

12. Award Bid for the Riverfront Island Amphitheater and River Access to J. Pratt Construction in the amount of \$343,265.32.
13. Reports and Updates.
14. Any other City Business Councilors or others may have relating to Lewiston City Government.
15. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
16. Executive Session pursuant to MRSA Title 1, section 405 (6)(c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
17. Executive Session to discuss labor union negotiations regarding the city's six employee unions.

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES - 1

SUBJECT:

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES - 2

SUBJECT:

Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Davinci's, 150 Mill Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Davinci's, 150 Mill Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Davinci's, 150 Mill Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 3/23/2015

Expiration Date: 4-14-2016

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: DaVincis Business Phone: 207-782-2988

Location Address: 150 Mill Street, Lewiston, ME 04240

(If new business, what was formerly in this location: _____)

Mailing Address: 150 Mill Street, Lewiston, ME 04240

Email address: jules@davincisartery.com

Contact Person: Jules Patry Phone: 207-754-3926

Owner of Business: Jules Patry Date of Birth: 5/12/1958

Address of Owner: 84 Lisbon Street, #4, Lewiston, ME 04240

Manager of Establishment: Laura O'Brien Date of Birth: 9/7/1966

Owner of Premises (landlord): Mill 2 Storehouse, LLC

Address of Premises Owner: 2 Great Falls Plaza, Auburn, ME, 04210

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): DaVincis
150 Mill Street, Lewiston, ME 04240

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? ___ Yes No If yes, please explain: _____

CORPORATION APPLICANTS: *Please attach a list of all principal officers, date of birth & town of residence*

Corporation Name: *Davinci's*

Corporation Mailing Address: *84 Lisbon Street #4 Lewiston, ME 0424*

Contact Person: *Jules Patry* Phone: *207-782-2308*

Do you permit dancing on premises? ___ Yes No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes ___ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? *Bates Mill Lofts*

Please describe the type of proposed entertainment:

- | | | |
|-------------------------------------------------------|--------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> dancing | <input type="checkbox"/> stand up comedian | <input type="checkbox"/> piano player |
| <input type="checkbox"/> music by DJ | <input type="checkbox"/> karaoke | <input type="checkbox"/> other, please list _____ |
| <input checked="" type="checkbox"/> live band/singers | <input type="checkbox"/> magician | <input type="checkbox"/> other, please list _____ |

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: *Jules Patry* Title: *President* Date *3/23/2015*

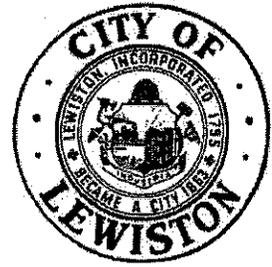
Printed Name: *Jules Patry*

Hearing Date: _____



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 17, 2015

RE: Liquor License/Special Amusement Permit – **Davinci's**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Davinci's
150 Mill St.



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing on the renewal of a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Derby Athletic Association, 37 Park Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Derby Athletic Association, 37 Park Street.

**CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 3-19-15

Expiration Date: 3-27-16

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: DERBY ATHLETIC ASS. Business Phone: 782-8285

Location Address: 37 PARK ST Lew ME 04240

(If new business, what was formerly in this location: _____)

Mailing Address: SAME

Email address: _____

Contact Person: TANYA Temple Phone: 782-8285

Owner of Business: TANYA Temple Date of Birth: 1-15-75

Address of Owner: 1169 Richmond Rd Litchfield ME 04350

Manager of Establishment: TANYA Temple Date of Birth: 1-15-75

Owner of Premises (landlord): JUSTIN FLANNERY

Address of Premises Owner: _____

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No

If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): DERBY ATHLETIC ASS.
37 PARK ST Lew ME 04240

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

Do you permit dancing on premises? Yes No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? Yes No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? _____

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list _____
- live band/singers
- magician
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Tanya Temple Title: manager Date 3-19-15

Printed Name: Tanya Temple

Hearing Date: _____



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 17, 2015

RE: Liquor License/Special Amusement Permit – **Derby Club**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Derby Club
37 Park St.



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Budget Public Hearing for the Fiscal Year 2016 Budget.

INFORMATION:

The City Council schedules and conducts two public hearings regarding the budget to receive citizen input and comment. The first budget public hearing will be held during this meeting and the final budget public hearing is scheduled for May 5 to be held before the final vote regarding budget adoption.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This public hearing is part of the budget process to receive citizen input.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct the first budget public hearing to receive citizen input and communication regarding the proposed Fiscal Year 2016 Municipal Budget.

**CITY OF LEWISTON
BUDGET PUBLIC HEARING NOTICE**

Notice is hereby given in accordance with Article VI, Section 6.07(a) of the City Charter of a Public Hearing on the City Budget for Fiscal Year 2016. All citizens are invited to attend and provide the City Council with written and/or oral comments and ask questions concerning the City's proposed budget, excluding the School Department.

**HEARING DATE: Tuesday, April 07, 2015
TIME: 7:00 P.M.
PLACE: City Council Chambers, City Building
PROPOSED BUDGET - FISCAL YEAR 2016**

REVENUE SOURCE

General Property Taxes	\$33,013,475
Anticipated Revenues Municipal	11,069,081
TOTAL	\$44,082,556

EXPENDITURES

Municipal	\$41,709,811
County Tax	2,372,745
TOTAL	\$44,082,556

WATER DIVISION

Projected Revenues	\$5,408,874
Projected Expenditures	5,324,027

SEWER DIVISION

Projected Revenue	\$5,100,000
Projected Expenditures	5,430,057

STORM WATER DIVISION

Projected Revenues	\$2,501,000
Projected Expenditures	\$2,746,313

The City of Lewiston is an EOE. For more information, please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.

Kathleen M. Montejo, MMC
City Clerk
-END-

PUBLISH ON Wednesday, APRIL 1, 2015 Display ad - 2 columns wide by 5.25 inches high.

Proof requested (777-4621 fax)

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise
FROM: Lewiston City Clerk's Office 784-2959 fax
Please bill the City Clerk's Dept account. Thank you.

LEWISTON CITY COUNCIL

MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Adoption of a new City Policy regarding Demolition protocols and procedures.

INFORMATION:

Over the past several years, the City has worked with a number of stakeholders to establish a demolition protocol governing projects where the City demolishes buildings in an effort to minimize the hazards associated with lead paint found in older structures. The Lewiston Auburn area has the highest incidence of lead poisoning among youth in the state. This protocol has been mandatory on City projects. In addition, we have identified best practices which we currently recommend for private demolitions. Certain city, state, and federal regulations also apply to demolition activities, whether public or private.

We are now recommending that these protocols be placed into formal City policy. This will ensure that they are continued into the future should the city staff involved in enforcing them change.

In addition, the proposed policy also brings together regulatory requirements and best practices in a single document which can easily be provided to both public and private demolition contractors.

This item was tabled at the last meeting and staff was asked to remove all references to the Neighborhood Housing League as the organization that would undertake certain task as part of the City's protocol for demolition given that there is no guarantee that the NHL will always be available. This change has been made on the attached policy.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To establish and adopt a City Demolition Policy, Policy Manual Number 40, as recommended by the City Administrator.

(Note - Full copy of the Policy is attached.)



COUNCIL RESOLVE

Resolve, Adopting Demolition Policy, City Master Policy Number 40

Whereas, Over the past several years, the City has worked with a number of stakeholders to establish a demolition protocol governing projects where the City demolishes buildings; and

Whereas, the purpose of this protocol is to minimize hazards associated with lead paint frequently found in older structures; and

Whereas, the City and State and Federal Governments have also adopted a number of regulations that apply to demolition projects, whether they be undertaken privately or by a government agency; and

Whereas, the City has also identified certain demolition best practices which are required for City demolitions and recommended for private ones; and

Whereas, transitioning the current protocol to policy will ensure that these practices continue in the future;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The attached Demolition Policy, City Master Policy Number 40, is hereby adopted.

