



CONTINUED

March 10, 2010

WILBUR TOWN COUNCIL MEETING

7:00pm

Town Council of the Town of Wilbur, Lincoln County, Washington met in continued session on March 10, 2010. The meeting was reconvened at 7:00 p.m. at Wilbur Town Hall by Mayor Robert Wyborney.

CONTINUED SESSION:

Members Present

Mayor Robert Wyborney, Mayor Pro-Tem Donald Reid and Council members Lynn McWhorter, Don Rolfe and Jerry Metcalf

Absent

Council member Roy Schiebner

Staff Present

Police Chief Archie Shirley and Clerk/Treasurer Carla Shirley

Citizens Present

Frank Stedman, Phil Williams, Lincoln County Deputy Sheriff Steve Steadman and Graham Construction and Management Inc. Scott Jutte

CURRENT PROJECTS

Sewer Improvement Pre-Construction – PWTF #PR08-951-087

Bid Selection

Wastewater Treatment Plant

Waiver

Mayor Wyborney reviewed with the council the status of the bids received on the Wastewater Treatment Plant. The Mayor referred to the letter from Wilson Engineering dated March 1, 2010. Marine Industrial Contractors was the low bid submitted in the amount of \$2,434,120.00 (plus sales tax). After evaluation of the bid submitted by Marine the bid was disqualified. The second lowest bid was submitted by Boss Construction, Inc. in the amount of \$2,572,269.00 (plus sales tax). The evaluation of Boss indicates they are capable of completing the work required. Boss Construction did not provide with the sealed bid package a Certification Regarding Debarment, Suspension, and Other Responsibility Matters. Boss Construction did subsequently submit this certification. This is a minor irregularity and should be waived because it does not materially affect the competitiveness of the bid. Wilson Engineering recommends awarding the WWTP contract to Boss Construction. Mr. Wyborney reported on the letter from the Town Attorney dated March 8, 2010. The Town may waive nonmaterial irregularity in a bid. Boss's failure to submit the Certification regarding Disbarment, Suspension and other Responsibility Matters is an irregularity. The law allows the Town to waive an irregularity if it is not material. Boss is still bond

to its bid. The Certification relates to Responsibility Matters, the Attorney has reviewed and recommends based upon the Federal regulations and judicial decisions and Washington State law and Court decisions, Boss failure to submit the Certification until after the bid opening does not affect the validity of its bid and therefore is not material. This irregularity can be waived. The Attorney says “in her legal opinion it is my recommendation that the Town determine Boss Construction, Inc.’s failure to submit the Certification Regarding Debarment, Suspension and Other Responsibility Matters until after the bid opening is an immaterial irregularity and you may waive that irregularity and award the bid to Boss Construction.”

(m/s McWhorter/Rolfe) I move that the Town waive Boss Construction, Inc.’s failure to submit the Certification Regarding Debarment, Suspension and Other Responsibility Matters as a nonmaterial irregularity. Motion carried.

Wastewater Treatment Plant

(m/s McWhorter/Reid) I move that the Town award the contract for the Wastewater Treatment Plant, Project No. 2009-025 to Boss Construction Inc. in the amount set forth in its bid. Mr. Wyborney added for the record the Treatment Plant cost of \$2,572,269.00. Motion carried.

Forcemain Improvement

The Mayor referred to the letter from Wilson Engineering dated March 1, 2010. Wilson Engineering evaluated the low bid from Hurst Construction, LLC in the amount of \$381,100.00 (plus sales tax). The evaluation of the bid found Hurst to be disqualified. The second lowest bid was submitted by Strider Construction in the amount of \$445,800.00 (plus sales tax). “Our evaluation of the qualifications, experience, reputation and financial condition of Strider Construction indicates that they are capable of completing the work required. Therefore, Wilson Engineers recommend the award of the contract for construction of the Forcemain Improvements go to Strider Construction in the amount of \$445,800.00 (plus sales tax).”

The Mayor referred to the letter from the Town Attorney dated March 2, 2010 recommending the bid from Strider Construction for the Forcemain Improvements be accepted. (m/s McWhorter/Metcalf) I move that the Town award the contract for the Forcemain Improvements, Project No. 2009-026 to Strider Construction in the amount set forth in its bid. Motion carried.

Let the tape show for record a letter of March 2, 2010 and March 8, 2010 from the Town Attorney and a letter of recommendation from Wilson Engineering dated March 1, 2010.

ADJOURNED

(m/s Rolfe/Reid) to adjourn the meeting at 7:12pm. Motion carried.

Carla J. Shirley, Clerk/Treasurer

Robert Wyborney, Mayor