

City of East Bethel
City Council Agenda
Special Meeting - 5:30 PM
Date: July 10, 2013



	Item	
5:30 PM	1.0	Call to Order
5:31 PM	2.0	Adopt Agenda
5:32 PM	3.0	Castle Towers/Whispering Aspen 2013 Forcemain Project Award
6:00 PM	4.0	Adjourn



City of East Bethel City Council Agenda Information

Date:

July 10, 2013

Agenda Item Number:

Item 3.0

Agenda Item:

Castle Towers/Whispering Aspen 2013 Forcemain Project Award

Requested Action:

Consider Resolution of a Potential Bid Protest and Approval of Resolution 2013-38 Accepting Bids for the Castle Towers/Whispering Aspen 2013 Forcemain Project

Background Information:

As was discussed at the July 3, 2013 meeting, LaTour Construction Company, the determined second low bidder for the City Force Main Project including all three alternates, intends to protest the bid award should Minger Construction Company, the apparent low bidder, be awarded the contract.

The basis for their protest is a disagreement over the methods of the tabulations of the bid. Craig Jochum, City Engineer, has calculated the total bid amount to include reductions in the base bid that eliminate duplicate work that the alternate bids presume to cover. In other words, if an alternate is chosen, it means that certain items specified in the base bid will be covered and those units should be deleted when calculating the total sum of the proposed contract price. The question to be answered is the City's interpretation of the bid specifications relating to award of contract in compliance with state bidding and procurement procedures an acceptable means of evaluation.

The City Attorney, City Engineer and the City Administrator will meet on Monday to discuss this matter and any information developed as a result of that meeting will be immediately forwarded to City Council.

Included in the attachments is the notification of intended protest we received from Best & Flanagan, legal counsel for LaTour Construction Company just prior to last Wednesday's Council Meeting. The following information is the write-up for July 3, 2013 Council meeting.

As was approved in Item 8.0 G.4, the City has agreed to participate with the Metropolitan Council Environmental Services (MCES) to enter into an agreement to construct a joint project from Viking Boulevard to 229th Avenue. The project consists of two pipes in a common trench. The City pipe will be used to convey sanitary sewer waste from the Castle Towers wastewater treatment plant to the MCES system at Viking Boulevard and the MCES pipe will convey treatment plant effluent to the two rapid infiltration basins. The forcemain that is required to complete the City connection from Klondike Drive to Sims Road and from 229th Avenue to Castle

Towers will be constructed as a City only project. Attachment 1 shows the proposed pipe routes and the location of the rapid infiltration basins.

As discussed in agenda Item 8.0 G.4, the City's share of the joint project is to be \$2,222,560.00.

The second part of this project consists of the City only force main which would connect Castle Towers/Whispering Aspens to the MCES/City Joint Project at 229th Ave. Bids were opened for the City only project on May 14, 2013 for the construction of 6-inch, 8-inch and 10-inch force main from 229th to 241st Avenue and one lift station. There were also 3 Alternates to the base bid and these are received as follows:

Alternate Bid No. 1: Construct a gravity pipe between the existing lift station on Pierce Street to the new lift station. This alternate will allow the City to eliminate the current lift station on Pierce Street.

Alternate Bid No. 2: Replace the proposed 8 inch forcemain with 10 inch forcemain. This alternate will provide capacity of an additional 375 connections and will reduce the energy consumption of the lift station pumps.

Alternate Bid No. 3: Replace the existing lift station that services the Castle Towers Mobile Home Park. This lift station is approximately 41 years old and is in very poor condition.

A detailed summary of the Base Bids and the Alternate Bids for all the contractors is included on the attached resolution. A summary of the Base Bid and Alternate Bids for the two lowest contractors' is as follows:

Contractor	Base Bid	Alternate No. 1	Alternate No. 2	Alternate No. 3	Total Bid
<i>LaTour Construction</i>	\$1,849,982.69	\$182,379.00	\$50,398.50	\$338,404.29	\$2,421,164.48
<i>Minger Construction</i>	\$1,942,278.25	\$110,030.25	\$64,650.60	\$271,327.20	\$2,388,286.30

The following summarizes the bid scenarios for this project:

Award Decision	Lowest Contractor	Total Bid
<i>Base Bid Only</i>	<i>LaTour Construction</i>	\$1,849,982.69
<i>Base Bid and Alternate No. 1</i>	<i>LaTour Construction</i>	\$2,032,361.69
<i>Base Bid and Alternate No. 1 and No. 2</i>	<i>LaTour Construction</i>	\$2,082,760.19
<i>Base Bid and Alternate No. 1, No. 2 and No. 3</i>	<i>Minger Construction</i>	\$2,388,286.30

Staff is recommending the Council award the Base Bid and all three Alternate Bids to Minger Construction, Inc. in the amount of \$2,388,286.30. Adding costs for easements, overhead and contingency the total estimated project cost is \$2,674,880.00. This contract must be awarded by July 13, 2013.

Attachment(s):

1. Project Layout
2. Resolution No. 2013-38 Resolution Accepting Bid
3. Notice of Protest

Fiscal Impact:

This project will be financed by the excess bond funds from the Phase 1, Project 1 Utility Project. These funds are available and appropriate for this project.

