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MEMO

TO: Sunfish Lake Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: June 30, 2021
RE: Resolution Awarding Contract for City Project No.'s 2021-01, 2021-02, 2021-03 & 2021-04 to Bituminous Roadways, Inc.; July 6, 2021 Council Meeting Agenda Item 7(a)

Section 1. Background. At the May 4, 2021, Council meeting, the Council ordered the advertisement for bids for the combined improvement projects of City Project No. 2021-01 (Sunnyside Lane Improvement Project) and City Project No. 2021-02 (Zehnder Road Improvement Project) and City Project No. 2021-03 (Angell Road Mill & Overlay) and City Project No. 2021-04 (Grieve Glen Lane Reconstruction Project). The advertisement was published on May 18, 2021, and on May 25, 2021, in the *Pioneer Press* (the City's official newspaper). The advertisement was published on May 18, 2021, and on May 25, 2021 in *Finance & Commerce* (trade newspaper). The advertisement specified the work to be done and stated that the deadline for online submission of bids was 2:00 p.m. on Tuesday, June 15, 2021.

Section 2. Bid Opening. On Tuesday, June 15, 2021, at 2:00 p.m. the bids were opened and read aloud by the City Engineer via Zoom teleconferencing. City Engineer Jeff Sandberg and Leah Rose of the City Attorney's office were present at the virtual bid opening to act as designated officers and agents of the City. The bids were opened electronically and read aloud by Jeff Sandberg. The bid results were as follows:

- Bituminous Roadways, Inc. with a bid of \$406,021.20.
- Valley Paving, Inc. with a bid of \$409,640.
- McNamara Contracting with a bid of \$432,312.
- OMG Midwest, Inc. d/b/a Minnesota Paving & Materials with a bid of \$499,810.49.

Attached to this Memo are the minutes of the June 15, 2021 virtual bid opening.

Section 3. Lowest Responsible Bidder. Minnesota Statute § 412.311, subd. 1 and Minnesota Statute § 429.041, subd. 2 require cities to award contracts to the “lowest responsible bidder.” 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. In determining who the lowest bidder is, the courts have said that the council has reasonable discretion. The lowest bidder must be considered “responsible” to perform the proposed contract. “Responsibility” includes such things as the bidder’s financial responsibility, integrity, ability, skill, and likelihood of providing faithful and satisfactory performance.

The lowest responsible bidder among the bids received was Bituminous Roadways, Inc. in the amount of \$406,021.20. City Engineer Jeff Sandberg is recommending that the contract be awarded to Bituminous Roadways, Inc.

Section 4. Council Action. The bids will be considered by the City Council at the July 6, 2021 City Council meeting. At the July 6th Council meeting, the Council will be asked to consider the attached proposed *Resolution Accepting the Bid and Awarding the Contract to Bituminous Roadways, Inc. for the combined projects of City Project No. 2021-01 (Sunnyside Lane Improvement Project) and City Project No. 2021-02 (Zehnder Road Improvement Project) and City Project No. 2021-03 (Angell Road Mill & Overlay) and City Project No. 2021-04 (Grieve Glen Lane Reconstruction Project).*

Attachment

CITY OF SUNFISH LAKE
First Calvary Baptist Church, 5495 S. Robert Trail
Sunfish Lake, Minnesota

MINUTES OF VIRTUAL BID OPENING ON TUESDAY, JUNE 15, 2021
RELATING TO CITY PROJECT NO. 2021-01 (SUNNYSIDE LANE
IMPROVEMENT PROJECT) AND CITY PROJECT NO. 2021-02 (ZEHNDER
ROAD IMPROVEMENT PROJECT) AND CITY PROJECT NO. 2021-03
(ANGELL ROAD MILL & OVERLAY) AND CITY PROJECT NO. 2021-04
(GRIEVE GLEN LANE RECONSTRUCTION PROJECT)

Pursuant to an advertisement for bids for the combined projects of City Project No. 2021-01 (Sunnyside Lane Improvement Project) and City Project No. 2021-02 (Zehnder Road Improvement Project) and City Project No. 2021-03 (Angell Road Mill & Overlay) and City Project No. 2021-04 (Grieve Glen Lane Reconstruction Project), a bid opening was held on June 15, 2021 beginning at 1:45 p.m. via Zoom teleconferencing pursuant to Minn. Stat. § 13D.021, Subd. 1, via the Zoom teleconferencing instructions published by the City Engineer in advance of the bid opening.