Demolition Policy

For the City of Lewiston

The following policy is hereby implemented for projects in the City of Lewiston that involve the demolition of structures and is intended to reduce the generation and potential release of lead dust and debris into the adjacent area:

Required for Both City and Private Demolitions

All demolitions in the City of Lewiston must comply with the following:

- The owner/contractor shall secure the site prior to demolition.
- Prior to the commencement of demolition activity, the owner/agent shall provide the code enforcement office with the following:
 - A completed demolition permit accompanied by the requisite fee (fee may be waived on municipal projects).
 - Sign-offs for utility disconnects from the natural gas and electric companies and the municipal sewer and water department. Sign-offs from cable and telephone companies are optional.
 - Documentation of hazardous material assessment and abatement in accordance with Maine Department of Environmental Protection regulations.
- The owner/agent shall notify Dig-Safe seventy-two (72) hours prior to initiating any demolition activity.
- Contractors shall follow the procedures for handling and disposing of all regulated materials as required by the State of Maine.
- Demolitions shall comply with all applicable state and federal regulations.
- All demolition and debris will be removed from site in trucks that have the proper covering screens as required by City Ordinance.
- Wind and water erosion shall be done in accordance with the following:
 - **302.10.1 Demolition.** On any premises located in the Downtown Residential District, the Neighborhood Conservation "B" District, the Centreville District, and the Riverfront District, the following provisions shall apply to demolition activity commencing on or after March 31, 2014 resulting in vacant premises:
 - Temporary erosion and sediment control measures in keeping with the applicable best management practices as per the above referenced document shall be in place on premises in these districts as necessary during and after the completion of demolition activity.
 - Permanent erosion and sediment control measures shall be in place within thirty days after the completion of demolition activity in these districts and shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document.
 - Premises shall be barricaded within thirty days after the completion of demolition with boulders one cubic yard or larger placed around the entire perimeter of the premises at intervals of not less than six feet apart. The purpose for this provision is to discourage the unlawful use of any vacant premises for parking, storage, or related activity; however, such uses may be established subject to permitting.

Exceptions:

1. The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.

2. The code official may extend the thirty day provision for the installation of topsoil as the permanent soil stabilization method when determined that the redevelopment of the subject premises will likely occur within twelve months after the completion of demolition or when it is impractical due to fall and winter conditions. Any such waiver must be requested in writing.

3. The code official may waive the requirement for the placement of boulders in whole or in part when it can be demonstrated that structures on adjoining premises, topography, existing or proposed permanent fences, or other barriers are of such a nature to achieve the purpose of this section. Any such waiver must be requested in writing.

- **302.10 Erosion and sediment control.** When determined by the code official that soil erosion is occurring or is likely to occur beyond the premises or into a protected natural resource as defined by M.R.S.A, Title 38 § 480-B, erosion and sediment control measures shall be installed in accordance with the Maine Erosion and Sedimentation Control BMPs Pub. No. DEPLW0588, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, (March 2003). Where required, erosion control measures must be maintained until the site is permanently stabilized. Permanent erosion and sediment control measures shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document. Lawfully established agricultural fields shall be exempt from this section.

Exception:

- The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.

Demolition Practices for City of Lewiston

All demolition project undertaken by the City of Lewiston must comply with the following:

- Due to the age of the properties being demolished, presume that there is lead-based paint in the property.
- Except in emergency circumstances, the City will take steps to inform residents, businesses and other organizations within a 300 foot radius of the site of the planned demolition activities in advance of the demolition beginning. The City will print color flyers describing the precautions that are recommended to be taken to minimize lead exposure. Warning signs will be posted on the properties to be demolished during the 10 days prior to demolition and signs alerting traffic will be posted on the day of demolition.
- The City of Lewiston will provide brochures regarding its HEPA vacuum program. This program is for anyone interested in using the HEPA vacuum to minimize dust exposure following demolition.
- The Contractor shall maintain control of the site from the start of demolition until completion. If equipment or debris is left on the demolition site overnight, the Contractor will be responsible to secure the site and prevent entry.
- The State of Maine requirements for handling and disposing of regulated materials will be provided to the Contractor when the bid is awarded and the contract for demolition signed.
- Buildings shall be demolished in as safe and orderly way as possible. Neighboring properties must be policed every day for any demolition debris.
- During the course of the demolition project, when temperatures are above freezing the contractor shall practice dust control by wetting down the building and its debris during the active part of the demolition and loading the debris onto the transport vehicle.

- Temperature and other weather conditions shall be given consideration when scheduling demolitions during the winter months.
- The contractor shall prevent the accumulation of mud and fill material on streets and sidewalks from erosion and vehicles exiting the site.
- The Contractor shall establish direct routes to final disposal site(s) to minimize impact on residential areas.
- Demolition sites shall be loamed, seeded and mulched when directed by the City after consideration of the planned future use. Outside of the four zoning districts previously mentioned, barricading of the site shall be left to the discretion of the City on a case-by-case basis.

The Director of Budget and Purchasing shall ensure that the necessary language to implement these requirements is included in City bid documents and contracts relating to demolition projects.

Recommended Demolition Practices for Privately Owned Property

The following best practices are recommended for all projects in the City of Lewiston that involve the demolition of privately owned structures to reduce the generation and potential release of lead dust and debris into the adjacent area:

- Presume due to the age of the properties being demolished that there is lead based paint in the property.
- Ten (10) days prior to the commencement of demolition, the owner should place signs on the property being demolished that identifies the date and time of demolition.
- The Contractor should maintain control of the site from the start of demolition until completion. If equipment or debris is left on the demolition site overnight, the Contractor should secure the site and prevent entry
- The City of Lewiston will provide the private owner with brochures regarding its HEPA vacuum program. This program is for anyone interested in using the HEPA vacuum to minimize dust exposure following demolition.
- Buildings should be demolished in as safe and orderly way as possible and in compliance with all state and federal regulations. Neighboring properties should be policed every day for any demolition debris.
- During the course of the demolition project, when temperatures are above freezing the contractor should practice dust control by wetting down the building and its debris during the active part of the demolition and while loading the debris onto the transport vehicle.
- Temperature and other weather conditions should be given consideration when scheduling demolitions during the winter months.
- Contractor should establish direct routes to final disposal site(s) to minimize impact on residential areas.

The Department of Planning and Code Enforcement shall ensure that those undertaking private demolitions are provided information on the requirements and best practices for private demolitions.

LEWISTON CITY COUNCIL

MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Amendments to the Purchasing Policy.

INFORMATION:

The Council held a workshop previously to review and discuss the changes to the Purchasing Policy that have been proposed by the Finance Committee. Language in the Policy has been re-drafted to reflect the "Brooks Act" compliance in selecting architects, engineers and consultants. Please see the attached material for additional background information regarding this item.

Note: Additions are underlined; deletions have ~~strikeout~~ lines.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action .

EAB/1kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the proposed amendments to the Purchasing Policy, Policy Manual Number 46, as recommended by the Finance Director and the Finance Committee.

(Note - Full copy of the amendment is attached.)

PURCHASING POLICY

Proposed Changes 03/30/15

- Sec.1 **PURCHASING POLICY ESTABLISHED:** In accordance with provisions of the Charter and Code of Ordinances of the City of Lewiston, Maine, the Finance ~~Director~~ **Committee**, with the approval of the City Council, hereby establishes this Purchasing Policy to set forth the duties and responsibilities of the Finance Director or his/her designee and establishes purchasing procedures.
- Sec. 2 **DEFINITIONS:** For the purpose of this policy the following terms, phrases, words and derivations shall have the meaning given herein unless the context in which they are used clearly requires a different meaning.
- 2.1 **PURCHASING:** Purchasing includes purchasing, renting, leasing or otherwise obtaining supplies or services.
- 2.2 **SUPPLIES:** Supplies shall mean and include all supplies, materials and equipment.
- 2.3 **SERVICES:** Services shall mean and include all telephone, gas, water, electrical and power services, laundry and cleaning service, insurance, leases or rentals of all grounds, buildings, offices, space or equipment required by the using agency, or leased or rented by the City to others, the repair or maintenance of equipment or real property owned by, or the responsibility of the City, infrastructure repair, replacement or construction, building construction, building repair or renovation.
- 2.4 **USING AGENCY:** Using agency shall mean any department, division, agency, committee or other unit in the City government, using supplies or procuring services.
- 2.5 **RESPONSIVE:** bid is submitted in the required format and with the appropriate bid security when required by the bid documents.
- 2.6 **RESPONSIBLE BIDDER:** bidder has the ability and resources to perform the work called for in the bid documents. Further defined in Section 3.1.6.1 Lowest Responsible Bidder.
- 2.7 **PUBLIC EXIGENCY:** sudden and unexpected happening requiring immediate attention.
- Sec. 3 **PURCHASING PROCEDURES:** The Finance Director or his/her designee shall be responsible to supervise the purchase or contracting of all supplies and contractual services requisitioned by any City Department or its divisions in accordance with purchasing procedures prescribed herein.
- 3.1 **FORMAL COMPETITIVE BIDS:** All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed ten thousand dollars (\$10,000), shall be purchased by formal competitive bids from the lowest responsible bidder, after due notice inviting proposals.

