

SPECIAL MEETING – NOVEMBER 5, 2012

A special meeting of the Common Council of the City of Marshall was held on November 5, 2012 at the Marshall-Lyon County Library, 201 "C" Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; and Thomas M. Meulebroeck, Finance Director/City Clerk.

**CONSIDER AWARD OF BIDS FOR PROJECT Z13, TRUNK HIGHWAY 23
SANITARY SEWER PROJECT:**

Bids were received, opened and read on October 31, 2012 for Trunk Highway 23 Sanitary Sewer Project Z13. Bids received, opened and read were from:

Rogge Excavating, Inc.
Ghent, Minnesota
\$49,496.00

D & G Excavating, Inc.
Marshall, Minnesota
\$147,880.00

Duininck, Inc.
Prinsburg, Minnesota
\$163,008.00

H & G Contracting, Inc.
Sioux Falls, South Dakota
\$189,610.00

Kuechle Underground, Inc.
Kimball, Minnesota
\$247,297.00

Quam Construction Co., Inc.
Willmar, Minnesota
\$255,646.80

This project involves the installation of Sanitary Sewer along T.H. 23 from Southview Court to approximately 1,200 feet northeasterly. After the bids were opened and read, City staff met with Lawrence Rogge of Rogge Excavating. Mr. Rogge indicated that there was a material and substantial mistake in the preparation of its bid, specifically Item 12-Traffic Control. The price bid for this item was \$2,800.00. The price should have been \$28,000.00. Mr. Rogge brought his project manual to the meeting and provided his proposal sheet used in preparing the bid, indicating Item 12 showing the \$28,000.00 price.

In accordance with the Project Manual Division 00200-Instructions to Bidders, Section 1.13.B., "If, within twenty-four hours after bids are opened, any bidder files a duly signed, written notice with Owner and promptly thereafter demonstrates to the reasonable satisfaction of Owner that there was a material and substantial mistake in the preparation of its bid, that bidder may withdraw its bid and the bid security will be returned. Thereafter, that bidder will be disqualified from further bidding on the work to be provided under the Contract Documents." On November 1, 2012, City staff received a call from Lawrence Rogge that Rogge Excavating was not going to withdraw its bid.

Substantial completion of all work, except final turf establishment and concrete work shall be by December 15, 2012.

Council Member Boedigheimer suggested that since Rogge Excavating's bid was an honest mistake that his bid should be amended to reflect the \$28,000 bid item.

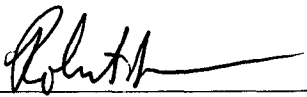
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Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3819, SECOND SERIES, which provides for the Resolution Accepting Bid (Awarding Contract) authorizing entering into an agreement with Rogge Excavating, Inc., Ghent, Minnesota in the amount of \$49,496.00 for Trunk Highway 23 Sanitary Sewer Project Z13. All voted in favor of the motion, except Boedigheimer who voted no.

DeCramer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3820, SECOND SERIES, which provides for The Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Trunk Highway 23 Sanitary Sewer Project Z13. All voted in favor of the motion, except Sanow who voted no.


Glenn Olson, Director of Public Works/City Engineer, provided an update on the Kossuth Street Improvement Project; the pond construction at the Northeast corner of Highway 23 and Highway 19 intersection and that a number of trees have been relocated as a part of the Corp of Engineers Project along the Redwood River.

Sanow moved, Doom seconded, the meeting be adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk