



Fair Contracting Foundation
of Minnesota

July 24, 2015

411 Main Street, Suite 307 St. Paul, MN 55102 • P: 651-797-2726
www.fcfn.org

Todd Pufahl
President and Business Manager
Laborers District Council of MN and ND
81 East Little Canada Rd.
St. Paul, MN 55117

RE: Discretionary Authority in Pubic Construction

Dear Mr. Pufahl:

Over the past several months the Laborers' District Council has joined with other construction trades in asking the same question: *Why do public owners award construction contracts to those bidders who they believe will be unsatisfactory?*

The Fair Contracting Foundation (FCF) has attempted to answer that question in dozens of our industry meetings. Many public project owners have confirmed our opinions in private discussions. In short, Minnesota's statute § 123B.52, subd. 1 requires that school contracts must be awarded to the "lowest responsible bidder." But in practice, school boards often remain overly cautious and simply select the "lowest bidder" despite the discretion they have in determining who is responsible.

It is possible that overly cautious procurement practices and a lack of knowledge about bidders keep school districts unaware of the discretionary authority they actually have. The Courts have long recognized that a contracting authority has considerable discretion in determining whether a bidder is responsible when awarding public contracts, and may consider more than price alone. See e.g. Kelling v. Edwards, 116 Minn. 484, 490-91 (Minn. 1912); State v. Snively, 175 Minn. 379 (Minn. 1928); Otter Tail Power v. Village of Elbow Lake, 234 Minn. 419, 425 (Minn. 1951); Foley Brothers, Inc. v. Marshall, 266 Minn. 259, 262-63 (Minn. 1963).

These established cases are consistent with new legislation that also helps protect public project owners. This discretion on the part of contracting authorities, including school districts, has been recently reaffirmed by the legislature in the 2014 Responsible Contractor Law, which establishes minimum criteria that a contractor must meet in order to be considered responsible. See Minn. Stat. 16C.285. This recently enacted legislation states that "[n]othing in this section shall restrict

the discretion of a contracting authority to establish additional factors for defining contractor responsibility.” Minn. Stat. 16C.285, Subd. 6.

If long-standing case law and new legislation are not enough to comfort a government body who wants to exercise discretion in making public construction decisions, they can consider the State’s own procurement rules. The rules define the term responsible vendor, and set forth criteria for a responsible vendor, including that the vendor “has no unresolved record of failure to perform, or of unsatisfactory performance of, contracts for the state or other customers.” Minn. Rule. 1230.0150, subp. 20. These rules are referenced in MNSCU’s guide to contractor responsibility determinations, a copy of which is attached as an example of the considerations and processes a state higher education entity uses when awarding contracts.

Other entities have also attempted to shed light on the discretionary authority for Minnesota’s governmental bodies. In its information memo concerning municipal competitive bidding requirements, the League of Minnesota Cities summarizes the issue well:

The phrase “lowest responsible bidder” does not mean the lowest bidder, but the lowest bidder who is most likely to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit. In determining who the lowest responsible bidder is, the courts have said that the council has reasonable discretion.

League of Minnesota Cities, Information Memo: Competitive Bidding Requirements in Cities, September 1, 2014.¹

When the public owners are fully aware of their discretion, another challenge still remains. A bidding contractor’s history is often unknown to those who award the contract. In order for discretion to be reasonably exercised, they need objective information and an accurate understanding of the contractor’s performance consistency. As with any purchase decision information is power.

When the discretionary authority is understood and objective information is available the best public decision can be made. Indeed, municipalities have rejected low bids in the past based on responsibility issues. As reflected in the Board minutes, available for your review, the Ramsey-Washington Metro Watershed District reflected the low bid of a contractor based on performance problems. The Board exercised “their sole discretion and conclude[d] that Jay Bros. Inc. is not a responsible bidder.” The Board awarded the contract to the next lowest bidder. Similarly the city of Shafer rejected a low bid on the basis of contractor responsibility on April 21st, 2015, awarding the contract to the second lowest bidder.

