

**PROCEEDINGS OF THE BOARD OF PARK COMMISSIONERS
MAY 12, 2011**

AGENDA

ROLL CALL

The Board of Park Commissioners met for a special meeting on Thursday, May 12, 2011, at 4:30 p.m. in the Park District's Board meeting room. Present were Commissioners Panzer, LaDouceur and Skarperud.

FOR DISCUSSION

CHOICE BUILDING PROJECT BUDGET AFTER FIRST AND SECOND BID PACKAGES

Director John Staley addressed the Board and summarized the outcome of the first two bid packages for Choice Wellness Center. With the estimates, of these two, we do have an estimated budget and enough to go forward to award some contracts for the building. This is all on a not to exceed basis.

Superintendent George Hellyer updated the Board on the budget and December 2010 funds received. Hellyer outlined where the money is coming from and where it is going. Total proceeds of \$25 million and total uses of \$25 million will finish out the project.

FOR ACTION

**APPROVAL TO EXECUTE CONTRACT WITH COMMUNITY CONTRACTORS INC. FOR CONSTRUCTION
MANAGER, AT RISK, CONTRACT FOR THE AMOUNT OF NOT TO EXCEED \$23,241,046.00 THAT
IS WITHIN BUDGET**

Director Staley addressed the Board on getting permission, in action, to go ahead and approve a construction manager, at risk, who would guarantee the price of \$23,241,046. The construction manager is not responsible for the architect fees.

Craig Tweten from Community Contractors addressed the Board to highlight specifics on the progress of Choice Wellness project. He said there has been an additional savings of \$325,000 and the project won't exceed \$23,241,046; which still includes at least \$1 million in contingencies. This includes the geothermal and everything is designed exactly as wanted. There have been no cuts to the quality at all.

Dick Olson was present and stated that any donations have already been reduced from the amount of the contractors bid, so that the bid reflects the lower amount after donations.

A motion was made by Commissioner LaDouceur for approval to execute contract with Community Contractors, Inc. for construction manager, at risk, not to exceed \$23,241,046. Seconded by Commissioner Skarperud; motion carried.

When asked for comments, Brady Hansen from North Star Telecom Services, Inc. complimented the Board and the Park District staff on the way everything has been handled, so far, on this project.

**CONSIDERATION TO WAIVE IRREGULARITIES FOR A&S CONCRETE BID OFFERING AS PER ATTORNEY
GENERAL'S RECOMMENDATION**

Attorney Dick Olson was present for questions on whether or not the Park District had the right to waive an irregularity when the specifications in our contract specifically allowed that the owner had the right to waive any irregularity that did not impact the bid directly. A bid came in that failed to have the contractor's license in the outside separate envelope, as required by statute. This bidder did, however, have the bidder's bond in the outside envelope and allegedly has the contractor's license enclosed in the main envelope of the bid. The contractor's license issued by the State of North Dakota gave us public knowledge that the contractor did have the appropriate license without opening the bid first.

Dick Olson confirmed through the Attorney General's office that this is something that could be waived as an irregularity since there is no way that a contractor could feel it affected their competitive ability to bid on the property.

A motion was made by Commissioner Skarperud to approve waiving the irregularity to A&S Concrete's bid. Seconded by Commissioner LaDouceur; motion carried.

APPROVAL TO CONSTRUCTION MANAGER TO EXECUTE CONTRACTS FOR:

A. BID PACKAGE #2 UTILITIES

A motion was made by Commissioner LaDouceur to approve bid package #2, Site Utilities to Molstads. Seconded by Commissioner Skarperud; motion carried.

B. BID PACKAGE #3 EARTH WORK

A motion was made by Commissioner Skarperud to approve bid package #3, Earth Work to Zavorals. Seconded by Commissioner LaDouceur; motion carried.

C. BID PACKAGE #7 CONCRETE

A motion was made by Commissioner LaDouceur to approve bid package #7, Concrete to A&S Concrete. Seconded by Commissioner Skarperud; motion carried.

D. BID PACKAGE #9b STRUCTURAL STEEL

A motion was made by Commissioner Skarperud to approve bid package #9b, Structural Steel to American Structural. Seconded by Commissioner LaDouceur; motion carried.

ADJOURNMENT

A motion was made by Commissioner LaDouceur to adjourn. Seconded by Commissioner Skarperud; motion carried.



John Staley, Clerk



Jay Panzer, Vice President