PURCHASING POLICY

Proposed Changes 03/30/15

- 3.1.1 **PREPARATION:** Preparation of the invitation for bids shall describe the requirements of the City clearly, accurately and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders.
- 3.1.2 **NOTICES:** Notices inviting bids shall be prominently displayed on a public bulletin board in the City building and shall be made available on request to news media. When deemed appropriate, or otherwise required, the Finance Director or his/her designee shall place an advertisement in a local newspaper of general circulation in Lewiston and other newspapers or publications. ~~deemed~~ **appropriate.**
- 3.1.3 **BID DEPOSITS:** Bid bonds will be required on all construction projects when the estimated value of work to be done exceeds \$50,000 or when deemed necessary by the Finance Director or his/her designee or required by federal regulations, and that said bid deposits shall be prescribed in the public notice inviting bids. Bid deposits shall be a minimum of ten (10%) percent for bids under \$500,000. Surety of the unsuccessful bidders shall be returned by the Director after the bid has been awarded. A successful bidder shall forfeit any surety required by the Director upon failure on his/her part to enter into a contract within ten (10) days after the award.
- 3.1.4 **PERFORMANCE AND PAYMENT BONDS:** When the estimated value of work to be done is in excess of \$100,000 or, when deemed necessary by the Finance Director or his/her designee, a 100% performance bond and payment bond will be required and shall be prescribed in the public notice inviting bids or proposals.
- 3.1.5 **BID OPENING PROCEDURE:** Sealed bids shall be submitted ~~sealed~~ to the Director and shall be identified as a bids on the envelope. Openings shall be in public at the time and place stated in the public notices. A record of bids shall be kept by the Director of all bids submitted and such record shall be open to public inspection during regular business hours.
- 3.1.6 **AWARDS OF CONTRACT:** Upon recommendation of the Director, all formal bids shall be awarded by the Finance Committee.
- 3.1.6.1 **LOWEST RESPONSIBLE BIDDER:** Contracts shall be awarded to the lowest responsible bidder. ~~In determining the lowest responsible bidder in addition to price, the following shall be considered~~ In addition to price, the following shall be considered in determining the lowest responsible bidder:
- 1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - 2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - 3) The character, integrity, reputation, judgement, experience and efficiency of the bidder;
 - 4) The quality of performance of previous contracts or services;

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- 5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;
- 6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services;
- 7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- 8) The ability of the bidder to provide maintenance and service for the use of the subject of the contract; and
- 9) The number and the scope of conditions attached to the bid.

3.1.6.2 **AWARD TO OTHER THAN LOW BIDDER:** When the award is not given to the lowest bidder, a statement of the reasons for placing the order elsewhere shall be prepared and filed with the papers relating to the transaction.

3.1.6.3 **PREFERENTIAL TREATMENT:** Local vendors shall not be granted preferential treatment except if all bids received are for the same total amount or unit price, quality and service being equal.

3.1.6.4 **TIE BIDS:** If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded first to a local bidder and second to an in-state bidder. If neither of the above applies, the contract shall be awarded to one of the tie bidders by drawing lots in public.

3.1.6.5 **REJECTION OF BIDS:** The Finance Committee, upon recommendation of the Director, shall have the authority to reject any and all bids when bids are deemed non-responsive, token, collusive or otherwise non-acceptable, and such action is in the best interest of the City.

3.2 **EMERGENCIES:** When the public exigency will not permit the delay incident to advertising, the City Administrator, acting with the advice of the Director, may authorize immediate negotiated purchases of supplies or services necessary to protect the best interest of the City. Awards done as emergencies shall be documented and forwarded to the Finance Committee.

3.3 **FORMAL COMPETITIVE BIDS IMPRACTICAL:** Services for which it is impractical or impossible to obtain competition because of the specialized and professional nature of these services, their purchase shall be effected in accordance with the procedures set forth.

3.3.1 **“WAIVER OF COMPETITION”:** may be authorized by the Finance Committee when the services or items are:

- 1) A single source item;
- 2) Must meet compatibility requirements with existing equipment owned by the City or by a contracted third party;
- 3) A specialized service with only one vendor available; or
- 4) A product or service is unique and easily established as one of a kind.

3.3.2 **“DOCUMENTATION”:** The Director will document such waiver in as much detail as possible to show justification for each waiver.

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- 3.3.3 "AUTHORIZATION": After review of criteria and of documentation, the Finance Committee may authorize a waiver of competition.
- 3.4 NEGOTIATION PROCEDURES AND POLICIES: Negotiated procurements shall be a competitive basis to the maximum practical extent. Whenever supplies or services are procured by negotiation, price quotation or other evidence of reasonable prices and other vital matters deemed necessary by the Director shall be solicited from the maximum number of qualified sources of supplies or services, consistent with the nature of and requirements for the supplies or services to be purchased, in accordance with the basic policies set forth below.
- 3.4.1 DECENTRALIZED PURCHASES: At the discretion of, and subject to, the review and approval of the Director, department heads or their authorized representatives may effect purchases in amounts not to exceed \$1,000.00. The Director shall issue such rules and regulations and prescribe such forms as he/she deems necessary to control such purchases. He/she may also permit exceeding this monetary limitation in those instances where price, terms, conditions and contractors have been predetermined by his/her establishing open-end (estimated requirement type) contracts.
- 3.4.2 PURCHASING CARD PROGRAM: Upon the recommendation of a department head, and subject to, the review and approval of the Director, department employees may effect purchases using a City of Lewiston purchasing card. The amount of any one purchase shall not exceed \$1,000.00 per transaction. The Director shall issue such rules and regulations and may prescribe such forms as he/she deems necessary to control such purchases. The Purchasing Card shall be used for the sole benefit of the City of Lewiston.
- 3.4.3 PURCHASES - NOT TO EXCEED \$2,000: When the Director or his/her designee considers prices to be fair and reasonable and the total amount of a purchase does not exceed \$2,000, procedures and documentation will be simplified to the maximum degree possible. He/she shall establish such rules of procedure for such purchase as he/she feels necessary to insure against abuse of the public's best interest.
- 3.4.4 PURCHASE - \$2,000 - \$10,000 : Negotiated purchases exceeding \$2,000 but not exceeding \$10,000 in total cost, will be supported by a record of price quotation from at least three (3) competitive sources or adequate explanations justifying the absence of such competition. Such quotation may be obtained in writing, verbally, or by such other means as may be prescribed by the Director or his/her designee as appropriate to the circumstances.
- 3.5 AUDITING, ARCHITECT, ENGINEER AND CONSULTANT SERVICES - POLICY AND PROCEDURES: It is the policy of the City to publicly announce all requirements for such services and to award contracts on the basis of demonstrated competence and qualifications for the type of professional services required, the technical merits of offers and the price for which services are to be rendered.

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- 3.5.1 FEES: Sealed fee statements shall be submitted at the same time as the proposal. No municipal contracts shall be awarded wherein the fee is stated as a percentage of the project cost. The preferred method of establishing a fee shall be that of a firm fixed fee. Other methods may, at the discretion of the Finance Committee, be employed if it is impossible to arrive at a firm fixed fee.
- ~~3.5.2 SELECTION: The Director or his/her designee shall request firms engaged in the lawful practice of their profession to submit a statement of qualifications and performance data. If the anticipated fee exceeds \$50,000, this data shall be evaluated by a committee consisting of, at a minimum, the City Administrator or his designee (acting as chairman), City Engineer, two members of the Finance Committee, head of the most concerned City department, and the Director of Budget/Purchasing. The Selection Committee shall conduct discussions with preferably no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, in order of preference whenever possible, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the order of preference has been established, the Selection Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.~~
- 3.5.2 SELECTION: The Director or his/her designee shall request firms engaged in the lawful practice of their profession to submit a statement of qualification and performance data.
- 3.5.2.1 AUDITING: If the anticipated fee exceeds \$50,000, the data shall be evaluated by the City Finance Committee. The City Finance Committee shall conduct discussions with firms regarding their qualifications and audit methods of approach for furnishing the required services, and then shall select there from, firms deemed to be adequately qualified to provide the services required. Once the adequately qualified firms have been established, the City Finance Committee shall open the sealed fee statements of the firms deemed to be adequately qualified. It should be the practice that the contract will be awarded to the qualified firm with the lowest bid.
- 3.5.2.2 ARCHITECT, ENGINEER AND CONSULTANT SERVICES: If the anticipated fee exceeds \$25,000, the RFP and selection process shall be done in compliance with the "Brooks Act" which is hereby appended to the Purchasing Policy. The responses shall be evaluated by a Selection Review Committee consisting of Public Works Director (or designee), two (2) members of the Finance Committee with one being a City Councilor, and two (2) Project Engineers that are not involved with the proposed work. The Selection Review Committee shall conduct discussions with qualifying firms regarding anticipated scope of service and alternative methods of approach for furnishing the required services. The Selection Review Committee will rank the firms. The fee statement of the highest rated firm will be recommended to the Finance Committee for award of contract including a negotiated fee if applicable.
- 3.5.3 INSURANCE AND BONDS: All firms selected as being adequately qualified must provide evidence of insurance covering their entire scope of operation for any "error or omissions" resulting from their endeavors. The amounts of such insurance coverage shall be commensurate with the magnitude of the project under consideration and shall be established by the Director. Should

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timely performance be a matter of importance to the City, the firm selected may be requested to furnish an acceptable performance bond and/or such other form of surety as may be mutually agreed upon to insure adherence to a mutually agreed upon time schedule.

