

# 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