

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Special Meeting:                                      Wednesday:                                      January 14, 2015:

Agreeable with a call for a Special Meeting issued by Mayor Mahoney, the Board of City Commissioners of the City of Fargo, North Dakota, convened in a Special Meeting in the City Commission Room at City Hall at 12:30 o'clock p.m., January 14, 2015.

The Commissioners present or absent were as shown following:

Present: Williams, Piepkorn, Mahoney.

Absent: Sobolik.

Mayor Mahoney presiding.

No Protests Received for Street Reconstruction and Incidentals Improvement District No. PR-15-G1:

The Statutory Resolution of Necessity for the construction of Street Reconstruction and Incidentals Improvement District No. PR-15-G1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on November 17 and 24, 2014, and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Street Reconstruction and Incidentals Improvement District No. PR-15-G1.

Second by Piepkorn. On call of the roll Commissioners Williams, Piepkorn and Mahoney voted aye.

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Bids Received for Street Reconstruction and Incidentals Improvement District No. PR-15-G1:

The bids for Street Reconstruction and Incidentals Improvement District No. PR-15-G1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., December 17, 2014 and the bids were found to be as follows:

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| Master Construction Company, Inc.<br>Bid: | Fargo, ND<br>\$1,425,992.60 |
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| Dakota Underground Company, Inc.<br>Bid: | Fargo, ND<br>\$1,524,292.83 |
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| R & R Excavating, Inc.<br>Bid: | Hutchinson, MN<br>\$1,908,571.91 |
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Contract for Street Reconstruction and Incidentals Improvement District No. PR-15-G1 Awarded to Master Construction Company, Inc. in the Amount of \$1,425,992.60:

At the January 5, 2015 meeting, the bid award was delayed until further discussions with Master Construction.

The Board received a communication from City Engineer April Walker stating with Master Construction Company, Inc. being the apparent low bidder, staff conducted an investigation regarding their ability to perform according to the proposed contract terms. She said as part of that process, meetings were held with Master Construction Company, Inc. to discuss some outstanding issues. A path forward on the outstanding issues was outlined in correspondence from Master Construction's attorney, she said, and Master Construction is willing to limit the number of projects undertaken with the City of Fargo in 2015 and there will be no prohibition of Master Construction from bidding. Each future bid in 2015 will be evaluated for responsibility if Master Construction is the low bidder, she said, and Master Construction agrees to communicate with the Engineering Department to address any issues the Engineering Department may have regarding the low bid prior to any subsequent award. She said the current investigation has been completed and with the previously stated requirements in place, and with the evaluation of Master Construction's current commitments, there does not appear to be any other projects that will cause issues for timely completion of this work. She said the Engineering Department recommends award of the contract to Master Construction in the amount of \$1,425,992.60 as the lowest and best bid.

Commissioner Piepkorn said he is pleased this work was done prior to awarding a bid although he finds it disappointing that extra work has to be done for one contractor.

Commissioner Williams said last year was a record year for capital improvements and this contractor was not the only one late in completing their work. It appears that a good understanding has been reached and that work will be monitored more closely, he said.

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Street Reconstruction and Incidentals Improvement District No. PR-15-G1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received December 17, 2014 for Street Reconstruction and Incidentals Improvement District No. PR-15-G1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Street Reconstruction and Incidentals Improvement District No. PR-15-G1 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$1,425,992.60 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Master Construction Company, Inc. in the sum of \$1,425,992.60 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Street Reconstruction and Incidentals Improvement District No. PR-15-G1 in the City of Fargo, North Dakota, be

and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$1,425,992.60, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Piepkorn and Mahoney voted aye.

Absent and not voting: Commissioner Sobolik.

The Resolution was adopted.

Commissioner Piepkorn moved that the Board adjourn.

Second by Williams. All the Commissioners present voted aye and the motion was declared carried.

The time at adjournment was 12:38 o'clock p.m.