~~3.5.4 NEGOTIATION OF FEES: Once the Selection Committee has selected and rated those firms adequately qualified for a specific project and has reviewed the fee statements, the committee shall negotiate a contract with the highest rated firm at compensation which they determine to be fair and reasonable to the City. In making this decision, they shall take into account the estimated value of the services to be rendered, the scope, complexity and professional nature thereof. Should the committee be unable to negotiate a satisfactory contract with the firm considered to be the highest rated at a fee which the committee determines to be fair and reasonable, they will undertake negotiations with the second rated firm. Failing accord with the second firm, they will undertake negotiations with the third rated firm. Should the committee be unable to negotiate a satisfactory contract with any of the rated firms, they shall select and rate additional firms and shall continue negotiations in accordance with this section until an agreement is reached.~~

3.5.4 RECOMMENDATION OF CONTRACT FROM SELECTION REVIEW PROCESS: Once the Selection Review Committee ranked firms, the Committee may negotiate with the top ranked firm and make recommendation to the Finance Committee. The Finance Committee shall receive all documentation regarding the selection.

3.5.5 SMALL PROJECTS: In those instances wherein the fee does not exceed \$50,000, the procedures outlined in Section 3.5.2.2 (~~selection~~) may be simplified by the Director after consultation with the City Administrator, selecting no less than ~~and rating the~~ three (3) adequately qualified firms for the purpose of making an award ~~with whom he/she may negotiate for a fair and reasonable fee.~~ A complete record of the ~~his/her~~ reasons for recommending a firm ~~selecting the qualified firms and the negotiation proceedings~~ shall be part of the record reviewed by the Finance Committee if the contract exceeds \$10,000.

3.6 AWARD: All contracts wherein the fee exceeds \$10,000 shall be reviewed and awarded by the Finance Committee.

3.7 AMENDMENTS TO CONTRACTS: Amendments to contracts may be authorized by the Finance Committee when it can clearly document that the additional services are part of the original intent of the base contract and are made necessary by changes not known at the time of the base contract.

3.8 DISQUALIFICATION OF BIDDERS: The Finance Committee may authorize the disqualification of a bidder/vendor from bidding on City contracts for up to twelve (12) months upon the formal recommendation of the Director and in accordance with procedures set forth.

3.8.1 CITY DEPARTMENT OR CONSULTING ENGINEER REQUEST
DISQUALIFICATION OF BIDDER/VENDOR: for one or more of the following:

PURCHASING POLICY

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- A) Default on their bid, quotation, contract or purchase order;
- B) Failure to comply with specification of contract documents;
- C) Failure to supply the item as required by the specifications.
- D) Documented history of poor performance.

* The Bidder/Vendor shall be notified, in writing, by the Director prior to a recommendation for disqualification being forwarded to the Finance Committee.

- 3.8.2 **DISQUALIFIED BIDDER/VENDOR:** may apply for reinstatement after period of disqualification has elapsed. The Director of Budget/Purchasing recommends to the Finance Committee on reinstatement of Bidder/Vendor.
- 3.8.3 **BIDDER/VENDOR:** shall have the right to appeal to the City Council for a reversal or reinstatement.
- 3.9 **REQUISITION:** Purchases involving the immediate encumbrance of City funds shall be made only on a written/electronic requisition submitted by the department. Purchase of less than ~~\$50.00~~ \$1,000 will not require Purchase Orders.
 - 3.9.1 **REVISORY POWER IN AGENT:** The Director or his/her designee shall examine each requisition and shall have the authority to revise it as to quantity, quality or estimated cost; but revision as to quality shall be only with the concurrence of the using agency or, if agreement cannot be reached, with concurrence of the City Administrator.
- 3.10 **APPROPRIATION REQUIRED:** No purchase of supplies or services not provided for in the annual appropriation resolve, shall be made unless by specific order of the City Council. Once the purchase has been authorized by the Director or his/her designee. The funds shall be immediately encumbered.
- 3.11 **UNAUTHORIZED PURCHASES:** Except as herein provided, or as may be specifically authorized by the City Council or the Director, it shall be unlawful for any City employee or official to purchase any supplies or services other than in accordance with these policies.
- 3.12 **SALE OF PROPERTY:** The Director or his/her designee shall be responsible for the sale of all municipal property (real or personal) which is no longer used or has become obsolete, worn out or scrapped.
 - 3.12.1 **NOTICE:** Department heads of all using agencies shall notify the Director or his/her designee, at such times and in such form as he/she may prescribe, reports of all surplus material available within their respective department.
 - 3.12.2 **TRANSFER:** The Director shall have the authority to transfer surplus property to other using agencies.

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- 3.12.3 **SALE PROCEDURE:** All sales which have an estimated dollar value over \$5,000 shall be sold at a public auction or through formal competitive bids. Sales from \$1,000 to \$5,000 shall be supported by price quotations from three (3) competitive sources or adequate explanation justifying the absence of such competition. Sales estimated at less than \$1,000 shall be conducted in the most economical manner and in the best interest of the City.
- 3.12.4 **DONATION:** All items which might be donated to another town, municipality or non-profit organization shall require prior approval of the City Council.

Sec. 4 MISCELLANEOUS PROVISIONS

- 4.1 **GIFTS AND GRATUITIES:** Officers and employees of the City are expressly prohibited from accepting from any person, firm, corporation or organization, any rebate or gift that would directly affect the purchase of goods or services for the City. ~~except where given for the use or benefit of the City.~~
- 4.2 **COOPERATIVE PURCHASING:** The Director or his/her designee shall have the authority to join other units of government (federal, state, county, municipal subdivisions, including quasi-municipal agencies) in cooperative purchasing plans when the best interests of the City would be served thereby and such action is in accordance with and pursuant to law and City Purchasing Policy.



Finance Committee

Norman J. Beuparlant
Director of Budget/Purchasing
nbeau@ci.lewiston.me.us



to: Mayor & City Council
from: Norman Beuparlant, Director of Budget/Purchasing
subject: Update on action taken by Finance Committee on recommended revisions to Purchasing Policy
date: April 2, 2015

Following the Council workshop of March 10, 2015, the Finance Committee met on March 30, 2015. A portion of the meeting was devoted to discussion of concerns raised at the City Council workshop (see attached March 5, 2015 memo from City Administrator Ed Barrett that outlines the issues of concern). Finance Committee Chair Robert Reed presented an overview of the Council workshop discussion and concerns raised by Council members.

The Committee has amended its recommendation for revisions to the Purchasing Policy based on Council and staff concerns.

Specifically, Section 3.5.2.2 was re-written to reflect "Brooks Act" compliance in selecting architects, engineers and consultants:

ARCHITECT, ENGINEER AND CONSULTANT SERVICES: If the anticipated fee exceeds \$25,000, the RFP and selection process shall be done in compliance with the "Brooks Act" which is hereby appended to the Purchasing Policy. The responses shall be evaluated by a Selection Review Committee consisting of Public Works Director (or designee), two (2) members of the Finance Committee with one being a City Councilor, and two (2) Project Engineers that are not involved with the proposed work. The Selection Review Committee shall conduct discussions with qualifying firms regarding anticipated scope of service and alternative methods of approach for furnishing the required services. The Selection Review Committee will rank the firms. The fee statement of the highest rated firm will be recommended to the Finance Committee for award of contract including a negotiated fee if applicable.

Section 3.5.4 was modified to reflect the change in 3.5.2.2:

RECOMMENDATION OF CONTRACT FROM SELECTION REVIEW PROCESS: Once the Selection Review Committee ranked firms, the Committee may negotiate with the top ranked firm and make recommendation to the Finance Committee. The Finance Committee shall receive all documentation regarding the selection.

Section 3.5.2.1 AUDITING was modified by eliminating the minimum threshold requirements:

AUDITING: If the anticipated fee exceeds \$50,000, the data shall be evaluated by the City Finance Committee. The City Finance Committee shall conduct discussions with firms regarding their qualifications and audit methods of approach for furnishing the required services, and then shall select there from, firms deemed to be adequately qualified to provide the services required. Once the adequately qualified firms have been established, the City Finance Committee shall open the sealed fee statements of the firms deemed to be adequately qualified. It should be the practice that the contract will be awarded to the qualified firm with the lowest bid.

The Finance Committee did not make any other changes to the recommended policy revisions presented to the Council on March 10, 2015

NJB/syt



EXECUTIVE DEPARTMENT

Edward A. Barrett, City Administrator
Phil Nadeau, Deputy City Administrator

March 5, 2015

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Finance Committee Recommended Revisions to Purchasing Policy

The Finance Committee has completed its review of the City's Purchasing Policy and recommended certain changes. A copy showing the proposed changes is attached.

The Committee recommended few changes to the policy; however, it is recommending significant changes to the process of selecting consultants for professional services including architect, engineer, and other consultant. The specific changes involve the composition of the selection committee and the procedure to be followed in opening bids and awarding contracts. Each of these will be discussed separately below.