¹ Available at

<http://www.lmc.org/media/document/1/competitivebidding.pdf?inline=true>

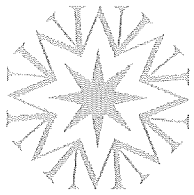
From FCF's work in public construction for the past four construction seasons there are a few noteworthy observations. First, a significant number of public procurement officials award contracts simply to the lowest bidder even when they are not confident in their ability to perform satisfactorily. Second, the threat of litigation has eclipsed the discretionary authority for some official's decisionmaking. Third, objective information would also improve the quality of public construction and avoid problems for local governments.

Thank you for asking us to share what we have found on discretionary authority and its actual use in public construction. We hope you find this information helpful to the industry.

Sincerely,

A handwritten signature in cursive script that reads "Mike Wilde". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mike Wilde
Executive Director



Minnesota
STATE COLLEGES
& UNIVERSITIES

*Chief Facilities and Financial Officer's Meeting
January 25 - 26, 2006*

Non-Responsible Bidder

For Further Information Contact:

Bill Breyfogle, Director, Construction and
Support Services
651-297-1948
Bill.breyfogle@csu.mnscu.edu

Background:

Minnesota State Colleges and Universities contracts are governed by Minnesota Statutes and Board Policies and Procedures. These statutes, policies and procedures generally require the award of construction contracts to the lowest responsible and responsive bidder.

Whereas “responsive” normally relates to whether the bidder has complied and acknowledged all the applicable bidding requirements in the solicitation, “responsible” deals with a wider definition. Toward this determination, Minnesota case law has long held in part that “responsible as used in such (bidding) statutes, imports not only financial responsibility, but also integrity, skill, and ability and likelihood of the bidder’s doing faithful and satisfactory work.”

The question sometimes arises as to whether a general contractor who has submitted a responsive bid and is the apparent low bidder is in fact “responsible”. The information below helps in this determination and the actions that need to be taken when making and supporting that decision.

Determination:

In determining whether a vendor (bidder) is responsible in the above context, the rules of the Department of Administration governing bids under Minnesota Statutes for other state agencies provide helpful guidance. Those rules define responsible vendor as follows:

“Responsible vendor” means a vendor who:

- A. is a manufacturer of, deals in, but is not a broker of, or is the agent of a manufacturer with full knowledge of supplies to be furnished; or
- B. if services are to be provided, has the necessary skills or is in the business of supplying these services; and
- C. can demonstrate a satisfactory credit standing, lack of delinquent tax liability, and the financial capability to perform a contract as evidenced by the ability to obtain bonding when required; and
- D. has no unresolved record of failure to perform, or of unsatisfactory performance of, contracts for the state or other customers; and

E. is not currently debarred by another government entity for any cause including defaults on contracts, late deliveries, products not meeting specifications, substandard installation, or service; and

F. is otherwise qualified under rule and law, including incorporation in or registration to do business in Minnesota; and

G. has not engaged in unlawful practices, associated with organized crime, or operated under false names or fronts as a small business or a socially or economically disadvantaged small business; and

H. is in compliance with all tax laws of Minnesota, as evidenced by timely filing of all required returns, reports, payments, and possession of all applicable stamps, licenses, or other permits, and freedom from any judgment, lien, or seizure of assets or property to satisfy tax payments or duties; and

I. is willing to furnish all information necessary to determine responsibility as outlined in items A to H within 30 calendar days or less or within a reasonable amount of time determined by prior consensus between the bidder and the division.

Determinations as to whether a bidder is responsible based upon the above criteria must be **fact based and supported by substantial evidence**. Although Minnesota State Colleges and Universities has discretion in determining the responsibility of a vendor this action must not be arbitrary or capricious.

Documentation:

The requirement for a fact-based determination and supportable evidence often starts with the individual college or university delegated to manage the project. A vendor's performance or lack thereof must be well documented and supported by a body of evidence. This requirement for documentation must be viewed in context of the entire contract or project. Along these lines, the Department of Administration has developed a Vendor Performance Report and Instructions for noting and recording vendor performance (<http://www.mmd.admin.state.mn.us/>). Vendor in this context includes construction contractors. This form should be used for documenting vendor performance of either an exceptional or unsatisfactory nature. Vendor information related to other than facilities design and construction should be referred to Kevin Marsh, Director, Financial Planning.

There is a requirement that the vendor be made aware as early as possible whenever its performance is unsatisfactory and rises to the level of being documented to determine whether, if not corrected or repeated, could rise to the level of being considered non-responsible.

Because a vendor who is evaluated as unsatisfactory will likely appeal its evaluation, it is imperative that the terms and conditions of the contract be followed explicitly. Failure to properly execute the contract may lead to problems substantiating the evaluation.

Procedures:

As noted above, most of the documentation used to help determine whether a vendor is responsible is gained from the individual college or university delegated to manage the project. This documentation needs to be timely, factual and coordinated with all parties. Refer to the Department of Administration form and instructions for further details.

Minnesota State Colleges and Universities has discretion in determining the responsibility of a vendor. It is important to note that discretion to determine whether a bidder is responsible does not give Minnesota State Colleges and Universities the authority to reject the low bid of a responsible bidder in favor of a higher bid of a more responsible bidder.

A low bidder who is considered to be non-responsible by a college or university for a bid must first be referred to the System Office. Information required includes any Vendor Performance Reports from previous work at a college or university, the Department of Administration, or any other documentation that would have a direct bearing on the contractor being considered non-responsible. No action should be taken on the bid until coordination with the System Office is complete. Questions as to these items should be referred to the System Office, Facilities Division first.

**Ramsey-Washington Metro Watershed District
Minutes of Regular Board Meeting
January 8, 2003**

The Regular Meeting of January 8, 2003, was held at the Maplewood City Hall, Maplewood Room, 1830 East County Road B, Maplewood, Minnesota, at 6:30 p.m.

PRESENT:

Roger Lake, President
Pam Skinner, Manager

Jack Frost, Treasurer
Bob Johnson, Secretary

ABSENT:

Paul Ellefson, Vice President

ALSO PRESENT:

Cliff Aichinger, Administrator
Tracey Galowitz, Attorney
Tina Carstens, Permit Program Coordinator
Julie Vigness-Pint, Natural Resources Technician
Sage Passi, Watershed Education Specialist
Marty Jedlicki, S.M. Hentges & Sons, Inc.

Carole Pastorius, Admin Secretary
Brad Lindaman, Barr Engineering
Bill Bartodziej, Natural Resources Specialist
Rob Langer, Senior District Technician
Simba Blood, District Technician

1. CALL TO ORDER

The meeting was called to order by President Lake at 6:30 p.m.

2. APPROVAL OF MINUTES

Motion: Moved by Bob Johnson, seconded by Roger Lake, to approve the minutes of the December 4, 2002, regular meeting. The motion carried.

3. APPROVAL OF AGENDA

No changes were made to the agenda as mailed out.

4. PERMIT APPLICATIONS

Permit 03-01; White Bear Lake High School Track & Field Renovations - White Bear Lake

Motion: Bob Johnson moved, seconded by Roger Lake, to approve Permit #03-01. Motion carried.

Permit 03-02; The Lodge at Little Canada - Little Canada

This project is part of a larger redevelopment plan for the area that includes the intersection of Rice Street and Little Canada Road.

Motion: Roger Lake moved, Bob Johnson seconded, to approve Permit #03-02. Motion carried.

Permit 03-03; Tartan High School, Phase 5 - Oakdale

The applicant proposes to grade and improve drainage on existing athletic fields at the intersection of 10th Street and Greenway. Roger Lake asked about the need for the double line of silt fence in Special Provision #1. Tina Carstens stated that it is important to keep any additional sediment from entering the same wetland that has already been damaged by the tennis court construction (Permit #02-09), which is currently a WCA enforcement issue for District staff.

Motion: Jack Frost moved, Roger Lake seconded, to approve Permit #03-03. Motion carried.

Permit 03-04; John Glenn Middle School, Phase 2 - Maplewood

The applicant proposes to grade existing athletic fields and expand the existing parking lot. Although the site is relatively flat, the applicant has agreed to revise their plans to create trenches filled with rock and drain tile to encourage infiltration in the areas currently designed as swales.

Motion: Jack Frost moved, Roger Lake seconded, to approve Permit #03-04. Motion carried.

Permit 03-05; Maplewood Middle School - Phase 3 - Maplewood

The applicant proposes to grade the athletic fields with no increase in impervious area or change in site drainage.

Motion: Bob Johnson moved, Jack Frost seconded, to approve Permit #03-05. Motion carried.

Monthly Enforcement Report

No violation notices were issued during December. Most sites inspected were in order, or they were in need of minor repairs that were discussed with the foremen onsite.

Ongoing enforcement issues involve the damaged wetland at Tartan High School (Permit #02-09). Tina attended a meeting on December 20 with representatives from Kellington Construction, Kraus Anderson, and the school district's consulting architect firm of ATS&R. The District's rough estimate on the cost for an outside contractor to perform the restoration work was discussed. She expects them to get additional estimates. At this stage, a full restoration cannot be accomplished until spring, so District staff have identified other tasks that need to be done at the site to protect the wetland slopes until then.

5. PROJECT STATUS REPORTS

CIP Maintenance/Repairs 2002 Project

Tracey Galowitz' second letter to Jay Bros. stipulated a deadline of December 21 for completion of the punch list items that had been provided to them a month earlier. Liquidated damages have been accruing since then, last estimated at about \$7600. All engineering and legal staff time is billable. Tracey has received a formal request from Mark Jay to meet.

CIP Maintenance/Repairs 2003 Project

Brad Lindaman distributed the bid tabulation from the bid opening that took place at January 7. The tabulation reflects the correction of minor math errors on the lowest and second lowest bids, but it did not cause the bidders to change their position in the bidding order. The engineer's estimate was \$160,554.00, the apparent low bid of Jay Bros. Inc. is \$148,754.50, and the second apparent low bid of Holst Excavating is \$155,645.50. Barr Engineering is currently checking the references submitted by Holst Excavating.

The Managers reviewed the history it had with Jay Bros. Inc. as general contractors of Ramsey-Washington Metro Watershed District projects. Currently, there are two projects, the Battle Creek Lake Flood Protection Project and the 2002 CIP Maintenance/Repair Project, of which Jay Bros. Inc. is the contractor for the projects for the District. In both projects, the contractor has substantially breached the terms of the contract by not completing work in a timely manner. Furthermore, the District has had staff expend considerable energy to get them to comply with the project requirements.

The Managers, after hearing about the delays, lack of cooperation, and other concerns relating to Jay Bros. Inc. reported at each monthly update relating to the projects, have determined that it is in the best interest of the taxpayers to take the second lowest responsible bidder, Holst Excavating. The added cost outweighs the risk of doing work with what the District deems to be a non-responsible bidder.

Jay Bros. Inc. has been put on notice by several engineering reports and two separate attorney mailings in regard to the ongoing projects and the District's concerns. The Managers hereby exercise their sole discretion and conclude that Jay Bros. Inc. is not a "responsible" bidder.

Motion: Roger Lake moved, Bob Johnson seconded, that the District reject the apparent low bid of Jay Bros. for the 2003 CIP Maintenance/Repairs Project due to repeated delays and missed completion dates for the 2002 CIB Maintenance/Repairs Project and the Battle Creek Lake Flood Protection Project, to accept the Holst Excavating bid of \$155,645.50 as the lowest responsible bid, and to direct District staff to execute acceptable contract documents with Holst Excavating contingent on staff receiving adequate and favorable reference checks. The motion carried unanimously with 4 ayes (one absent).

Project 3 - West Tamarack Swamp Improvements

Battle Creek Lake Flood Protection Project: As referred to in earlier discussions involving Jay Bros. Inc., liquidated damages have been accruing since the December 21 deadline as stipulated in Tracey Galowitz' second letter to Jay Bros. Inc. relative to this project's punch list items.

Project 2 - Battle Creek Lake Area Water Management Project (ABI site)

Pam Skinner expressed concern about the owner's mowing practices on the edge of the new stormwater pond. Although the District has already instructed them as to proper mowing practices in the vicinity of the new pond, Cliff Aichinger stated that staff will closely monitor the situation next season.

Marty Jedlicki of S.M. Hentges & Sons, Inc. was present to discuss their claim for additional compensation of \$1400, as considered by the Board last month. He stated that he is the superintendent and safety officer for this site, and he was present on the day that this situation occurred. He felt there is a misunderstanding of the circumstances and described a different situation than what the Board considered last month. He stated that a friendly agreement with the city was made to do additional work that would allow water service to be restored as soon as possible. The city was unable to turn off water service on the east side of the school, and this was impacting the school's lunch time activities, so he agreed to install a curb stop, a section of pipe, and a compression valve. The 2 hours of equipment down time resulted while waiting for the extra work to be done before the water could be completely shut off, yet they cannot pursue a claim according to the terms of their contract with the District. Roger instructed staff and S.M. Hentges to reach an agreement on how to conclude this matter and to submit a proposal for the Board's consideration next month.

Tanners Alum System Water Quality Monitoring

Discussion was held on the memo dated January 2, 2003, from Meg Rattei and Brad Lindaman, which sets forth the Tanners Lake CIP evaluation schedule. Although it was hoped that the 1989 pre-construction climatic data could be used in direct comparison to the 2002 post-construction data, staff did not find similar conditions. In order to get a clear picture of how the facility is performing, staff must perform detailed analysis and modeling. The original scope and budget were set up considering this possibility, so no budget adjustments are necessary. The Board was informed that a draft report could be expected some time in May of 2003.

This schedule has been discussed with MnDNR, the permitting agency, and they have no problem issuing a permit extension to December 31, 2003, in anticipation of the study results. Monitoring requirements will be dramatically reduced to total and dissolved aluminum, three times per year. Cliff stated that staff currently take samples with every storm event, and phosphorus levels are included in the monitoring. He wants to continue a higher level of monitoring than what will be required because of system operation variables that continue to occur, and to continue sampling inflow and outflow phosphorus.

Tanners Lake Floodproofing Project

Cliff reported that all work should be done by the end of the month on the former Rabine property, and at that point, the District can offer the property for sale. The Board agreed with his suggestion to collect information on licensed realtors for the Board to consider at next month's meeting. He will find out if there are any precedents set by neighboring cities in this regard, and Tracey will check the statutes for any legal requirements.

Willow Creek (County Ditch 18)

Roger wanted to know what District stormwater treatment requirements will apply to the existing Buerkle dealership adjacent to the vacant parcel that has been the subject of discussion. Cliff stated that current regulations allow the District to enforce the phosphorus removal standard against new developments, but at this time the runoff from the existing development in front of the dealership is not treated. All runoff from this property drains into a Protect Category wetland. Brad reported that Buerkle is interested in paying for the additional cost to extend the pipe all the way to Highway 61. Cliff suggested that they could be asked to address their runoff from their existing property as well. The District and Buerkle cannot proceed with their joint project until MnDOT completes the work underneath Highway 61 later this summer. Brad also stated that some conceptual decisions need to be made so that they can proceed with the definition of the new county ditch easement across Buerkle's property.

6. ADMINISTRATOR'S REPORT

New Hire

The District's newest full time employee, Simba Blood, was introduced to the Board. She will be involved with the preparation of data for the next Watershed Management Plan update, website maintenance, data analysis, research projects, and possibly continue assistance to the Natural Resources Program.

7. TREASURERS REPORT AND BILL LIST

Motion: Jack Frost moved, Bob Johnson seconded, to approve the Bill List and also the Supplemental Bill List for January 8, 2003. Motion carried.

8. SPECIAL ORDERS

Well Sealing Resolution No. 03-01

Motion: Roger Lake moved, Bob Johnson seconded, to adopt Resolution No. 03-01 to approve cost share funding for two well sealing program applications. Motion carried.

9. MANAGER PRESENTATIONS

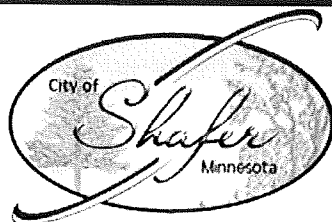
Jack Frost reported on today's Washington County Water Consortium meeting, commenting on new water quality performance standards for projects constructed within the South Washington Watershed District.

10. ADJOURNMENT

Motion: Bob Johnson moved, seconded by Pam Skinner, to adjourn the meeting at 7:35 p.m. The motion carried.

