acknowledgement indicating that its bid numbers provided are correct, and that it fully understand the site conditions; and

THEREFORE, the Rice Creek Watershed District Board of Managers makes the following:

ORDER

A. The Board of Managers waives the irregularity in the bidding as noted above as being in the best interest of the District and its residents;

B. The Board of Managers awards the contract for the repair of Anoka County Ditches 31 and 46 to Veit & Company, Inc. in the amount of $401,097.00;

C. The Board of Managers directs that an additional 20% of the contract ($80,219.40) be budgeted for potential change orders resulting from unforeseen conditions or omissions discovered as the project progresses;

D. The Board of Managers directs that a Notice of Award be issued but that contract execution and issuance of a Notice to Proceed be stayed until receipt of Wetland Conservation Act Notices of Decision for the ACD 31 No-Loss and ACD 46 Replacement Plan;
E. The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for implementation of the repair in a manner consistent and compliant with existing law. The Board reserves to itself, however, all subsequent actions required by law to proceed upon Board approval; and

F. The Board of Managers further authorizes expenditures for the repair of ACDs 31 and 46 and the collection of revenues consistent with this order.

The question was on the adoption of the Resolution and there were 5 yeas and 0 nays as follows:

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Upon vote, the Chair declared Resolution 2016-15 passed.

Michael Bradley, Secretary

Dated: August 10, 2016

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I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 10th day of August, 2016.

Michael Bradley, Secretary