Selection Committee

The current policy (Section 3.5.2) identifies the voting members of the Selection Review Committee as:

- o City Administrator (or designee),
- o City Engineer,
- o Two members of the Finance Committee,
- o Head of the most concerned City Department, and
- o Director of Budget/Purchasing

The Finance Committee is recommending the following:

- o City Administrator (or designee) as non-voting Chair,
- o City Engineer (or designee) to act as non-voting member to provide technical expertise and understanding of the work requirements
- o Two Lewiston residents (may include Lewiston City employees) who are knowledgeable of the subject, but will not be directly involved with the work once awarded,
- o Two Finance Committee members, and
- o One current City Councilor

As I understand it, this change was proposed out of concern that certain city staff might have a conflict of interest when responding firms employ individuals previously employed by the City or due to existing relationships between City staff and individual firms and their employees. Please note that the Council has adopted a Code of Ethics that governs city employees that includes a section on contracts and purposes and which would apply to staff involvement in a selection committee or any element of the purchasing process. A copy of that section is attached below. While two City staff would serve as non-voting members under the Finance Committee recommendation, they would have limited direct say in the selection process. Given the expertise available on City staff (7 licensed engineers), we would

recommend that staff continue to play a full role in the selection of consultant services, including full voting rights on the selection committee, especially since the selection committee is advisory to the Finance Committee which retains the authority to award any contract.

On a more minor point, expanding the size of the Committee and adding two citizens will potentially create scheduling difficulties, both in the initial constitution of the Committee and in arranging meetings. While possible, it will take time to identify two knowledgeable citizens willing to serve. As we have found with the Public Works Committee, conflicting schedules can also make it difficult to arrange meetings.

Finally, I would recommend that the Director of Public Works be substituted for the City Engineer. The Director is in a better position to identify who within his organization has the appropriate expertise to participate in the selection process. We would, therefore, propose the following membership:

- City Administrator (or designee) as Chair,
- Public Works Director (or designee) to provide technical expertise and understanding of the work requirements
- Two Finance Committee members, and
- One current City Councilor

Award of Contract for Architect, Engineering, and Consulting Services

The current language of the policy outlines a procedure where the first step is reviewing the qualifications of firms to determine and rank those deemed to be qualified to perform the work. Once the most qualified firm has been selected, the selection committee opens that firm's separately submitted fee statement, reviews it, and negotiates compensation that is fair and reasonable to the City. If agreement cannot be reached, the process moves to the next most qualified firm.

The proposed language in section 3.5.2.2 states: "*Once the adequately qualified firms have been established, the Selection Review Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.*" The proposed language in section 3.5.4 goes on to state: "*Once the Selection Review Committee has selected those firms adequately qualified for a specific project, the Committee shall review the fee statements and make a recommendation to the City Finance Committee for consideration.*"

The proposed language is in conflict with the procedures required for federal and state professional services contracts and risks this funding. As an example, the Federal Highway Administration provides the following requirements for negotiating professional services contracts:

Competitive negotiation (as specified in 23 U.S.C. 112 (b)(2)(A) and 23 CFR 172.5 (a)(1)) is based on qualifications based selection procedures (as specified in 40 U.S.C. 1101-1104 (Brooks Act)) and is the primary method of procurement for engineering and design related services using FAHP funding.

The Brooks Act requires the selection of engineering and design related services on the basis of demonstrated competence and qualifications for the type of professional services required and negotiation of a fair and reasonable compensation. The qualifications based selection procedures prescribed in the Brooks Act require public announcement/advertisement of all

requirements for the desired services (as specified in 40 U.S.C. 1101 and 23 CFR 172.5(a)(1)). The Brooks Act further requires evaluation of current statements of qualifications, performance data, and statements regarding the proposed project or services submitted by prospective consulting engineering firms. Contracting agencies shall then select and rank a minimum of three firms based on demonstrated competence and qualifications in accordance with the established/advertised criteria (as specified in 40 U.S.C. 1103)

Upon completion of the qualifications based evaluation and ranking of proposals, the contracting agency initiates negotiations with the most highly qualified firm to arrive at a fair and reasonable compensation for the solicited services which considers the scope, complexity, professional nature, and estimated value of the services to be rendered (as specified in 40 U.S.C. 1104). If the contracting agency and most highly qualified firm are unable to negotiate a fair and reasonable contract, the agency may formally terminate negotiations and undertake negotiations with the next most qualified firm, continuing the process until an agreement is reached. (underlining added for emphasis)

The Maine DOT Local Project Administration Manual & Reference Guide requires "*Engineering and architectural consultants for federal-aid projects must be chosen based on qualifications, and **not price.***" (The DOT requirements include this bold lettering). The DOT requirements go on to say "*The RFP for contracts of \$25,000 or more must specify that price proposals be submitted separately from technical proposals and sealed. The RFP also must state that price shall not be considered in ranking and evaluation of consultants.*" (The underlining is DOT's.) These requirements go on to indicate that only the price proposal from the highest rated firm be opened and negotiations begin.

This same procedure applies to a wide range of federal agencies and funding sources.

This is the same process the City has been using to select consultants. As a result, we recommend this proposed change to the City's Purchasing Policy not be approved since it would potentially put certain state and federal funding sources at risk.

EXERPT FROM CITY CODE OF ETHICS

4.0 CONTRACTS, PURCHASES AND EMPLOYMENT

4.1 No City employee shall participate directly, by means of deliberation, approval, disapproval, or recommendation, in the purchase of goods or services for the City, or in the award of any contracts with the City, except as permitted under the solicitation provisions in Section 4.3 of this Policy, the City's Purchasing Regulations, and the laws of the State of Maine, where, to his or her knowledge, there is a financial interest, personal interest, or special interest, other than that possessed by the public generally in such purchase or award, or held by:

4.1.1 That individual or a member of his or her immediate family;

4.1.2 A business in which that individual or a member of his or her immediate family serves as an officer, director, trustee, partner, or employee in a supervisory or management position; or

4.1.3 Any other person or business with whom or with which that individual or a member of his or her immediate family does business, is negotiating to do business, or has an arrangement concerning future employment.

The Brooks Act:

Federal Government Selection of Architects and Engineers

Public Law 92-582
92nd Congress, H.R. 12807
October 27, 1972

An Act

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX - SELECTION OF ARCHITECTS AND ENGINEERS "DEFINITIONS

"Sec.901. As used in this title

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term "architectural and engineering services" means -

1. professional services of an architectural or engineering nature, as defined by State law, if applicable, which are required to be performed or approved by a person licensed, registered, or certified to provide such services as described in this paragraph;
2. professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and
3. such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase

services, soils engineering, drawing reviews, preparation of operation and maintenance manuals, and other related services.

"POLICY

"Sec.902. The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUESTS FOR DATA ON ARCHITECTURAL AND ENGINEERING SERVICES

"Sec.903. In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

"NEGOTIATIONS OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

"Sec.904. (a) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Amend the Previously Adopted Resolve to Install a Bike Lane on Lisbon Street from Spruce Street to near Main Street.

INFORMATION:

At the City Council meeting of February 17th, the Council voted 3-4 to not approve the installation of this bike lane. This was reconsidered at the March 3rd meeting, where the Council voted 4-3 to approve the installation. The question of a bike lane on this segment of Lisbon Street has remained controversial with the potential for a citizen initiative that would override this element of the project, among others. Based on closely divided Council votes and the controversy surrounding this issue and in the hopes that the project can proceed during this construction season, there have been discussions between various parties to see if a resolution can be found that have resulted in this item coming before you.

Procedurally, a motion to amend a previously adopted resolution is debatable and, with notice that it will be made prior to the meeting, can be adopted by a majority vote. If approved, it would amend the prior action by removing the bike lane and substituting sharrow (shared bike vehicle markings) on this section of Lisbon Street as one element of the overall project. A copy of the proposed amendment is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the Council.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To consider and act upon the motion to amend the Resolve to Install a Bike Lane on Lisbon Street from Spruce Street to near Main Street.



COUNCIL RESOLVE

Resolve, Amending the Previously Adopted Resolve to Install a Bike Lane on Lisbon Street from Spruce Street to Near Main Street.

Whereas, the installation of a bike lane on Lisbon Street has closely divided the City Council;
and

Whereas, the issue of a bike lane at this location is one element of the Lisbon Street project that appears to have contributed to an effort to place a referendum on the ballot that would delay the project's construction for at least one construction season; and

Whereas, in an effort to move the project forward this year, this amendment would replace the proposed bike lane with sharrow markings which indicate a travel lane may be shared by both vehicles and bicyclists;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The resolve adopted on March 3, 2014 which authorized a bike lane to be installed on Lisbon Street between Spruce Street and near Main Street is hereby amended to delete the bike lane and substitute sharrow markings in its place.

LEWISTON CITY COUNCIL

MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Amend the Previously Adopted Resolve to establish a Single Through Lane on Lisbon Street from Cedar to Pine and Eliminate the turn lanes at Pine and Ash Streets.