Recommendation(s):

Staff recommends approval of Resolution 2013-38 Accepting Bids and awarding the contract for the proposed Castle Towers/Whispering Aspen 2013 Forcemain Project to Minger Construction, Inc. in the amount of 2,388,286.30. This was the recommendation prior to receiving the notice of intent to protest the award. This recommendation is currently being evaluated as a result of the issue regarding the bid award.

Staff is awaiting additional information on this matter prior to recommending a course of action to the Council.

City Council Action

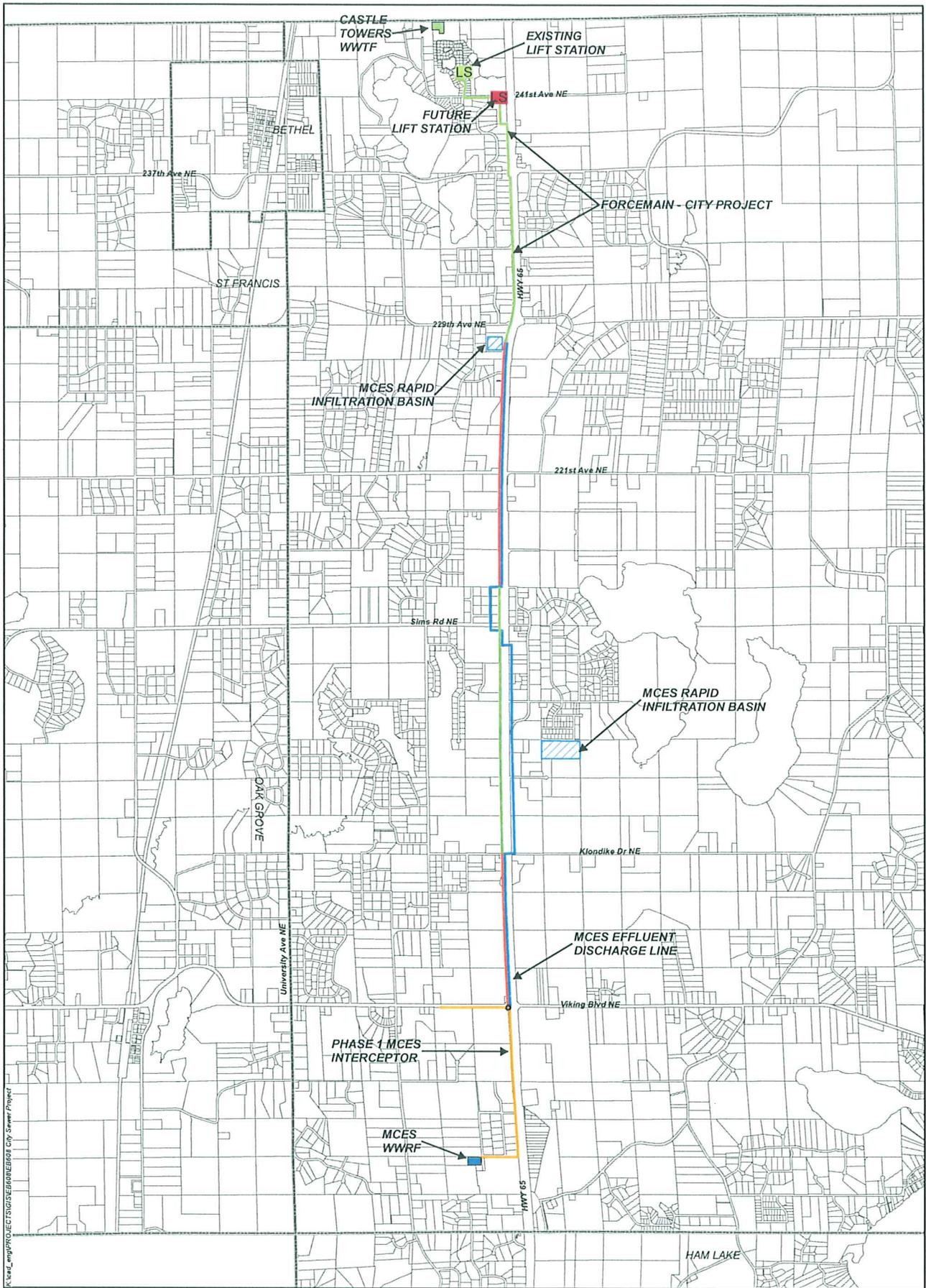
Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



K:\env\proj\PROJECTS\GISE\BETHEL\BETHEL City Sewer Project



**MCES/CITY
FORCEMAIN
PROJECT**



SOURCE: ANOKA COUNTY SURVEY DEPARTMENT, MCES, CITY OF EAST BETHEL & MNDNR

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2013-38

RESOLUTION ACCEPTING BID

WHEREAS, pursuant to the advertisement for bids for the Castle Towers/Whispering Aspen 2013 Forcemain Project, bids were received, opened and tabulated according to law, and the following Base Bids were received complying with the advertisement:

LaTour Construction, Inc.	\$1,849,982.69
Minger Construction, Inc.	\$1,942,278.25
R.L. Larson Excavating, Inc.	\$1,989,641.25
S.R. Weidema, Inc.	\$2,115,348.08
Douglas-Kerr Underground, Inc.	\$2,136,796.78
Northdale Construction Company, Inc.	\$2,156,335.15
Redstone Construction Company, Inc.	\$2,202,626.55