Respectfully submitted:

Robert Johnson, Secretary


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[April 21st, 2015 – Shafer City Council Meeting Minutes](#)


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Telephone: 651-257-4726
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Comments are off

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Shafer City Council Meeting Minutes

April 21st, 2015
Immediately Following Closed Meeting

Call to Order

The Shafer City Council met in a regular session and was called to order by Mayor Dan Vogel at 7:00pm

Roll Call

Present: Dan Vogel, Patty Mattson (Left at 8:35pm), Bob Nash, Tim O'Connor, Jeff Behnke, Jon Herdegen – City Engineer, Ted Alliegro – City Attorney, Lynn Jawish
Not Present: Richard Hill
Others Present:

Additions to the Agenda

Under Unfinished Business add c. ATV Ordinance, d. Noise Ordinance and e. Barn Quilt

Public Hearing

None

Open Hearing to the Public

Joe Timm, Chisago Lakes School Superintendent updated the council as to the upcoming events and issues with the school district.

Consent Agenda

-Motion to approve consent agenda

1. 04-07-15 Council Minutes
2. 04-15-15 Board of Appeals Minutes
3. 04-14-15 EDA Minutes

By Councilmember Bob Nash, seconded by Councilmember Jeff Behnke

Vote – Unanimous 5-0-0 motion passed

New Business

-Motion to pay the bills, by Councilmember Jeff Behnke, seconded by Mayor Dan Vogel

Vote – Unanimous 5-0-0 motion passed

Stay Informed

Event Calendar

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27		

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Shafer Township wanted to know if we would be interested to having them do Quandam resurfacing like they did Rydeen last year. The city owns ½ of Quandam so if the city were to bid out for materials and labor, it would be more expensive than having the Township get the materials and do the work.

-Make a motion to proceed to have the Township do Quandam Lane resurfacing, by Mayor Dan Vogel, seconded by Councilmember Bob Nash
Vote – Unanimous 5-0-0 motion passed

The city's compost site has been closed due to people dumping old refrigerators, furniture etc.

-Motion to open the compost site back up down to dusk, revisit this in one month to see how things are going, by Councilmember Bob Nash, seconded by Councilmember Tim O'Connor
Vote – Unanimous 5-0-0 motion passed

Public works would like to have public works on a 4 day work week, each employee working 4 – 10 hour days, one working Monday thru Thursday and one working Tuesday thru Friday until mid-October.

-Motion to allow the 4 – 10 hour day schedule with the schedule that Al proposed, by Mayor Dan Vogel, seconded by Councilmember Tim O'Connor
Vote – Mattson, Nash, Behnke and O'Connor opposed and Vogel abstained 0-4-1 motion fails

Unfinished Business

Jon Herdegen handed out the bid tabulation from the bid opening for the City Hall project. We had 6 bids ranging from \$278,000.00 to \$463,000.00. A bid bond of 5% is required. Lakes Area Mechanical was the lowest bid. Jon requested references from Rick Anderson (Lakes Area Mechanical). Mr. Anderson included a certified check in place of a bid bond. Since he didn't include a bond he is either not working with a bond company or has chosen to not submit one, it is cause for concern but it is not grounds to throw out the bid. Jon asked Mr. Anderson for the bond company he is working with. Mr. Anderson provided the information for the bonding agency he will be using for the performance bond. When the city awards the bid, the company has 7 days to produce a payment bond, sign the contract and send it back to the city to sign. Jon requested from Mr. Anderson on Thursday afternoon references. Jon received them around 3:00 Monday afternoon. The references he provided were from Anderson Mechanical that has since been discontinued as a corporation, the work span of references covered from around 1987 to 2000. A reference for a company that is no longer in existence is not a valid reference. Jon checked the debarred list for state and federal and he doesn't appear on those lists. Jon did specifically ask for references for Lakes Mechanical and did receive 3, 2 appear he worked as a general contractor, but Jon was unable to reach anyone at the numbers provided to provide references. Jon also asked for references from the 2nd lowest bidder Kaski Inc. and within 12 hours received a list of 11 projects in the last year or so, Jon called each and every one of them and all but 2 picked up. They are out of Duluth, they checked out very well for the City of Duluth, DNR, St. Louis County and private work. Jon stated he can't give the council a recommendation for Lakes Area Mechanical because he was unable to check references to see if he was a responsible bidder. Couple of things the council can do, have Jon continue to request refinances from Lakes Mechanical and not award the bid tonight. The problem with that is the timeline is to award tonight and have the contract sign by the 28th of April with a project completion date of September 4th. If we wait until the first meeting in May to award the bid, it would push the completion date out until the week after Labor Day. City Attorney Ted Alliegro informed the council that there is no requirement to award to the lowest bidder; the award goes to the lowest responsible bidder. Jon stated that the engineer's role in this is to do due diligence and follow up on the information that is provided to them. They have not been given any information to be able to make a recommendation that they (Lakes Mechanical) are responsible. Whenever you reject or throw out a bid the city is subject to a lawsuit from that contractor. The city could be challenged to prove that he (Rick Anderson) is not the responsible bidder. Jon has documented everything, phone calls and believes Mr. Anderson has been given every opportunity to provide the information requested.