INFORMATION:

At the City Council meeting of February 17th, the Council voted 3-4 to not approve modifying Lisbon Street by establishing a single through lane from Cedar to Pine and eliminating the turn lanes at Pine and Ash. This was reconsidered at the March 3rd meeting, where the Council voted 4-3 to approve the installation. The question of a changing lane assignments on this segment of Lisbon Street has remained controversial with the potential for a citizen initiative that would override this element of the project, among others. Based on closely divided Council votes and the controversy surrounding this issue and in the hopes that the project can proceed during this construction season, there have been discussion between various parties to see if a resolution could be found. Those discussions have resulted in this item coming appearing on the agenda for Council discussion.

Procedurally, a motion to amend a previously adopted resolution is debatable and, with notice that it will be made prior to the meeting, can be adopted by a majority vote. If approved, it would amend the prior action and, instead, direct that Lisbon Street continue to have two traffic lanes from Cedar to Pine and turn lanes at Pine and Ash. A copy of the proposed amendment is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the Council.

EARL KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To consider and act upon the motion to amend the Previously Adopted Resolve to Establish a Single Through Lane on Lisbon Street from Cedar to Pine and Eliminate the turn lanes at Pine and Ash Streets.



COUNCIL RESOLVE

Resolve, Amending the Previously Adopted Resolve to Establish a Single Through Lane on Lisbon Street from Cedar to Pine and Eliminate the Turn Lanes at Pine and Ash Streets.

Whereas, modifications to lane assignments and elimination of turn lanes on Lisbon Street have closely divided the City Council; and

Whereas, such modifications are one element of the Lisbon Street project that appears to have contributed to an effort to place a referendum on the ballot that would delay the project's construction for at least one construction season; and

Whereas, in an effort to move the project forward this year, this amendment would eliminate the proposed lane assignment changes and retain the current lane assignments, including turn lanes at Ash and Pine Streets;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The resolve adopted on March 3, 2014 which authorized reducing Lisbon Street to one lane between Cedar and Pine and eliminating the turn lanes at Pine and Ash Streets is hereby replaced in its entirety with the following: the current lane assignments on Lisbon Street shall be retained, to include two traffic lanes between Cedar and Pine and turn lanes at Pine and Ash Streets.

LEWISTON CITY COUNCIL

MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Amend the Previously Adopted Resolve transferring \$10,000 from the Walnut Street Project to the Lisbon Street Project for the purpose of Installing Bike Racks.

INFORMATION:

At the City Council meeting of March 3rd, the Council approved the installation of bike racks at various locations on or near Lisbon Street as one element of the overall project. Elements of this project have remained controversial with the potential for a citizen initiative that would override this element of the project, among others. In the hopes that the project can proceed during this construction season, there have been discussions between various parties to see if a resolution can be found that have resulted in this item coming before you.

Procedurally, a motion to amend a previously adopted resolution is debatable and, with notice that it will be made prior to the meeting, can be adopted by a majority vote. If approved, it would amend the prior action by removing reducing the funding available for the installation of bike racks from \$10,000 to \$5,000. A copy of the proposed amendment is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

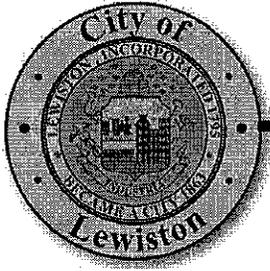
This is a policy decision of the Council.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To consider and act upon the motion to amend the Previously Adopted Resolve transferring \$10,000 from the Walnut Street Project to the Lisbon Street Project for the purposes of Installing Bike Racks.



COUNCIL RESOLVE

Resolve, Amending the Previously Adopted Resolve Transferring \$10,000 from the Walnut Street Project to the Lisbon Street Project for the Purpose of Installing Bike Racks.

Whereas, various elements of the proposed Lisbon Street project have resulted in controversy within the community; and

Whereas, as a result, there is an effort to place a referendum on the ballot that would delay the project's construction for at least one construction season; and

Whereas, in an effort to move the project forward, this amendment would reduce funding for the bike racks to be installed as an element of the project;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The resolve adopted on March 3, 2014 which authorized the installation of bike racks as an element of this project and the transfer of \$10,000 from the Walnut Street project for this purpose is hereby amended to reduce the amount to be transferred from \$10,000 to \$5,000.

LEWISTON CITY COUNCIL

MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Amend the Previously Adopted Resolve transferring \$10,000 from the Walnut Street Project to the Lisbon Street Project for the purpose of Installing Trees.

INFORMATION:

At the City Council meeting of March 3rd, the Council approved the installation of additional trees racks at various locations on or near Lisbon Street as one element of the overall project. Elements of this project have remained controversial with the potential for a citizen initiative that would override this element of the project, among others. In the hopes that the project can proceed during this construction season, there have been discussions between various parties to see if a resolution can be found that have resulted in this item coming before you.

Procedurally, a motion to amend a previously adopted resolution is debatable and, with notice that it will be made prior to the meeting, can be adopted by a majority vote. If approved, it would amend the prior action by removing reducing the funding available for the installation of trees from \$10,000 to \$5,000. A copy of the proposed amendment is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

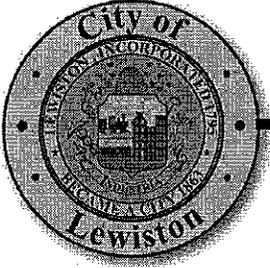
This is a policy decision of the Council.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To consider and act upon the motion to amend the Previously Adopted Resolve transferring \$10,000 from the Walnut Street Project to the Lisbon Street Project for the purpose of Installing Trees.



COUNCIL RESOLVE

Resolve, Amending the Previously Adopted Resolve to Transfer \$10,000 from the Walnut Street Project to the Lisbon Street Project for the Purpose of Installing Additional Trees.

Whereas, various elements of the proposed Lisbon Street project have resulted in controversy within the community; and

Whereas, as a result, there is an effort to place a referendum on the ballot that would delay the project's construction for at least one construction season; and

Whereas, in an effort to move the project forward, this amendment would reduce funding for trees to be installed as an element of the project;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The resolve adopted on March 3, 2014 which authorized the installation of trees as an element of this project and the transfer of \$10,000 from the Walnut Street project for this purpose is hereby amended to reduce the amount to be transferred from \$10,000 to \$5,000.

LEWISTON CITY COUNCIL

MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Resolve to Waive Development and Other Construction Related Fees for the proposed Pettingill Park.

INFORMATION:

The City Council has previously authorized the Friends of Pettingill to engage in fund raising and to implement certain plans for the purpose of developing a park at the location of the former Pettingill School. The Friends are now approaching the point where they will be making application for site plan review for the proposed park. The normal site plan review fee is \$700.

The Friends have requested that this fee be waived (see attached letter).

In the past, the City has not required permit fees (building, zoning & electrical) for City and School projects with the exception of required plumbing permit fees where we assess 25% of the otherwise required plumbing permit fees, the amount we are required to remit to the State. Other past fees waived as part of a joint development agreement include the Wal-Mart Distribution project building/electrical permit fees (the building permit application represented a construction value of \$85,000,000) and the VOA project initially proposed for Pierce Street but subsequently withdrawn.

Given that Pettingill Park will be the City's, we recommend waiving the fees for this project.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve waiving development and other construction fees for the proposed Pettingill Park.



COUNCIL RESOLVE

Resolve, Waiving Development and Building Fees for the Proposed Pettingill Park.

Whereas, the City Council has previously authorized the Friends of Pettingill to engage in fund raising and to implement certain plans for the purpose of developing a park at the location of the former Pettingill School; and

Whereas, the Friends are now approaching the point where they will be making application for site plan review for the proposed park and where they may be seeking other permits for construction within the park; and

Whereas, the normal site plan review fee is \$700, \$500 for the permit and \$200 to cover advertising expenses; and

Whereas, the Friends of Pettingill have requested that this fee be waived; and

Whereas, in the past, the City has not required permit fees (building, zoning & electrical) for City and School projects with the exception of required plumbing permit fees where we assess 25% of the otherwise required fee, the amount we are required to remit to the State 25%;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

Development and Building Fees associated with the Proposed Pettingill Park are hereby waived with the exception of any costs associated with required advertising and 25% of any plumbing permit fees.

Friends of Pettingill School Park

2/18/15

Dear Mr. Barrett, and Honorable members of Lewiston City Council,

First, I want to thank you for the ongoing support you have shown us from the beginning of this project.

I am contacting you today, because we are at a point in the process of building the park, where we have to meet with the Lewiston Planning Board. Given that this is a city park, we respectfully ask that the customary \$700 fee for the submission to the Planning Board of a Development Review Application be waived or reduced.

We have a small amount of savings, but it is badly needed to plant trees, build walkways, and add benches.

We would be glad at any time to come before you to report on our progress, and to make our case for the need to have the fees waved.

