

**RESOLUTION OF OLMSTED-WABASHA LAKE ZUMBRO JOINT POWERS BOARD
2018- 005**

MAKING LAKE ZUMBRO DREDGING PROJECT CONTRACT AWARD

WHEREAS, the project engineers and county staff working on the project to dredge Lake Zumbro have opened the bids for the project on July 30, 2018 and determined that the lowest responsible bidder on the project with a bid of \$8,871,265; and,

WHEREAS, the bid specifications made available to potential bidders for the lake dredging project provided in part in Section 14.01 **INSTRUCTION TO BIDDERS** Unit Price that "the final quantities and Contract Price will be determined in accordance with Paragraph 13.03 of the General Conditions", and provided in Article 5 **BID FORM** in part that "estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents", and provided in part in Section 13.03 **GENERAL CONDITIONS: Unit Price Work** that "the estimated quantities of items of Unit Price Work are not guaranteed and are solely for the purpose of comparison of Bids and determining an initial Contract Price. Payments to Contractor for Unit Price Work will be based on actual quantities", and provided in part in the **SUPPLEMENTARY CONDITIONS** that the "Owner has the right to delete entire dredge areas from the project without further compensation to Contractor" and that based upon this authority and in reflection of limited project funds which would not permit the full scope of work originally contemplated to be completed, the project engineers and county staff entered into negotiations with J.F. Brennan Company staff in order to discuss measures to reduce the scope of the project and to reduce some of the contractor's costs associated with the project; and,

WHEREAS, after these negotiations were completed, the parties have agreed that the lake dredging contract award should be to J.F. Brennan Company in the amount of \$ 7,447,865.00; and

NOW THEREFORE, BE IT RESOLVED by the Olmsted-Wabasha Joint Powers Board of the Lake Zumbro Improvement District, Minnesota as follows:

1. Commissioner Ken Brown, as the Chair of the Lake Zumbro Joint Powers Board, and Commissioner Don Springer, as the Secretary-Treasurer of the Joint Powers Board are hereby authorized to sign the lake dredging agreement with J.F. Brennan Company on behalf of the Joint Powers Board in the amount of \$ 7,447,865.00

2. Michael Sheehan, Deputy Olmsted County Administrator and Kaye Bieniek, Olmsted County Director of Public Works, as the project construction managers, are authorized to approve project change orders up to \$ 265,787, after consultation with

the project engineering staff, subject to subsequent review and approval by the Joint Powers Board at a subsequent Joint Powers Board meeting.

3. The motion for the adoption of the foregoing resolution was made by Commissioner Springer and duly seconded by Commissioner Thorn and upon a vote being taken thereon,

the following voted in favor thereof: Springer, Goehl, Theirn, and Brown and the following voted against the same: None.

Dated this 12th day of September, 2018 at Rochester, Minnesota.

**OLMSTED – WABASHA LAKE ZUMBRO JOINT
POWERS BOARD**

Kenneth W. Brown

Ken Brown, Olmsted County Commissioner,
Chairperson of the Joint Powers Board

ATTEST:

Don Springer

Don Springer, Wabasha County Commissioner
Secretary-Treasurer of the Joint Powers Board