

M I N U T E S

Board of Public Works
Michael E. Kobza Hall of Justice
Muskegon, Michigan
May 8, 2008

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:31 p.m.

ROLL

Present: Don Aley; Charles Buzzell; Lewis Collins; Marvin Engle; Ken Mahoney; I. John Snider; Roger Wade; Louis McMurray.

Absent: Martin Hulka.

Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; Mark Eisenbarth, Deputy Director of Public Works for Wastewater; Jack Niemiec, County Administrator; Greg Leverence, Solid Waste Manager; Ted Williams, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Dave Fisher, Muskegon Charter Township; Kurt Poll and another representative from Kamminga & Roodvoets Contractors; Steve Jackson and Gary Merkey from Jackson-Merkey Contractors; James McCormick, McCormick Sand; News Media.

BPW-08-100 - APPROVAL OF AGENDA

Moved by Mr. Aley, seconded by Mr. Wade, to approve the agenda with the deletion of item #5 (Uncollectible Bad Debt - McClure's Septic Service) and the addition of the Addendum - Administrative Consent Order.

Motion carried

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BPW-08-101 - APPROVAL OF MINUTES

Moved by Mr. Engle, seconded by Mr. Collins, to approve the minutes of the special meeting held April 3, 2008, the regular meeting held April 15, 2008, the closed session held April 15, 2008, and the special meeting held April 17, 2008.

Motion carried

BPW-08-102 - ACCOUNTS PAYABLE

Moved by Mr. Engle, seconded by Mr. Wade, to approve the Accounts Payable in the total amount of \$176,865.14, as follows:

1. Parks Fund 2080 - \$3,436.74
2. Solid Waste Fund 5710 - \$1,196.09
3. Regional Water System Fund 5910 - \$172,232.31

Roll call: Ayes - Collins; Engle; Mahoney; Snider; Wade; Aley;
Buzzell; McMurray.

Nays - None.

Motion carried

BPW-08-103 - AWARD CONTRACT - FINAL COVER AND GAS SYSTEM
CONSTRUCTION PROJECT FOR SOLID WASTE

Moved by Mr. Snider, seconded by Mr. Mahoney, to award the contract for the Final Cover and Gas System Construction Project for Solid Waste, RFB-08-1590, to Kamminga & Roodvoets for their low responsive bid of \$2,464,183.75, with costs to be paid from Solid Waste funds, 5710-0526.

Commissioner Wade stated that with all the jobs that have left Muskegon, the contract should be awarded to a local contractor.

Commissioner Engle stated it is important with the current economic situation, if there is less than a 1% difference in bids, the money should be kept local.

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BPW-08-103 - AWARD CONTRACT - FINAL COVER AND GAS SYSTEM
CONSTRUCTION PROJECT FOR SOLID WASTE CONT'D

Commissioner Snider stated that the County has fostered competitive bidding and there is a low bid on this project and that low bid should be honored.

Commissioner Aley stated he would like the County to have a policy indicating local preference. He stated it is advertised that the Board has the right to accept/reject any and all bids and accept the best-interest bid. He feels the local bidder on this project is in the best interest of the County.

Commissioner Collins stated that jobs should be kept in Muskegon County.

Commissioner Mahoney stated his concern is the integrity of the bid process. The project was advertised looking for competitive bids and competitive bids were received. Commissioner Mahoney stated that if preference is to be given to local bidders, there needs to be a policy stating same so bidders are aware of it.

Roll call: Ayes - Mahoney; Snider; McMurray.

Nays - Engle; Wade; Aley; Buzzell; Collins.

Motion defeated

Moved by Mr. Aley, seconded by Mr. Engle, to award the contract for the Final Cover and Gas System Construction project for Solid Waste, RFB-08-1590, to Jackson-Merkey Contractors for their bid of \$2,487,489.90, with costs to be paid from Solid Waste funds, 5710-0526.

Mr. Warner stated the recommendation to award the bid to the low, responsive bidder, Kamminga & Roodvoets, came from the Department of Public Works and was based on the published purchasing procedures which state that a bid will be awarded to lowest, responsive, responsible bidder. He stated that both Kamminga & Roodvoets and Jackson-Merkey are responsible, responsive bidders, however, Kamminga & Roodvoets was the lowest bidder and was therefore recommended.

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BPW-08-103 - AWARD CONTRACT - FINAL COVER AND GAS SYSTEM
CONSTRUCTION PROJECT FOR SOLID WASTE CONT'D

Commissioner Snider stated that without a policy regarding local bidders, the Board is making a mistake. He stated that it the Board's obligation to the taxpayers as a whole, to go out for competitive bids.

Chairman McMurray stated he is concerned about the action the Board is taking in not awarding to the low, responsive bidder.

Roll call: Ayes - Aley; Buzzell; Collins; Engle; Wade.

Nays - Mahoney; Snider; McMurray.

Motion carried

BPW-08-104 - CONTRACT CHANGE ORDER #5 - DALTON TOWNSHIP SEWER
PROJECT

Moved by Mr. Engle, seconded by Mr. Aley, to approve the balancing Contract Change Order #5 for the Dalton Township Sewer project in the amount of a decrease to the project cost of \$26,685.95, bringing the total project cost to \$1,739,690.75 with costs paid from Dalton Sewer bond fund 4641-4643.

Roll call: Ayes - Mahoney; Snider; Wade; Aley; Buzzell; Collins; Engle; McMurray.

Nays - None.

Motion carried

BPW-08-105 - CONTRACT CHANGE ORDER #2 - WASTEWATER SYSTEM PUMP
STATION #3 STRAINER CONTRACT

Moved by Mr. Engle, seconded by Mr. Aley, to approve Change Order #2 on the Wastewater System Pump Station #3 strainer contract for \$26,194.25 for extra pipe restraint to Jackson-Merkey Contractors, increasing their contract from \$788,860 to \$815,054.25 and authorize the Public Works Board Chairman to sign same.

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BPW-08-105 - CONTRACT CHANGE ORDER #2 - WASTEWATER SYSTEM PUMP
STATION #3 STRAINER CONTRACT CONT'D

Roll call: Ayes - Mahoney; Snider; Wade; Aley; Buzzell; Collins;
Engle; McMurray.

Nays - None.

Motion carried

BPW-08-106 - AGREEMENT WITH CITY OF MUSKEGON - KEATING AVENUE
SEWAGE LIFT STATION

Moved by Mr. Engle, seconded by Mr. Collins, to approve the agreement with the City of Muskegon for the Wastewater System to operate and maintain the Keating Avenue Sewage Lift Station and to authorize the Public Works Board Chairman to sign same.

Roll call: Ayes - Snider; Wade; Aley; Buzzell; Collins; Engle;
Mahoney; McMurray.

Nays - None.

Motion carried

BPW-08-107 - AWARD QUOTE - WASTEWATER SYSTEM AIR COMPRESSOR

Moved by Mr. Engle, seconded by Mr. Wade, to award the quote for the Wastewater System Air Compressor to Allied Truck Equipment for \$10,247.25 per RFQ 08-1598.

Roll call: Ayes - Aley; Buzzell; Collins; Engle; Mahoney; Snider;
Wade; McMurray.

Nays - None.

Motion carried

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BPW-08-108 - AWARD QUOTE - WASTEWATER SYSTEM SNOW PLOW WING

Moved by Mr. Engle, seconded by Mr. Mahoney, to award the quote for the Wastewater System Snow Plow Wing to Truck and Trailer Specialties for \$5,119 per RFQ 08-1599.

Roll call: Ayes - Buzzell; Collins; Engle; Mahoney; Snider; Wade; Aley; McMurray.

Nays - None.

Motion carried

BPW-08-109 - AWARD BID - WASTEWATER SYSTEM FUEL SYSTEM

Moved by Mr. Engle, seconded by Mr. Wade, to award the bid for the Wastewater System Fuel System to Oscar W. Larson Company for \$19,532 per RFB 08-1596.

Roll call: Ayes - Collins; Engle; Mahoney; Snider; Wade; Aley; Buzzell; McMurray.

Nays - None.

Motion carried

BPW-08-110 - TELEMETRY WORK - KEATING AVENUE SEWAGE LIFT STATION

Moved by Mr. Engle, seconded by Mr. Snider, to approve the quote for Sidock Systems to perform the telemetry work necessary for the Wastewater System to operate and maintain the Keating Avenue Sewage Lift Station for \$31,888.

Roll call: Ayes - Engle; Mahoney; Snider; Wade; Aley; Buzzell; Collins; McMurray.

Nays - None.

Motion carried

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BPW-08-111 - ADMINISTRATIVE CONSENT ORDER

Moved by Mr. Aley, seconded by Mr. Engle, to approve the Administrative Consent Order ACO-SW07-018 for the Wastewater Management System and authorize the Public Works Board Chairman to sign same.

Roll call: Ayes - Mahoney; Snider; Wade; Aley; Buzzell; Collins; Engle; McMurray.

Nays - None.

Motion carried

BPW-08-112 - INFORMATION ITEMS

Moved by Mr. Engle, seconded by Mr. Snider, that the following information items be received and placed on file:

1. Public Works Monthly Operating Report - April 2008.
2. Muskegon Municipal Wastewater Management Committee Meeting Minutes - March 11, 2008.
3. Muskegon County Regional Water System Policy Board Meeting Minutes - April 8, 2008 (draft).

Motion carried

BPW-08-113 - OLD BUSINESS

There was no old business.

BPW-08-114 - NEW BUSINESS

Commissioner Aley reminded the Board that the Muskegon County Land Bank is having an open house and dedication of two houses next week.

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BPW-08-115 - AUDIENCE PARTICIPATION

James McCormick, McCormick Sand, addressed the Board of Public Works regarding the Laketon Township Sanitary Sewer Phase II contracts that will be bid. Mr. McCormick stated he would like to see the large contracts broken down into smaller contracts so more contractors can bid on them. He stated that the issue of local contractors and local employees is very important.

Commissioner Aley requested staff to get a copy of the written policy that the City of Muskegon uses for local preference if the bids are within 1%.

BPW-08-116 - ADJOURN

Moved by Mr. Aley, seconded by Mr. Snider, to adjourn the meeting at 3:56 p.m.

Motion carried

Louis McMurray, Chairman

kf