I am attaching minutes from the meeting we had last week with, Present for FoP: Margaret Craven, Anne Auer, Mitch Rasor, Ted Walworth

Present for Lewiston: Gil Arsenault, David Hediger, Megan Bates, Steve Murch

Please call if can answer if you have any questions or concerns. 783-1897

Respectfully,

Margaret Craven

Representing FoP

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Resolve Appointing RHR Smith & Company as the City's Independent External Auditors.

INFORMATION:

Every few years, the City accepts RFPs for services for an outside, independent auditor. A Selection Review Committee reviewed the bids that were submitted to perform the Financial Audit Services for a five year period for the City and School accounts and is recommending that the Council appoint the firm of RHR Smith & Company of Buxton. The Finance Committee is recommending the appointment of this company to conduct the audits from June 30, 2015 through June 30, 2019.

Attached is additional material from the Finance Director.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Pursuant to Charter requirements, the Council shall appoint a financial auditing services firm.

Erin Blum

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve appointing RHR Smith & Company as the City's Independent External Auditors.



**City of Lewiston Maine
City Council Order
April 7, 2015**

Resolve, Appointing RHR Smith & Company as the City's Independent Auditor

WHEREAS, Section 6.12 of the City Charter requires the City Council to appoint a certified public accountant to conduct an annual audit of the City's financial records at year end; and

WHEREAS, a request for proposal was solicited to perform these services for the years ending June 30, 2015 through June 30, 2019; and

WHEREAS, the Finance Committee served as the Selection Subcommittee to evaluate each response and conducted interviews with the qualifying firms; and

WHEREAS, the Subcommittee recommended that the firm of RHR Smith & Company be awarded the audit bid by the Finance Committee; and

WHEREAS, the Finance Committee accepted the recommendation of the evaluation subcommittee to award the bid to the certified public accounting firm, RHR Smith & Company, in the amount of \$307,500;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON, to appoint RHR Smith & Company as the City's independent auditor for the fiscal years ending June 30, 2015 through June 30, 2019, at a total cost of \$307,500.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



TO: Mayor Robert E. Macdonald and
Members of the City Council

FROM: Heather Hunter, Finance Director

SUBJECT: **Financial Audit Services**

DATE: March 31, 2015

Pursuant to the City Charter, Section 6.12, the City Council needs to appoint the City's independent certified public accountant to audit the City's financial statements in accordance with Maine State Law. The City solicited a 5-year request for proposal (RFP) on February 1, 2015 and received four responses by the February 27, 2015 due date. The proposals were vetted against the RFP requirements and two firms were deemed qualified and submitted to the Finance Committee, which served as the Selection Committee.

The Selection Committee evaluated the proposals and conducted interviews on March 18th with two bidders, Runyon Kersteen Ouellette (the incumbent firm), and RHR Smith. The Selection Committee forwarded to the Finance Committee its recommendation that RHR Smith & Company be awarded the 5-year independent audit contract award in the amount of \$307,500.

At their March 30th meeting, the Finance Committee formally awarded the bid. A copy of their formal vote will be available at your April 7th City Council meeting. It is recommended that the City Council appoint RHR Smith & Company as the City's independent auditor for the fiscal years ending June 30, 2015 through June 30, 2019.

I have attached RHR Smith & Company's monetary proposal for the 5-year period for your review.



Finance Committee

Norman J. Beuparlant
Director of Budget/Purchasing
nbeau@ci.lewiston.me.us



to: Mayor & City Council
from: Finance Committee
subject: Bid 2015-009 Five Year Contract for Audit Services
date: March 30, 2015

Proposals were received on February 27, 2015 from firms interested in providing Financial Audit Services for a five (5) year period beginning with the audit for FY 2015 through FY 2019.

Based on the recommendation of the Finance Director, the Finance Committee shortlisted from four (4) firms to two (2) firms based on the review of the proposals submitted.

The Committee held interviews on March 19, 2015 with the two shortlisted firms and following the interviews, opened the fee statements of both firms.

The firms interviewed were RHR Smith & Company, CPA's and Runyon Kersteen Ouellette (RKO).

The Finance Committee at its meeting of March 30, 2015 voted to recommend to the City Council the firm of RHR Smith & Company, CPA's, Buxton, Maine, be awarded the five (5) year contract at a cost of \$307,500 over the five year term.

NJB/syt



Finance Committee

Norman J. Beuparlant
Director of Budget/Purchasing
nbeuparlant@lewistonmaine.gov



Item # 4

to: Finance Committee
from: Norman Beuparlant, Purchasing Director 
subject: 2015-009 Financial Audit Services
date: March 30, 2015

Based on the recommendation of the Finance Director, the Selection Committee interviewed two (2) firms for Financial Audit Services contract.

Firms Interviewed

- Runyon Kersteen Ouellette: South Portland, Maine
- RHR Smith & Company, CPA's: Buxton, Maine

Following the interviews held on March 19, 2015 and with input from City staff, it is the Selection Committee's recommendation that the Finance Committee recommend to the City Council that the firm of RHR Smith & Company be awarded the Audit Services contract for a five (5) year period at a cost of \$307,500 for the five year term.

NJB/syt

APPENDIX "A"

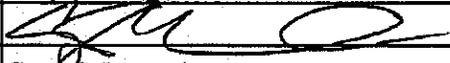
City Council
City of Lewiston, Maine

The undersigned proposes to provide the City of Lewiston, Maine with an independent audit of its financial accounts and records, as specified in its Proposal to Provide Audit Services.

The undersigned certifies that he/she is entitled to represent the firm, is empowered to submit the bid, and is authorized to sign a contract with the City of Lewiston.

The undersigned proposes to accept as full payment the following sum:

	July 1, 2014 - June 30, 2015	July 1, 2015 - June 30, 2016	July 1, 2016 - June 30, 2017	July 1, 2017 - June 30, 2018	July 1, 2018 - June 30, 2019
Total Proposed Audit Hours	800	800	800	800	800
City*	\$ 33,750	33,945	34,200	34,425	34,650
School*	28,000	28,300	28,500	28,700	28,900
CDBG	4,420	4,425	4,435	4,460	4,490
Water, Storm Water & Sewer	4,420	4,425	4,435	4,460	4,490
9-1-1 Committee	4,410	4,405	4,430	4,455	4,470
Total Per Year	\$ 75,000	\$ 75,500	\$ 76,000	\$ 76,500	77,000
Total Five (5) Year Cost					\$ 380,000

Firm's Name	Runyon Kersteen Ouellette
Signature	
Name & Title (printed or typed)	Casey S. Leonard
Address	20 Long Creek Drive South Portland, Maine 04106
Date	February 27, 2015
Telephone #	207-773-2986
E-mail address	cleonard@rko-cpas.com

* If in any given year, more than four major programs are audited for purposes of OMB Circular A-133, the fee will be \$1500 per program, allocated to either City or School.

APPENDIX "A"

City Council
Lewiston, Maine

The undersigned proposes to provide the City of Lewiston, Maine with an independent audit of its financial accounts and records, as specified in its Proposal to Provide Audit Services.

The undersigned certifies that he/she is entitled to represent the firm, is empowered to submit the bid, and is authorized to sign a contract with the City of Lewiston.

The undersigned proposes to accept as full payment the following sum:

	July 1, 2014 - June 30, 2015	July 1, 2015 - June 30, 2016	July 1, 2016 - June 30, 2017	July 1, 2017 - June 30, 2018	July 1, 2018 - June 30, 2019
Total Proposed Audit Hours	655	655	655	655	655
City	26,385	26,385	26,385	26,385	26,385
School	20,375	20,375	20,375	20,375	20,375
CDBG	4,040	4,040	4,040	4,040	4,040
Water, Storm Water & Sewer	9,200	9,200	9,200	9,200	9,200
9-1-1 Committee	1,500	1,500	1,500	1,500	1,500
Total Per Year	\$ 61,500	\$ 61,500	61,500	61,500	\$ 61,500
Total Five (5) Year Cost					\$ 307,500

Firm's Name	RHR Smith & Company, CPAs
Signature	Dianne Tilton
Name & Title (printed or typed)	Dianne Tilton, Operations Director
Address	3 Old Orchard Rd Buxton, ME 04093
Date	2/20/15
Telephone #	929-4606
E-Mail Address	rsmith@rhrsmith.com

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Awarding Bid for the Riverfront Island Amphitheater and River Access Project to J. Pratt Construction in the amount of \$343,265.32.

INFORMATION:

Please see the attached sheet for information regarding this agenda item.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/klm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve to award the bid for the Riverfront Island Amphitheater and River Access Project to J. Pratt Construction in the amount of \$343,265.32.

INFORMATION FOR ITEM 12:

Pursuant to City Charter Section 6.15 Finance Committee Sub-section (d) Appeal of Action of the Finance Committee, an appeal of Finance Committee action at its meeting of March 30, 2015 is hereby brought to the City Council for consideration.