AND WHEREAS, the City received Alternate Bid No. 1, which replaces the proposed forcemain from the Whispering Aspen Lift Station to the New Lift Station No. 2 with a gravity sewer line;

AND WHEREAS, the following Alternate No. 1 Bids were received complying with the advertisement:

Minger Construction, Inc.	\$154,492.45
Northdale Construction Company, Inc.	\$193,085.94
R.L. Larson Excavating, Inc.	\$197,583.00
S.R. Weidema, Inc.	\$199,617.05
LaTour Construction, Inc.	\$217,409.10
Douglas-Kerr Underground, Inc.	\$221,348.64
Redstone Construction Company, Inc.	\$317,885.55

AND WHEREAS, certain bid items would be eliminated from the Base Bid if this Alternate was selected, therefore, the adjusted Alternate No. 1 Bids are as follows:

Minger Construction, Inc.	\$110,030.25
S.R. Weidema, Inc.	\$155,722.05
Northdale Construction Company, Inc.	\$158,701.40
R.L. Larson Excavating, Inc.	\$159,079.50
LaTour Construction, Inc.	\$182,379.00
Douglas-Kerr Underground, Inc.	\$185,642.34
Redstone Construction Company, Inc.	\$279,971.45

AND WHEREAS, the City received Alternate Bid No. 2, which upsized all 8 inch PVC forcemain to 10 inch PVC forcemain;

AND WHEREAS, the following Alternate No. 2 Bids were received complying with the advertisement:

LaTour Construction, Inc.	\$434,148.75
Minger Construction, Inc.	\$477,583.10
R.L. Larson Excavating, Inc.	\$489,948.00
Northdale Construction Company, Inc.	\$499,134.94
S.R. Weidema, Inc.	\$520,082.00
Douglas-Kerr Underground, Inc.	\$529,008.25
Redstone Construction Company, Inc.	\$547,840.80

AND WHEREAS, certain Bid items would be eliminated from the Base Bid if this Alternate was selected, therefore, the adjusted Alternate No. 2 Bids are as follows:

S.R. Weidema, Inc.	\$32,453.00
LaTour Construction, Inc.	\$50,398.50
Minger Construction, Inc.	\$64,650.60
Douglas-Kerr Underground, Inc.	\$68,118.90
R.L. Larson Excavating, Inc.	\$70,460.00
Northdale Construction Company, Inc.	\$83,608.41
Redstone Construction Company, Inc.	\$103,044.10

AND WHEREAS, the City received Alternate Bid No. 3 which replaces existing Lift Station No. 1 which services the Castle Towers Mobile Home Park;

AND WHEREAS, the following Alternate No. 3 Bids were received complying with the advertisement:

S.R. Weidema, Inc.	\$220,012.25
Minger Construction, Inc.	\$283,971.70
Northdale Construction Company, Inc.	\$328,365.05
LaTour Construction, Inc.	\$351,107.29
Redstone Construction Company, Inc.	\$437,496.20
R.L. Larson Excavating, Inc.	\$463,458.00
Douglas-Kerr Underground, Inc.	\$628,696.61

AND WHEREAS, certain Bid items would be eliminated from the Base Bid if this Alternate was selected, therefore, the adjusted Alternate No. 3 Bids are as follows:

S.R. Weidema, Inc.	\$205,165.25
Minger Construction, Inc.	\$271,327.20
Northdale Construction Company, Inc.	\$310,613.37
LaTour Construction, Inc.	\$338,404.29
Redstone Construction Company, Inc.	\$423,891.00
R.L. Larson Excavating, Inc.	\$448,944.00
Douglas-Kerr Underground, Inc.	\$609,850.16

AND WHEREAS, Staff recommends that Council accept the Base bid, Alternate Bid No. 1, Alternate Bid No. 2 and Alternate Bid No. 3;

AND WHEREAS, it appears that Minger Construction, Inc. of Chanhassen, Minnesota is the lowest responsible bidder;

AND WHEREAS, the City accepts the bid proposal in the amount of \$2,388,286.30.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:

1. The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Minger Construction, Inc. of Chanhassen, Minnesota in the name of the City of East Bethel for the Castle Towers/Whispering Aspen 2013 Forcemain Project, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

2. The City Engineer is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted this 3rd day of July, 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

Aaron A. Dean
Attorney DIRECT 612-349-5698
adean@bestlaw.com

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225 South Sixth Street, Suite 4000 Minneapolis, Minnesota 55402
TEL 612.339.7121 FAX 612.339.5897 BESTLAW.COM

BEST & FLANAGAN

July 3, 2013

VIA E-MAIL, FAX, AND U.S. MAIL

FAX: 763-434-9578

jack.davis@ci.east-bethel.mn.us

Mr. Jack Davis
City Administrator
City of East Bethel
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East Bethel, MN 55011

richard.lawrence@ci.east-bethel.mn.us

Mayor Richard Lawrence
Mayor
City of East Bethel
2241 221st Avenue N.E.
East Bethel, MN 55011

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Council Member Tom Ronning
City Council
City of East Bethel
2241 221st Avenue N.E.
East Bethel, MN 55011

Re: Castle Towers Sanitary Sewer Forcemain Project (“the Project”)

LaTour Construction, Inc. is the Apparent Low Bidder and Protest of any Contract Award to Minger Construction, Inc.