-Motion to award the contract to the lowest responsible bidder which is Kaski Inc., based on the following findings:

1. Kaski is a general contractor and not only a mechanical contractor;
2. Kaski has provided references in a timely manner that have checked out;
3. The references that have checked show that Kaski can and has the capability to do this type of work;
4. Kaski has a history of financial responsibility that has been verified; and

The city engineer has been unable to locate anyone locally who has been able to provide a reference that Lakes Mechanical has the capability to do the job;
by Mayor Dan Vogel, seconded by Councilmember Patty Mattson
Vote – Unanimous 5-0-0 motion passed

Mayor Vogel talked to Sara at Easy IT Guys and all the updates will be online within 48 hours.

Discussion of the ATV ordinance. Ted to craft an ordinance and bring it back to the next council meeting.

The noise is getting louder and longer as the season gets warmer. Bring back to the next meeting.

The Barn Quilt is an 8x8 wood painted barn quilt. City Clerk to work with Councilmember Patty Mattson to find a location to place this quilt.

Open Forum

Adjourn

-Motion to adjourn, Mayor Dan Vogel, seconded by Councilmember Bob Nash
Vote – Unanimous 5-0-0 motion passed

Meeting adjourned at 8:55 pm

June 16th, 2015 – Shafer City Council Meeting Minutes (http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/june-16th-2015-shafer-city-council-meeting-minutes/) Shafer City Council Meeting Minutes June 16th, 2015 Immediately Following Closed Meeting	June 2nd, 2015 – Shafer City Council Meeting Minutes (http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/june-2nd-2015-shafer-city-council-meeting-minutes/) Shafer City Council Meeting Minutes June 2nd, 2015 Immediately Following Closed Meeting	May 19th, 2015 – Shafer City Council Meeting Minutes (http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/may-19th-2015-shafer-city-council-meeting-minutes/) Shafer City Council Meeting Minutes May 19th, 2015 Immediately Following Closed Meeting
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May 5th, 2015 – Shafer City Council Meeting Minutes (http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/may-5th-2015-shafer-city-council-meeting-minutes/) Shafer City Council Meeting Minutes May 5th, 2015 Immediately Following Closed Meeting	March 17th, 2015 – City Council Meeting Minutes (http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/march-17-2015-city-council-meeting-minutes/) Shafer City Council Meeting Agenda March 17th, 2015 Immediately Following Closed Meeting
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March 3rd, 2015 – City Council Meeting Minutes (http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/march-3rd-2015-city-council-meeting-minutes/) Shafer City Council Meeting Minutes March 3rd, 2015 Immediately Following Closed Meeting	February 17th, 2015 – Shafer City Council Meeting Minutes (http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/february-17th-2015-shafer-city-council-meeting-minutes/) Shafer City Council Meeting Minutes February 17th, 2015 Immediately Following Closed Meeting	February 3rd, 2015 – City Council Meeting Minutes (http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/february-3rd-2015-city-council-meeting-minutes/) Shafer City Council Meeting Minutes February 3rd, 2015 Immediately Following Closed Meeting
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January 20th, 2015 – Shafer City Council Meeting Minutes
(<http://www.shafermn.com/meeting-minutes/2015-city-council-meeting-minutes/january-20th-2015-shafer-city-council-meeting-minutes/>)
Shafer City Council Meeting Minutes January 20th, 2015
Immediately Following Closed Meeting