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WEST BOUNTIFUL CITY

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CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A
SPECIAL MEETING AT 8:45 PM ON TUESDAY,
MAY 23, 2017, AT CITY HALL, 550 N 800 WEST**

1. Call Special Meeting to Order.
2. Consider Award for 1950 North Storm Drain Water Project to Thurgood Excavating, Inc. (Bid of \$175,526.79).
3. Closed Meeting for the Purpose of Discussing the Purchase, Exchange, or Lease of Real Property pursuant to Utah Code Annotated 52-4-205 (d).
3. Adjourn.

Individuals needing special accommodations during the meeting should contact Cathy Brightwell at (801)292-4486 twenty-four hours prior to the meeting.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on May 22, 2017.

MEMORANDUM



TO: Mayor & Council

DATE: May 22, 2017

FROM: Duane Huffman

RE: **1950 N Storm Drain Project Award**

This memo (1) outlines the City's procurement requirements in relation to the 1950 N Storm Water Project; (2) explains that the purchasing agent finds that current circumstances necessitate and justify the project being determined an "exempt expenditure"; and, (3) recommends that the project be awarded to Thurgood Excavating, Inc. (Bid of \$175,526.79).

Background

On May 16, 2017 the City Council approved the First Amendment to the Development Agreement with Capital Reef Management, LLC. for the Cottages at Havenwood subdivision. Per the amendment, West Bountiful City is now responsible for a new storm drain line running from the development to the County's canal west of 800 W, which is now referred to as the 1950 N Storm Drain Project. This line will handle all of the storm water coming from this development into the City's and County's storm systems.

1. Procurement

The City's procurement requirements are outlined in WBMC Title 3 Chapter 20.

When Does the City "Go Out to Bid?" - The WBMC Code makes reference to Utah Code requirements in relation to "formal bidding procedures." Utah Code and rules requires that for entities that use the State's procurement code purchases of over \$50,000 should use a formal competitive bidding process. This is the traditional method West Bountiful City uses when awarding most projects, and it includes an advertised notice period, sealed bids, and an award to the lowest responsible bidder.

Exceptions – The WBMC procurement code lists six exceptions for when a formal or informal bidding process may be waived: (1) Purchased under \$2,000; (2) Single source suppliers; (3) professional services; (4) emergencies; (5) purchase using state or federal contracts; and, (6) inter-local agreements. The Code states: "The purchasing agent [City Administrator] or his designee shall determine whether an expenditure falls within one of these exemptions."

2. Emergency Expenditure – 1950 N Storm Drain Project

The WBMC describes an emergency expenditure as “Any expenditure made under the existence of an emergency condition such as when a breakdown in machinery or in an essential service occurs or when unforeseen circumstances arise which threaten the public’s health, welfare or safety.”

As the City’s purchasing agent, I determine that the 1950 N Storm Water Project falls under WMBC 3.20.070(D)(4) as an emergency expenditure for the following reasons:

- A. Unforeseen Circumstances – The storm water plans for the Cottages at Havenwood had been designed, agreed upon, and approved through the PUD subdivision process, and a pre-construction meeting had already taken place when the City discovered that a new, better alternative was available. This option is now known as the 1950 N Storm Drain Project. The 1950 N Storm Drain Project is beneficial to the City as it (i) allows for improved drainage in the neighboring Golden West subdivision, (ii) removes the on-going maintenance of a new pump station, and (iii) eliminates flood risks in the eventuality of the pump station’s failure. The City was required to move very quickly to ensure that this change to storm drain plans did not unduly delay the construction of an already-approved subdivision.
- B. Public’s Health, Safety, and Welfare – The Cottages at Havenwood is currently under construction, and is permitted to grade and pave roads. Without the 1950 N Storm Drain Project, the storm water from this development will have nowhere to go, and will likely result in the flooding of the neighboring homes in the Golden West Subdivision.

As Much Competition As Practicable – Understanding the unforeseen circumstances and tight deadlines involved with the project to protect safety and property, West Bountiful City staff provided an expedited design of the project to four contractors that had previously done acceptable work for the city or are currently working in the area, and asked each to provide a bid. Due to the lateness of the season and the deadline for completion, only two contractors responded with a bid, with the others responding that current workloads made it impossible for timely completion of this project. Fortunately, the lowest responsible bid was under the engineer’s estimate for the work.

3. Recommendation of Award to Thurgood Excavating, Inc.

As previously described, two contractors responded to the City’s informal request for bids for the 1950 N Storm Drain Project. The bids were as follows:

- Thurgood Excavating, Inc. \$175,526.79
- MC Green \$213,880.97

Staff researched Thurgood and believes it is qualified and capable of completing the project, including having the storm line functional by July 31, 2017. As the lowest responsible bidder in this informal emergency process, staff recommends that the 1950 N Storm Drain Project be award to Thurgood Excavating, Inc.