Dear City Administrator Davis, Mayor Lawrence, and City Council Members DeRoche, Koller, Moegerle, and Ronning:

I represent LaTour Construction, Inc. (“LaTour”) regarding the City of East Bethel’s Castle Towers Sanitary Sewer Forcemain Project (“the Project”).

I write to the City of East Bethel as it considers contract award for the above-referenced Project. We have reviewed the City's agenda for the July 3, 2013, City Council Meeting and the City's proposed Resolution No. 2013-38 to award the Project's contract to Minger Construction, Inc. ("Minger"), rather than to LaTour, even though LaTour is the apparent low bidder.

LaTour intends to protest the Project's contract award to any bidder other than LaTour. We caution the City not to adopt Resolution No. 2013-38, sign a contract with Minger for the Project, issue a Notice of Award to Minger, or allow Minger to proceed with any work on the Project. If the City moves forward and awards the Project's contract to Minger, then LaTour is prepared to commence suit and seek injunctive and declaratory relief to, among other things, stop contract award or performance and to declare any contract between the City and Minger to be void, unenforceable, and illegal. Further, LaTour would seek to stop payments by the City to Minger and, alternatively, force any payments issued by the City to Minger to be disgorged.

For your convenient reference, enclosed with this letter are copies of the City's Agenda Information for Item 8.0 G.5 for tonight's City Council meeting and the City's draft Resolution No. 2013-38 accepting the bid from Minger for the Project. We downloaded both the Agenda Information document and the proposed Resolution 2013-38 from the City's website at: <http://www.ci.east-bethel.mn.us/ArchiveCenter/ViewFile/Item/990>.

Please let me explain the basis for LaTour's protest of the contract award and explain why LaTour is the lowest, responsive, and responsible bidder. LaTour looks forward to working with the City and performing the Project's contract.

BACKGROUND

In the spring of 2013, the City advertised for bids for the Project. The City's Instructions to Bidders states that bidders shall submit unit prices for each item of work for the Project. The City's Instructions to Bidders further states that the City purports to waive informalities with bids and to negotiate contract terms with bidders. *See* Instructions to Bidders, Section 00 21 00-7, Article 19.01.

Bids were submitted to the City in May 2013. At the time of bid opening, LaTour was read aloud as the lowest, responsive and responsible bidder on the base bid.

As explained in the City's staff report in the Agenda Information for today's meeting, LaTour has a lower base bid than Minger:

Contractor	Base Bid
LaTour Construction, Inc.	\$1,849,982.69
Minger Construction, Inc.	\$1,942,278.25

The City's staff, however, recommends awarding the Project contract to Minger even though LaTour has a lower base bid by deleting portions of the base contract work and then selecting all three alternate bid items so that Minger appears to have a lower bid than LaTour.

The Bid Tabulation provided by the City's design professional confirms that the City is impermissibly deleting portions of the Base Bid work to try to re-order the bid prices submitted by LaTour and Minger. Enclosed is a copy of the Bid Tabulation prepared by the City, confirming that LaTour had the low bid price under the Base Bid and that LaTour had the low bid even if the Base Bid and all three alternates were selected.

Contractor	Base Bid + Alternates 1, 2, and 3
LaTour Construction, Inc.	\$2,852,647.83
Minger Construction, Inc.	\$2,858,325.50

LaTour's bid is approximately \$5,700 lower than Minger's bid even if all three alternates are selected by the City. The City's staff and design professional are now trying to delete portions of the Base Bid and impermissibly substitute unit prices from Alternates into the Base Bid.

The City cannot proceed as recommended by its staff. The City's Instructions to Bidders expressly state that the basis of contract award will be to select the Base Bid and accepted alternates. See Instructions to Bidders, Section 002100-7, Article 19.07.

As explained below, the City is not allowed to delete portions of the Base Bid and then select all alternative work items in order to flip the order of the bidders' prices. Unit prices for each item of work were already known by the City at the time bids were opened. The

City cannot thereafter delete portions of the Base Bid and replace Base Bid work items with Alternates.

ANALYSIS

Minnesota's competitive bidding laws require that public authorities award contracts to the lowest, responsive and responsible bidder. *See, e.g.*, Minn. Stat. § 471.345, subd. 3. A public entity has an absolute obligation not to take any action that would interfere with competitive bidding. *Carl Bolander & Sons v. City of Minneapolis*, 451 N.W.2d 204, 206 (Minn. 1990) (any bid that provides a bidder with an unfair advantage must be rejected); *Telephone Associates, Inc. v. St. Louis County Board*, 364 N.W.2d 378, 382 (Minn. 1985) (public officials have no authority to waive irregularities which affect or destroy competitive bidding). A Minnesota public entity cannot rely upon a solicitation provision that purports to reserve discretion or waive minor irregularities if a material term of the solicitation is at issue (such as price) or if fraud or favoritism will result. *Lovering-Johnson, Inc. v. City of Prior Lake*, 558 N.W.2d 499, 503 (Minn. Ct. App. 1997).

Almost 60 years ago, the Minnesota Supreme Court issued the bedrock procurement decision in *Griswold v. Ramsey County*. The Minnesota Supreme Court ruled that:

Here the county board, although not required by statute to do so, commendably adopted the method of advertising for competitive bids as a preliminary to the letting of the contract for the construction of the jail. It follows however that, having once adopted the competitive bidding method, the county board was required, as long as that method had not been seasonably abandoned, to pursue such method in a manner reasonably designed to accomplish its normal purpose of giving all contractors an equal opportunity to bid and of assuring to the taxpayers the best bargain for the least money.

Griswold, 65 N.W.2d 647, 652 (Minn. 1954) (emphasis supplied).

In this case, the City promised to award the Project's contract to the lowest, responsive and responsible bidder. The City cannot delete portions of the Base Bid and then select alternates to displace the order of bid prices.

A comparison of the Base Bids from LaTour and Minger confirm that LaTour is the low bidder, so LaTour is the only eligible bidder for contract award. The City has impermissibly tried to delete portions of the Base Bid and then substitute the alternates for portions of the Base Bid. The City cannot do this. The City's Bid Tabulation clearly shows that LaTour is about \$6,300 lower than Minger even if the Base Bid and all three alternates are selected.

The City must select the entire Base Bid and any alternates that it desires. But the City cannot delete portions of the Base Bid and “back out” of the Base Bid work items from Alternate Bid Item unit prices. This would just encourage the steering of contract awards to favored bidders. And the City’s Instructions to Bidders expressly outline the basis for contract award is comparing Base Bid prices and accepted alternates. The Instructions to Bidders do not state that the City will delete portions of the Base Bid—after unit prices are known—or replace unit prices in the Base Bid with unit prices from the selected Alternates.

The Minnesota Supreme Court’s warning in *Griswold* must be followed. The City is not free to adopt a hybrid approach to contract award and the City cannot treat bidders differently. Contract award must be based upon the Base Bid and accepted alternates, not based upon substituting unit prices from Alternates and then deleting the unit prices set forth in the Base Bid.

Minger obviously bid different unit prices for the same items of work. And the City’s staff and design professional are now providing preferential treatment to Minger to re-order bid prices by selectively replacing Minger’s unit prices that it bid on the Base Bid and using unit prices from the Alternates.

If the City proceeds to award the Project’s contract to Minger, then the City will violate Minnesota law and LaTour will have no choice except to proceed with a protest.

Please also accept this letter as LaTour’s request under the Minnesota Government Data Practices Act for copies of:

1. All e-mails exchange between Craig Jochum (the City’s design professional) and City staff regarding contract award for the Project.
2. All documents analyzing whether the City could delete portions of the Base Bid.
3. All e-mails sent by the City or its design professional to Minger.
4. All correspondence exchanged between the City and Minger.

LaTour looks forward to performing the Project’s contract. LaTour does not want to have to seek judicial relief. LaTour will have no choice except to proceed with a lawsuit if the City adopts the proposed resolution to award the Project’s contract to Minger.

July 3, 2013
Page 6

BEST & FLANAGAN

Very truly yours,

A handwritten signature in cursive script that reads "Aaron Dean/AAK". The signature is written in dark ink and is positioned above the printed name.

Aaron A. Dean

AAK/akt
Enclosures

cc LaTour Construction, Inc. (w/encs.)

021113/313001/1663014_2



City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 8.0 G.5

Agenda Item:

Castle Towers/Whispering Aspen 2013 Forcemain Project Award

Requested Action:

Consider Approval of Resolution 2013-38 Accepting Bids for the Castle Towers/Whispering Aspen 2013 Forcemain Project

Background Information:

As was approved in Item 8.0 G.4, the City has agreed to participate with the Metropolitan Council Environmental Services (MCES) to enter into an agreement to construct a joint project from Viking Boulevard to 229th Avenue. The project consists of two pipes in a common trench. The City pipe will be used to convey sanitary sewer waste from the Castle Towers wastewater treatment plant to the MCES system at Viking Boulevard and the MCES pipe will convey treatment plant effluent to the two rapid infiltration basins. The forcemain that is required to complete the City connection from Klondike Drive to Sims Road and from 229th Avenue to Castle Towers will be constructed as a City only project. Attachment 1 shows the proposed pipe routes and the location of the rapid infiltration basins.

MCES bid this project on June 19, 2013. Five bids ranging from \$8,162,824.07 to \$10,327,700.00 were received. As discussed in agenda Item 8.0 G.4, the City's share of the joint project is to be \$2,222,560.00.

The second part of this project consists of the City only force main which would connect Castle Towers/Whispering Aspens to the MCES/City Joint Project at 229th Ave. Bids were opened for the City only project on May 14, 2013 for the construction of 6-inch, 8-inch and 10-inch force main from 229th to 241st Avenue and one lift station. There were also 3 Alternates to the base bid and these are received as follows:

Alternate Bid No. 1: Construct a gravity pipe between the existing lift station on Pierce Street to the new lift station. This alternate will allow the City to eliminate the current lift station on Pierce Street.

Alternate Bid No. 2: Replace the proposed 8 inch forcemain with 10 inch forcemain. This alternate will provide capacity of an additional 375 connections and will reduce the energy consumption of the lift station pumps.

Alternate Bid No. 3: Replace the existing lift station that services the Castle Towers Mobile Home Park. This lift station is approximately 41 years old and is in very poor condition.

A detailed summary of the Base Bids and the Alternate Bids for all the contractors is included on the attached resolution. A summary of the Base Bid and Alternate Bids for the two lowest contractors' is as follows:

Contractor	Base Bid	Alternate No. 1	Alternate No. 2	Alternate No. 3	Total Bid
LaTour Construction	\$1,849,982.69	\$182,379.00	\$50,398.50	\$338,404.29	\$2,421,164.48
Minger Construction	\$1,942,278.25	\$110,030.25	\$64,650.60	\$271,327.20	\$2,388,286.30

The following summarizes the bid scenarios for this project:

Award Decision	Lowest Contractor	Total Bid
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Staff is recommending the Council award the Base Bid and all three Alternate Bids to Minger Construction, Inc. in the amount of \$2,388,286.30. Adding costs for easements, overhead and contingency the total estimated project cost is \$2,674,880.00. This contract must be awarded by July 13, 2013.

Attachment(s):

1. Project Layout
2. Resolution No. 2013-38 Resolution Accepting Bid

Fiscal Impact:

This project will be financed by the excess bond funds from the Phase 1, Project 1 Utility Project. These funds are available and appropriate for this project.

Recommendation(s):

Staff recommends approval of Resolution 2013-38 Accepting Bids and awarding the contract for the proposed Castle Towers/Whispering Aspen 2013 Forcemain Project to Minger Construction, Inc. in the amount of 2,388,286.30, contingent on the MCES Environmental Committee approval of the cost share agreement approved in Item G.4.

City Council Action

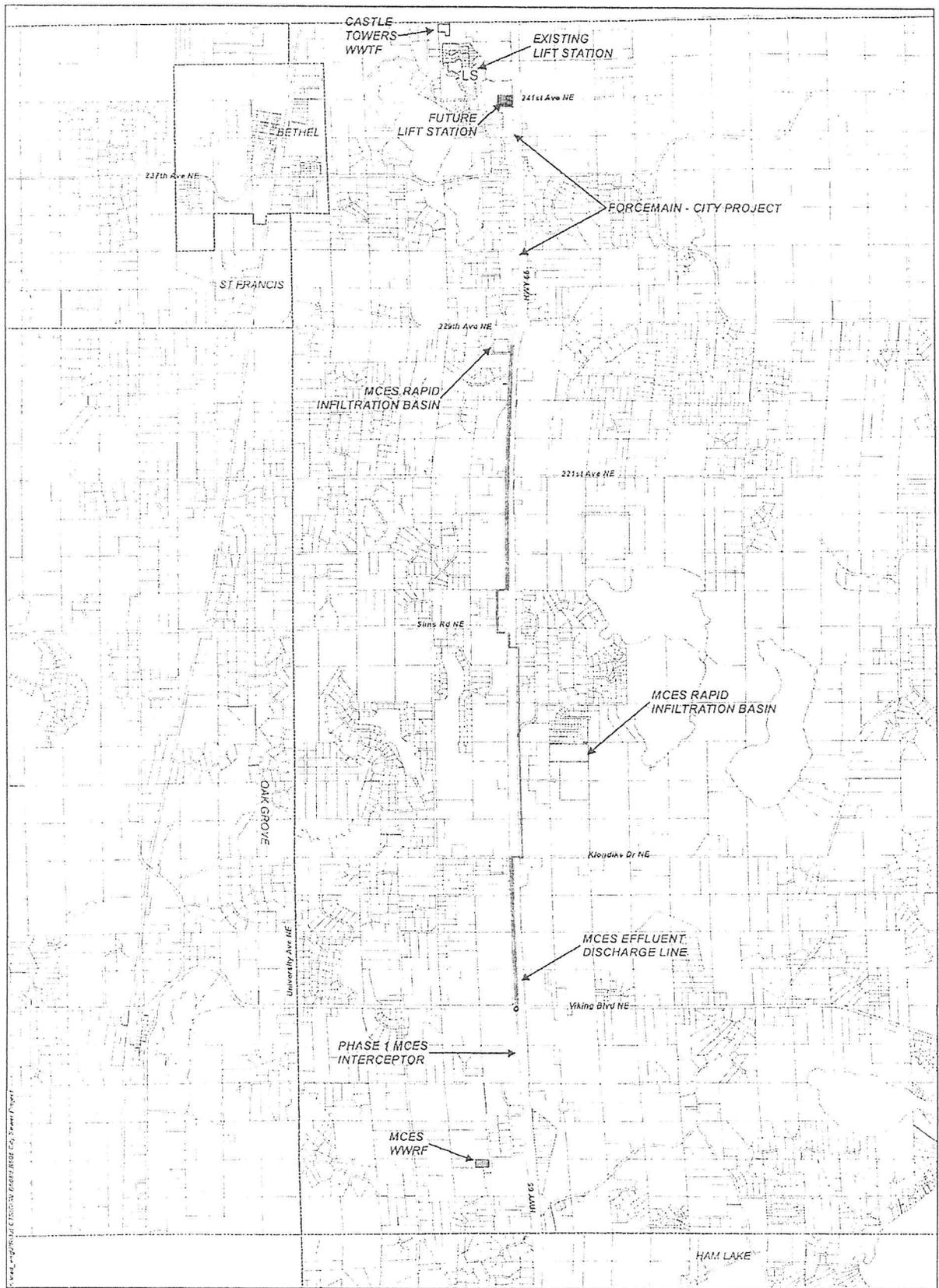
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