Attending the Zoom virtual bid opening were:

Jeff Sandberg, WSB & Associates

Lydia Ener, WSB & Associates

Aleesha Penn, WSB & Associates (joined the virtual bid opening at 2:06 p.m.)

Leah Rose, Sunfish Lake City Attorney's office

No individuals representing any of the bidders were present at the virtual bid opening.

City Engineer Jeff Sandberg indicated there were four bids received electronically.

Jeff Sandberg identified each of the four bidders as:

1. Valley Paving, Inc.
2. McNamara Contracting
3. OMG Midwest, Inc. d/b/a Minnesota Paving & Materials
4. Bituminous Roadways, Inc.

At 2:06 p.m. Jeff Sandberg accepted receipt of all electronic bids and clicked the bid display.

Jeff Sandberg confirmed that all of the online bid bonds were received for each of the four bidders and that the addendum was acknowledged by each bidder.

Jeff Sandberg stated that the lowest bidder was Bituminous Roadways, Inc. with a bid of \$406,021.20.

Jeff Sandberg stated the bid from Valley Paving, Inc. was \$409,640.

Jeff Sandberg stated the bid from McNamara Contracting was \$432,312.

Jeff Sandberg stated the bid from OMG Midwest, Inc. d/b/a Minnesota Paving & Materials was \$499,810.49.

The City Engineer's office stated it will prepare a post preliminary bid tab and confirm the bid amounts.

Submitted by:



Leah Rose
Sunfish Lake City Attorney's Office

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 21- _____

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR
THE COMBINED IMPROVEMENT PROJECTS OF CITY PROJECT NO. 2021-01
(SUNNYSIDE LANE IMPROVEMENT PROJECT) AND CITY PROJECT NO.
2021-02 (ZEHNDER ROAD IMPROVEMENT PROJECT) AND CITY PROJECT
NO. 2021-03 (ANGELL ROAD MILL & OVERLAY) AND CITY PROJECT NO.
2021-04 (GRIEVE GLEN LANE RECONSTRUCTION PROJECT)
TO BITUMINOUS ROADWAYS, INC. IN THE AMOUNT OF \$406,021.20**

WHEREAS, pursuant to an advertisement for bids for the combined improvement projects of City Project No. 2021-01 (Sunnyside Lane Improvement Project) and City Project No. 2021-02 (Zehnder Road Improvement Project) and City Project No. 2021-03 (Angell Road Mill & Overlay) and City Project No. 2021-04 (Grieve Glen Lane Reconstruction Project), bids were received and opened electronically and read aloud via Zoom teleconferencing pursuant to Minn. Stat. § 13D.021, Subd. 1, via the Zoom teleconferencing instructions published by the City Engineer in advance of the bid opening.

The following bids were received complying with the advertisement:

Bituminous Roadways, Inc.

Online bid bond and associated paperwork received
Addendum acknowledged
Total Bid: \$406,021.20

Valley Paving, Inc.

Online bid bond and associated paperwork received
Addendum acknowledged
Total Bid: \$409,640

McNamara Contracting

Online bid bond and associated paperwork received
Addendum acknowledged
Total Bid: \$432,312

OMG Midwest, Inc. d/b/a Minnesota Paving & Materials

Online bid bond and associated paperwork received
Addendum acknowledged
Total Bid: \$499,810.49

WHEREAS, Bituminous Roadways, Inc. is the lowest responsible bidder.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
SUNFISH LAKE, MINNESOTA:**

1. The minutes of the bid opening prepared by Leah Rose of the Sunfish Lake City Attorneys office are hereby accepted and received.
2. The Mayor and City Clerk are hereby authorized and directed to enter into a contract in the amount of \$406,021.20 with Bitminous Roadways, Inc. in the name of the City of Sunfish Lake for the combined improvement projects of City Project No. 2021-01 (Sunnyside Lane Improvement Project) and City Project No. 2021-02 (Zehnder Road Improvement Project) and City Project No. 2021-03 (Angell Road Mill & Overlay) and City Project No. 2021-04 (Grieve Glen Lane Reconstruction Project), according to plans and specifications approved by the Council and on file at the office of the City Engineer; the contract is hereby awarded to Bituminous Roadways, Inc.
3. The City Engineer is hereby authorized and directed to return, forthwith, to all bidders, the deposits made with their bids except for the deposit of the successful bidder and the next lowest bidder shall be retained until the contract has been signed.

Adopted by the City Council of Sunfish Lake this 6th day of July, 2021.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk