

**CITY OF LAWRENCE
UTILITY SERVICE BOARD
APRIL 28, 2020 – 5:30 PM
Regular Meeting
George Keller Public Assembly Room**

Members Present: Tracy Boyd and Steven Hall

Members Present via Remote Conference: Terry Gingles, David Parnell and Dale Tekippe

Others Present: USB Recording Secretary Tina Whitcomb

Others Present via Remote Conference: Legal Counsel Ashley Hopper

Staff Present: Deputy Controller Tyler Douthit, Utilities Superintendent Scott Salsbery and Director of Operations Paul Wanner

Chairman Steven Hall called the meeting to order at 5:30 p.m. and announced a quorum.

Mr. Hall asked for a motion to approve the Minutes from the March 24, 2020 regular meeting. Mr. Tekippe moved to approve the Minutes and Ms. Boyd seconded the motion. After a roll call vote, the motion was unanimously approved by a vote of 5-0.

Mr. Hall presented the payment of Claims in the amount of \$800,546.13 and the Payroll Voucher for \$119,302.33. Ms. Boyd moved to approve the claims and payroll voucher and Mr. Parnell seconded the motion. Mr. Tekippe asked if Mr. Salsbery could report any irregular or big items in the Claims in the future. Mr. Salsbery agreed to include this in his future Superintendent's Reports. After a roll call vote, the motion was unanimously approved by a vote of 5-0.

Superintendent's Report: Mr. Hall asked Mr. Salsbery to give the Superintendent's Report. Mr. Salsbery discussed the items that were on the agenda. Mr. Salsbery advised the Board that he is working with Staff on plans to prepare to return to work when the stay at home order is lifted.

Unfinished Business: There was none.

New Business: Mr. Hall requested a motion to accept the bids for Elmhurst Drive Lift Station 6 Sanitary Sewer Rehabilitation Project. Mr. Salsbery read a letter of recommendation dated April 6, 2020 from Engineer Karen Saavedra with American Structurepoint regarding the bid award. Ms. Saavedra's letter will be included as part of the Minutes along with a letter from City Attorney Ashley Hopper. In the letter, she stated that the lowest bidder was United Pipe Renewal, Inc. for \$1,226,850.70. Unfortunately, the bid packet did not include all required paperwork. Their bid packet was missing (1) the updated Bid Form that was provided to Bidders via Addendum 1, which they acknowledged receipt of Addendum 1; (2) the Consent of Surety or Agreement to Bond statement or letter was not provided; (3) an executed "Undertaking of Insurance" on standard form; (4) their corporate seal was not affixed to the Bid Bond; and (5) proof of licensure to work in the State of Indiana. None of the items listed impacted the bid price submitted by United Pipe Rental, Inc. Mr. Salsbery also stated that he did not believe it was in the best interests of the Utility to set a precedent for accepting incomplete bid packages. The next lowest bidder was BLD Services, LLC for \$1,252,632.40. After review of their bid, there were several non-responsive items noted. (1) The Bid Form was not signed, and (2) Page 1 of Section 00 43 00 – Procurement Form Supplements, was missing from the bid package. This page is the Bid Form Supplement Signatures Page. None of the items listed impacted the bid price submitted by BLD Services, LLC. Ms. Saavedra recommended awarding the bid to the next lowest bidder, which was Miller Pipeline LLC for

\$1,263,989.90. Mr. Tekippe moved to accept the bids and award the bid to Miller Pipeline LLC as recommended and Mr. Parnell seconded the motion. After a roll call vote, the motion was unanimously approved by a vote of 5-0.

Mr. Hall requested a motion for approval of Change Order No. 4 for Franklin Road Water Main Relocation Project (increase of \$71,094.49). Ms. Boyd moved to approve the motion and Mr. Parnell seconded the motion. After a roll call vote, the motion was unanimously approved by a vote of 5-0.

Mr. Hall requested a motion for approval of four (4) contracts with CityBase for New World integrated kiosks. Mr. Parnell moved to approve the motion and Ms. Boyd seconded the motion. Ms. Hopper confirmed that she reviewed and approved the contracts. After a roll call vote, the motion was unanimously approved by a vote of 5-0.

