

# **E** Environment Committee

For the Metropolitan Council meeting of September 26, 2007

## **ADVISORY INFORMATION**

**Date Prepared:** September 12, 2007

**Subject:** Authorization to Award and Execute a Construction Contract for Smithtown Road Interceptor, Roadway, Stormwater and Watermain Improvements, MCES Project No. 802811

### **Summary of Committee Discussion:**

The Committee was informed that the Office of Diversity has determined that S.M. Hentges has demonstrated good faith efforts in securing Minority and Women Business Enterprise participation for this project. In response to questions from the Committee, staff explained what constitutes a responsible bid.

The Committee unanimously approved the following recommendation.

### **Recommendation:**

That the Metropolitan Council finds the bid submitted by Park Construction Company to be non-responsive; and that the Metropolitan Council authorizes its Regional Administrator to reject the bid submitted by Park Construction Company and to award and execute a contract for construction of the Smithtown Road Interceptor, Roadway, Stormwater and Watermain Improvements, MCES Project No. 802811 with S.M. Hentges for their low responsive, responsible bid of \$5,193,902.70, subject to the determination that S.M. Hentges has demonstrated good faith efforts in securing MBE/WBE participation.

# E Environment Committee

Meeting date: September 11, 2007

For the Metropolitan Council Meeting of September 26, 2007

## ADVISORY INFORMATION

<b>Date:</b>	September 6, 2007
<b>Subject:</b>	Authorization to Award and Execute a Construction Contract for Smithtown Road Interceptor, Roadway, Stormwater and Watermain Improvements, MCES Project No. 802811
<b>District(s), Member(s):</b>	District #4, Brian Lundquist
<b>Policy/Legal Reference:</b>	Policy 3-3, Expenditures
<b>Staff Prepared/Presented:</b>	Bryce Pickart, 651-602-1091
<b>Division/Department:</b>	MCES c/o William G. Moore, 651-602-1162

## Proposed Action/Motion

That the Metropolitan Council finds the bid submitted by Park Construction Company to be non-responsive; and that the Metropolitan Council authorizes its Regional Administrator to reject the bid submitted by Park Construction Company and to award and execute a contract for construction of the Smithtown Road Interceptor, Roadway, Stormwater and Watermain Improvements, MCES Project No. 802811 with S.M. Hentges for their low responsive, responsible bid of \$5,193,902.70, subject to the determination that S.M. Hentges has demonstrated good faith efforts in securing MBE/WBE participation.

## Issue(s)

- Construction contract awards exceeding \$1,000,000 require Metropolitan Council authorization.
- This project is financed through the Public Facilities Authority, which has set participation goals of 3.5% for minority-owned and 11.5% for women-owned businesses.

## Overview and Funding

This project is part of a two phase project to eliminate Lift Stations L-22 and L-23 and replace them with deep gravity tunnels. This portion of the project includes replacement of the existing 10-foot x 6-foot culvert between Lake Virginia and Lake Minnetonka with dual 10-foot x 5-foot culverts, and installing approximately 260 LF of 54-inch and 150 LF of triple barrel 33-inch diameter fiberglass gravity sewer pipe. This project also consists of two transition structures and a control structure.

Six (6) bids, ranging from \$4,109,912.70 to \$6,573,608.00, were received and opened on September 4, 2007. The engineer's estimate was \$5,929,267.

Park Construction Company, which submitted the apparent low bid, failed to submit Part B of the MBE and WBE Certification of Good Faith Efforts. *Document 0200 (Instructions to Bidders)*, Article 2.5(F)(2), provides as follows: "Failure to include *Document 00480A Minority Business Enterprise Information and Certifications* and *Document 00480B Women Business Enterprise Information and Certifications*, or failure to properly complete either document, will result in the bid being rejected as non-responsive."

The lowest responsive, responsible bid was submitted by S.M. Hentges in the amount of \$5,193,902.70. S.M. Hentges has proposed a minority-owned business participation of 0.77% and women-owned business participation of 8.4%. The Office of Diversity is reviewing the information to determine whether the contractor has demonstrated good faith efforts in securing W/MBE participation for this project.

Funding is provided in the 2007 MCES Capital Budget, Project Number 802811.

## BUDGET INFORMATION

Annual or Capital	Year Project Approved	Estimated Project Cost	Current Auth.	Unencumbered Funds	Requested Amount
Capital	2007	\$6,200,000	\$6,500,000	\$6,000,000	\$5,193,902.70