**MCES/CITY
FORCEMAIN
PROJECT**

SOURCE: SNOOK COUNTY SUPPLY DEPARTMENT, MCES, CITY OF EAST BETHEL & MINDUR



**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2013-38

RESOLUTION ACCEPTING BID

WHEREAS, pursuant to the advertisement for bids for the Castle Towers/Whispering Aspen 2013 Forcemain Project, bids were received, opened and tabulated according to law, and the following Base Bids were received complying with the advertisement:

LaTour Construction, Inc.	\$1,849,982.69
Minger Construction, Inc.	\$1,942,278.25
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AND WHEREAS, the City received Alternate Bid No. 1, which replaces the proposed forcemain from the Whispering Aspen Lift Station to the New Lift Station No. 2 with a gravity sewer line;

AND WHEREAS, the following Alternate No. 1 Bids were received complying with the advertisement:

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AND WHEREAS, the following Alternate No. 2 Bids were received complying with the advertisement:

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S.R. Weidema, Inc.	\$32,453.00
LaTour Construction, Inc.	\$50,398.50
Minger Construction, Inc.	\$64,650.60
Douglas-Kerr Underground, Inc.	\$68,118.90
R.L. Larson Excavating, Inc.	\$70,460.00
Northdale Construction Company, Inc.	\$83,608.41
Redstone Construction Company, Inc.	\$103,044.10

AND WHEREAS, the City received Alternate Bid No. 3 which replaces existing Lift Station No. 1 which services the Castle Towers Mobile Home Park;

AND WHEREAS, the following Alternate No. 3 Bids were received complying with the advertisement:

S.R. Weidema, Inc.	\$220,012.25
Minger Construction, Inc.	\$283,971.70
Northdale Construction Company, Inc.	\$328,365.05
LaTour Construction, Inc.	\$351,107.29
Redstone Construction Company, Inc.	\$437,496.20
R.L. Larson Excavating, Inc.	\$463,458.00
Douglas-Kerr Underground, Inc.	\$628,696.61

AND WHEREAS, certain Bid items would be eliminated from the Base Bid if this Alternate was selected, therefore, the adjusted Alternate No. 3 Bids are as follows:

S.R. Weidema, Inc.	\$205,165.25
Minger Construction, Inc.	\$271,327.20
Northdale Construction Company, Inc.	\$310,613.37
LaTour Construction, Inc.	\$338,404.29
Redstone Construction Company, Inc.	\$423,891.00
R.L. Larson Excavating, Inc.	\$448,944.00
Douglas-Kerr Underground, Inc.	\$609,850.16

AND WHEREAS, Staff recommends that Council accept the Base bid, Alternate Bid No. 1, Alternate Bid No. 2 and Alternate Bid No. 3;

AND WHEREAS, it appears that Minger Construction, Inc. of Chanhassen, Minnesota is the lowest responsible bidder;

AND WHEREAS, the City accepts the bid proposal in the amount of \$2,388,286.30.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:

1. The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Minger Construction, Inc. of Chanhassen, Minnesota in the name of the City of East Bethel for the Castle Towers/Whispering Aspen 2013 Forcemain Project, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

2. The City Engineer is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted this 3rd day of July, 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