Account Adjustments: Mr. Hall requested a motion to approve four (4) adjustments as follows: (1) a sanitary sewer adjustment for \$2,441.10 at 11461 High Grass Drive due to a spigot leak; (2) a sanitary sewer adjustment for of \$375.80 at 4620 Cotton Street due to a service line leak; (3) a sanitary sewer adjustment for \$318.07 at 12210 Laurelwood Court due to a water softener malfunction; and (4) a sanitary sewer adjustment for \$299.19 at 4524 Payton Avenue due to a service line leak. Mr. Parnell moved to approve the motion and Mr. Gingles seconded the motion. After a roll call vote, the motion was unanimously approved by a vote of 5-0.

Remonstrations of Ratepayer Dispute Regarding Disconnect Notice: There was none.

Citizen Comments: There was none.

There being no further business to come before the Board, the meeting adjourned at 6:15 p.m. by unanimous vote of the Board.


Steven Hall, Chairman


Tina Whitcomb, Recording Secretary

These Minutes are not intended to be verbatim. They are a summary of discussions held, except for motions.

DOCUMENT 00 53 00 – NOTICE OF AWARD

Date: April 28, 2020

Project: Elmhurst Lift Station Basin Sanitary Sewer Rehabilitation	
Owner: City of Lawrence Utilities	Owner's Contract No.: N/A
Contract: Elmhurst Lift Station Basin Sanitary Sewer Rehabilitation	Engineer's Project No.: 2019.00236
Bidder: MILLER PIPELINE	
Bidder's Address: 8850 Crawfordsville Road, Indianapolis, IN 46234	

You are notified that your Bid dated March 20, 2020 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for the Elmhurst Lift Station Basin Sanitary Sewer Rehabilitation project.

The Contract price of your Contract is One million, two hundred sixty-three thousand, nine hundred eighty-nine dollars and ninety cents (\$1,263,989.90).

3 copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

2 sets of the Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within 10 days of the date you receive this Notice of Award.

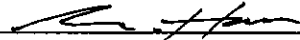
1. Deliver to the Owner 3 fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract Bonds and Insurance as specified in the Instructions to Bidders (Item 1.19) and Agreement.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare you owe the Owner the difference between this Bid and the Bid upon which a Contract is signed.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

City of Lawrence Utilities

Owner

By: 
Authorized Signature

Utility Services Board, Chairman

Title

Copy to: _____



April 6, 2020

City of Lawrence Utilities
9201 Harrison Park Court
Lawrence, Indiana 46216

Re: Lawrence Elmhurst LS Basin Sanitary Sewer Rehabilitation Bid Evaluation

Dear Board Members:

The Lawrence Elmhurst Lift Station Basin Sanitary Sewer Rehabilitation project is a project to address the structural deficiencies and to remove excess infiltration and inflow in priority sewers within the Elmhurst lift station basin of Lawrence. The goal of the project is to repair and rehabilitate the sewers as well as replace a sanitary sewer in N Elmhurst Drive. The project is located near Shadeland Avenue and 43rd Street, and Van Cleave Street and 46th Street.

The project was advertised on March 2, 2020, and March 9, 2020, in the Indianapolis Star, and will be constructed utilizing local funds.

The bids for the Lawrence Elmhurst LS Basin Sanitary Sewer Rehabilitation project were received on March 24, 2020, and read aloud at the Lawrence Utility Service Board meeting that same evening. There were six bids received for the project. The bidders included: Granite Inliner, LLC; Inland Waters Pollution Control; United Pipe Renewal, Inc; Insituform Technologies, Inc.; BLD Services, LLC; and Miller Pipeline, LLC. The bid prices are listed below.

Contractor	Bid Total
Inland Waters Pollution Control	\$1,499,193.65
Granite Inliner, LLC	\$1,462,440.20
Insituform Technologies, Inc.	\$1,296,953.20
Miller Pipeline, LLC	\$1,263,989.90
BLD Services, LLC	\$1,252,632.40
United Pipe Renewal, Inc.	\$1,226,850.70

A certified bid tabulation is attached to this letter. The bid submitted by United Pipe Renewal, Inc., was the lowest responsible bid received at a total bid price of \$1,226,850.70. After a review of their bid, there were several non-responsive items:

- The Bid Form submitted with the bid was not the updated Bid Form that was provided to Bidders via Addendum 1. The Bidder did acknowledge receipt of Addendum 1.
- A Consent of Surety or Agreement to Bond statement or letter was not provided as called for in the Instructions to Bidders (Section 00 21 15, paragraph 1.19).
- An executed "Undertaking of Insurance" on standard form provided by the insurance company stating insurance company's intention to provide insurance to the Bidder according to insurance requirements of Contract Documents was not provided as called for in the Instructions to Bidders (Section 00 21 15, paragraph 1.21).
- Their corporate seal was not affixed to the Bid Bond (Section 00 52 30), Bid Form (Section 00 41 43), or Section 00 43 00- Procurement Form Supplements as required.
- Proof of licensure to work in the State of Indiana

None of the items listed above impacts the bid price submitted by United Pipe Renewal, Inc.

The next lowest responsible bid submitted was the bid from BLD Services, LLC, with a total bid price of \$1,252,632.40. After a review of their bid, there were several non-responsive items noted:

- The Bid Form submitted was not signed. Per the Instructions to Bidders, bids must be signed (Section 00 21 15, paragraph 1.16B), and bids that are unsigned, "may be declared unacceptable and invalid at Owner's discretion" (Section 00 21 15, paragraph 1.17A).
- Page 1 of Section 00 43 00 – Procurement Form Supplements, is missing from the bid package. This page is the Bid Form Supplement Signatures page. Page 2 of Section 00 43 00 was included in the bid package.

None of the items listed above impacts the bid price submitted by BLD Services, LLC.

Section 00 21 15 – Instructions to Bidders, paragraph 1.17B states that, "Bid Forms, Appendices, and enclosures that are improperly prepared may be declared unacceptable and be a basis for rejecting the Bid at Owner's discretion". Due to the above stated non-responsive bid items, we request that the City of Lawrence Attorney review the bids and provide a recommendation. If the attorney finds the missing items listed above as material, and therefore the Bids of both United Pipe Renewal, Inc. and BLD Services, LLC are non-responsive, we recommend award of the bid to the next lowest responsible and responsive bidder, Miller Pipeline, LLC.

Sincerely,
American Structurepoint, Inc.


Karen Saavedra, PE

Attachment: Certified Bid Tabulation

cc: Scott Salsbery, Superintendent



City of
LAWRENCE
Indiana

Ashley C. Hopper, City Attorney

April 22, 2020

City of Lawrence Utilities
9201 Harrison Park Court
Lawrence, IN 46216

Re: Lawrence Elmhurst LS Basin Sanitary Sewer Rehabilitation Bid Evaluation

Dear Board Members,

Pursuant to a letter from Project Engineer Karen Saavedra of American Structurepoint dated April 6, 2020, I am providing this letter regarding the bids that were submitted for the above referenced project. The bids were opened at the March 24, 2020 Utility Service Board (USB) meeting.

I have reviewed Ms. Saavedra's letter in addition to several documents including, but not limited to, Indiana statutes, Indiana caselaw, and the Project Manual and corresponding addendum.

Indiana Code states that the "board shall: (A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or (B) reject all bids submitted." *IC § 36-1-12-4(b)(8)*. When evaluating if a bidder is "responsive," Indiana Code states:

"the board may consider the following factors:

(A) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.

(B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.

(C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract."

IC § 36-1-12-4(b)(10).

Section 00 21 15 Instructions to Bidders of the Project Manual sets forth when bids may be considered ineligible in paragraph 1.17. Specifically, 1.17(A) states "Bids that are unsigned, improperly signed or attested, conditional, illegible, or obscure, or Bids that contain arithmetical errors, erasures, alterations, or irregularities of any kind, may be declared unacceptable and

9001 E. 59th St., Suite 301
Lawrence, IN 46216
317.545.6191



City of
LAWRENCE
Indiana

Ashley C. Hopper, City Attorney

invalid at Owner's discretion." Paragraph 1.17(B) states that "Bid Forms, Appendices, and enclosures that are improperly prepared may be declared unacceptable and be a basis for rejecting the Bid at Owner's discretion."

Ms. Saavedra's April 6, 2020 letter sets forth several non-responsive items in the bids for both United Pipe Renewal, Inc. and BLD Services, LLC, respectively. Those items are material and consequently the bids for United Pipe Renewal, Inc, and BLD Services, LLCs are non-responsive.

Furthermore, even if the missing items are not material, the Board may, at its discretion, declare the bids unacceptable and reject them pursuant to paragraphs 1.17(A) and (B) of the Instructions to Bidders in the Project Manual.

Sincerely,

/s/ Ashley C. Hopper
City Attorney

9001 E. 59th St., Suite 301
Lawrence, IN 46216
317.545.6191