**BID TABULATION CITY OF EAST BETHEL
Castle Towers Sanitary Sewer Foremain Project**

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	LaTour Construction, Inc.		Minger Construction, Inc.		R.L. Larson Excavating, Inc.		S.R. Weidema, Inc.	
			UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
8	Construct Sanitary Structure Design 48-4007	22.8 LIN FT	\$240.00	\$5,472.00	\$280.00	\$6,384.00	\$825.00	\$18,810.00	\$211.00	\$4,810.80
9	Connect to Existing Pipe	1 EACH	\$4,300.00	\$4,300.00	\$9,500.00	\$9,500.00	\$10,000.00	\$10,000.00	\$895.00	\$895.00
10	6" PVC Sewer Foremain (DR 18)	25 LIN FT	\$31.50	\$787.50	\$33.80	\$845.00	\$28.00	\$700.00	\$18.00	\$450.00
11	Fiber Optic Cable With Schedule 40 Conduit	1,206 LIN FT	\$17.00	\$20,502.00	\$18.20	\$21,957.20	\$18.00	\$21,708.00	\$17.00	\$20,502.00
12	Tracer Wire for Buried Fiber Optic Cable	1,200 LIN FT	\$0.01	\$12.00	\$0.25	\$300.00	\$0.50	\$600.00	\$0.50	\$600.00
13	Access Boxes For Tracer Wire	4 EACH	\$0.01	\$0.04	\$271.00	\$1,084.00	\$100.00	\$400.00	\$117.00	\$468.00
14	Marker Posts for Access Boxes and Structures	3 EACH	\$131.00	\$393.00	\$109.00	\$327.00	\$100.00	\$300.00	\$120.00	\$360.00
15	Water Manhole-4" Meter	1 EACH	\$19,000.00	\$19,000.00	\$10,300.00	\$10,300.00	\$16,000.00	\$16,000.00	\$13,703.00	\$13,703.00
16	72" Diameter Sanitary Sewer LIT Station Structure and Accessories	1 EACH	\$132,150.00	\$132,150.00	\$105,800.00	\$105,800.00	\$160,000.00	\$160,000.00	\$69,873.00	\$69,873.00
17	Submersible LIT Station Pump and Discharge Elbow	2 EACH	\$5,800.00	\$11,600.00	\$5,985.00	\$11,970.00	\$5,800.00	\$11,600.00	\$4,749.00	\$9,498.00
18	Pump Rails, Chains, Guide Brackets and Appurtenances	1 LUMP SUM	\$1,800.00	\$1,800.00	\$4,950.00	\$4,950.00	\$4,000.00	\$4,000.00	\$5,013.00	\$5,013.00
19	Control Panel, Level Floats and Transducer	1 LUMP SUM	\$33,500.00	\$33,500.00	\$37,000.00	\$37,000.00	\$34,000.00	\$34,000.00	\$26,112.00	\$26,112.00
20	Electrical and Startup	1 LUMP SUM	\$11,400.00	\$11,400.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$9,500.00	\$9,500.00
21	Aggregate Base Class 5	45 TON	\$28.50	\$1,282.50	\$25.00	\$1,125.00	\$24.00	\$1,080.00	\$19.00	\$855.00
22	Bituminous Material for Tack Coat	6 GALLON	\$4.25	\$25.50	\$4.25	\$25.50	\$5.00	\$30.00	\$4.00	\$24.00
Alternate Bid No. 3 - Continued			LaTour Construction, Inc.		Minger Construction, Inc.		Northdale Construction Company, Inc.		S.R. Weidema, Inc.	
23	Type SP 9.5 Wearing Course Mixture (2B)	10 TON	\$143.00	\$1,430.00	\$103.00	\$1,030.00	\$102.00	\$1,020.00	\$97.25	\$972.50
24	Type SP 12.5 Non Wearing Course Mixture (2B)	13 TON	\$123.00	\$1,599.00	\$100.00	\$1,300.00	\$100.00	\$1,300.00	\$94.15	\$1,223.95
25	Concrete Curb & Gutter Design B612	130 LIN FT	\$18.00	\$2,340.00	\$32.00	\$4,160.00	\$20.00	\$2,600.00	\$18.00	\$2,340.00
26	Concrete Flume	1 LUMP SUM	\$2,100.00	\$2,100.00	\$1,800.00	\$1,800.00	\$880.00	\$880.00	\$721.00	\$721.00
27	6" Concrete Pavement	246 SQ FT	\$5.75	\$1,414.50	\$9.00	\$2,214.00	\$8.00	\$1,968.00	\$8.80	\$2,172.00
28	Boilard	4 EACH	\$582.00	\$2,328.00	\$780.00	\$3,120.00	\$600.00	\$2,400.00	\$457.00	\$1,828.00
29	Site Grading	1 LUMP SUM	\$2,400.00	\$2,400.00	\$3,800.00	\$3,800.00	\$8,000.00	\$8,000.00	\$2,798.00	\$2,798.00
30	Granular Borrow (LV)	15 CU YD	\$30.00	\$450.00	\$18.00	\$270.00	\$30.00	\$450.00	\$17.00	\$255.00
31	Topsoil Borrow (LV)	50 CU YD	\$13.35	\$667.50	\$25.00	\$1,250.00	\$20.00	\$1,000.00	\$20.00	\$1,000.00
32	Random Riprap Class II	5 CU YD	\$180.00	\$900.00	\$73.00	\$529.50	\$190.00	\$950.00	\$137.00	\$685.00
33	72" By 10 Foot Chain Link Gates	2 EACH	\$2,925.00	\$5,850.00	\$4,800.00	\$9,600.00	\$5,000.00	\$10,000.00	\$1,500.00	\$3,000.00
34	Dewatering	1 LUMP SUM	\$77,000.00	\$77,000.00	\$27,700.00	\$27,700.00	\$100,000.00	\$100,000.00	\$26,823.00	\$26,823.00
Total Alternate Bid No. 3				\$351,107.29		\$293,971.70		\$463,459.00		\$220,012.25

SUMMARY OF BIDDING:

Total Base Bid Schedule A through F	\$1,848,882.88	LaTour Construction, Inc.	\$1,842,278.25	Minger Construction, Inc.	\$1,889,841.25	R.L. Larson Excavating, Inc.	\$2,115,348.08	S.R. Weidema, Inc.
Total Alternate Bid No. 1	\$217,408.10		\$154,492.45		\$187,583.00		\$198,617.05	
Total Alternate Bid No. 2	\$434,148.75		\$417,583.10		\$468,948.80		\$520,082.00	
Total Alternate Bid No. 3	\$351,107.29		\$283,971.70		\$463,459.00		\$220,012.25	
EB808 Bidders TABULATION	\$2,852,647.83		\$2,889,325.50		\$3,140,630.25		\$3,055,058.38	

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