Bids for this project were received on February 17th. All bids were over budget, and staff and the project design architect determined that modifying the project to bring it within available resources would negatively impact its scope and design. As a result, the City Council was asked to provide additional resources, which it did on March 17, 2015, where it also instructed the staff to value engineer the project to reduce overall costs while maintaining project integrity. Following Council action, City staff met with the low bidder and design consultant to provide a project to recommend for award by the Finance Committee.

On March 30, 2015, the Finance Committee received staff's recommendation to award the contract to the low bidder, J. Pratt Construction, at the modified contract price of \$343,265.32. Following lengthy discussion, the recommended award to J. Pratt Construction failed by a vote of 2-3. One of the major concerns was an error in the bid documents where 40 plantings were specified when 489 were required. Given this, some members of the Committee felt that the project should be rebid. Staff believes that the dollar value of this error is not dramatic in light of overall project costs, that unit prices for plantings were provided by all bidders, and that the error in this bid item had no effect on the bid outcome since the second lowest bidder was almost \$61,000 higher than the low bid contract. The staff involved in this project believes that rebidding it will more likely than not result in a higher overall cost. Staff is of the opinion that award of this bid is in the best interest of the City given the gap between the low and next low bidder and the value engineering that has been done to meet the Council's goal of a quality project that can be completed within available resources.

The attached resolve would award the bid to J. Pratt Construction.



COUNCIL RESOLVE

Resolve, Awarding Bid for the Riverfront Island Amphitheater and River Access Project to J. Pratt Construction in the amount of \$343,265.32.

Whereas, bids for the riverfront amphitheater and river access project were opened on February 17, 2014, with all bids coming in over the engineering estimate; and

Whereas, involved City staff determined that modifying the project to come within budget would affect the integrity of the project; and

Whereas, as a result, at its March 17, 2015 meeting, the Council was asked to provide additional resources for this project and agreed to transfer additional funds to it and directed staff to value engineer the project to reduce its overall cost while maintaining its integrity; and

Whereas, staff met with the low bidder and the project's design consultant and identified ways to reduce the project's cost; and

Whereas, on March 30, 2014, the Finance Committee received staff's recommendation to award the contract to the low bidder; and

Whereas, following a lengthy discussion, this recommendation failed by a vote of 2-3; and

Whereas, staff is of the opinion that awarding this bid is in the best interests of the City given the gap between the low and next low bidder and the value engineering that has been done to meet the Council's goal of a quality project that can be completed within available resources;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

Bid 2015-001 for the construction of a Riverfront Amphitheater and River Access Project is hereby awarded to J. Pratt Construction in the amount of \$343,265.32.



Finance Committee

Norman J. Beuparlant
Director of Budget/Purchasing
nbeuparlant@lewistonmaine.gov



Item # 3

to: Finance Committee
from: Norman Beuparlant, Purchasing Director
subject: Bid 2015-001 Riverfront Amphitheatre and River Access
date: March 30, 2015

Bids were opened on February 7, 2015 for the construction of a Riverfront Amphitheater and River Access.

All bids came in over budget and during a meeting with the apparent low bidder, landscape design consultant and City staff, it became apparent that eliminating items within the existing scope in any significant manner would dramatically change the design and scope of the project.

After consulting with the City Administrator and Finance Director, the City Council was asked to provide additional resources and in addition, to allow for some value engineering to balance out the budget.

With the authorization from the Council for additional funds and instructions to value engineer the project, City staff worked with J. Pratt Construction to modify the scope of services.

The attached memo from Project Engineer Justin Early reflects the narrative of what was done leading up to and including the value engineering with J. Pratt Construction. In addition, the Attachment "A" shows changes line by line and Attachment "B" shows the original bids submitted by all contractors adjusted to show the additional plantings needed.

It is recommended that J. Pratt Construction, Hebron, Maine, be awarded the contract for construction of the amphitheatre and river access in the amount of \$343,265.32 as modified through the value engineering process.

NJB/syt



Finance Committee

Norman J. Beuparlant
Director of Budget/Purchasing
nbeuparlant@lewistonmaine.gov



to: Mayor and City Council
from: Norman Beuparlant, Purchasing Director
subject: Appeal of Action of the Finance Committee
date: April 1, 2015

Pursuant to City Charter Section 6.15 Finance Committee Sub-section (d) Appeal of Action of the Finance Committee, an appeal of Finance Committee action at its meeting of March 30, 2015 is hereby brought to the City Council for consideration.

Background:

Bids for the Riverfront Amphitheatre and River Access were opened on February 7, 2015. All bids came in over budget and, after meeting with the design architect, low bidder, and City staff, it became apparent that bringing the project within available resources would dramatically impact the design and scope of the project.

On March 17, 2015, the City Council was appraised of this matter and asked to provide additional resources by transfer of funds. By resolution, the City Council provided additional resources and instructed the staff to value engineer the project with a view of reducing overall costs while maintaining project integrity.

Following Council action, City staff met with the low bidder and design consultant to provide a project to recommend for award by the Finance Committee.

On March 30, 2015, the Finance Committee received staff's recommendation to award the contract to the low bidder, J. Pratt Construction, at the modified contract price of \$343,265.32.

Following lengthy discussion, the recommended award to J. Pratt Construction failed by a vote of 2-3 with Councilor Dubois, Councilor Lachance, and Mr. Peters voting against award.

Staff believes that award of this bid is in the best interest of the City given the gap between the low and next low bidder and the value engineering that has been done to meet the Council's goal of a quality project that can be completed within available resources.

A more complete summary of the Finance Committee's concerns will be available prior to Tuesday's Council meeting. One of the major concerns was an error in the bid documents where 40 plantings were specified when 449 were required. Given this, some members of the

Committee felt that the project should be rebid. Staff believes that the dollar value of this error is not dramatic in light of overall project costs, that unit prices for plantings were provided by all bidders, and that the error in this bid item had no effect on the bid outcome since the second lowest bidder was almost \$61,000 higher than the low bid contract. The staff involved in this project believes that rebidding it will more likely than not result in a higher overall cost.

We are requesting that the City Council award the bid to J. Pratt Construction.

NJB/syt



Finance Committee

Norman J. Beuparant
Director of Budget/Purchasing
nbeuparant@lewistonmaine.gov



Item # 3

to: Finance Committee
from: Norman Beuparant, Purchasing Director
subject: Bid 2015-001 Riverfront Amphitheatre and River Access
date: March 30, 2015

Bids were opened on February 7, 2015 for the construction of a Riverfront Amphitheater and River Access.

All bids came in over budget and during a meeting with the apparent low bidder, landscape design consultant and City staff, it became apparent that eliminating items within the existing scope in any significant manner would dramatically change the design and scope of the project.

After consulting with the City Administrator and Finance Director, the City Council was asked to provide additional resources and in addition, to allow for some value engineering to balance out the budget.

With the authorization from the Council for additional funds and instructions to value engineer the project, City staff worked with J. Pratt Construction to modify the scope of services.

The attached memo from Project Engineer Justin Early reflects the narrative of what was done leading up to and including the value engineering with J. Pratt Construction. In addition, the Attachment "A" shows changes line by line and Attachment "B" shows the original bids submitted by all contractors adjusted to show the additional plantings needed.

It is recommended that J. Pratt Construction, Hebron, Maine, be awarded the contract for construction of the amphitheatre and river access in the amount of \$343,265.32 as modified through the value engineering process.

NJB/syt



Department of Public Works

David A. Jones, PE
Director



DATE: March 25, 2015

TO: Norman Beauparlant, Director of Budget/Purchasing

FROM: Justin Early, P.E., Project Engineer
Dave Hediger, City Planner/Dep. Director Planning Code Enforcement

SUBJECT: Lewiston Riverfront Amphitheater and River Access/BID No. 2015-001 –
Additional information for Finance Committee

Over the last year, city staff has been working to develop enhancements to Simard-Payne Park as recommended by Riverfront Island Master Plan. These enhancements include an amphitheater, river access and electrical upgrades to the park. Throughout the process, city staff was very conscious of budget and worked hard to develop a project that followed the Master Plan while still meeting cost expectations. The goal was to construct the amphitheater, river access and electrical upgrades for approximately \$300,000. Construction estimates were provided by the designer throughout the design phase with a final add alternative bid estimate of \$292,575.

After the bids were opened on February 17, 2015, it became evident that the designer's estimate was far below the actual bid prices and as a result, there were not enough funds available to award the project to the low bidder at the base bid price. Staff approached the City Council for additional funding so the project could be awarded and provide a contingency amount for project administration, inspection and potential change orders. The transfer was approved at the March 17 City Council meeting.

At the same time, staff felt obligated to take a second look at the project to see what could be done to reduce the project costs closer to initial estimates and avoid unnecessary spending without compromising the project. Staff met with the designer and low bid contractor to explore cost reduction options (i.e. value engineering) without changing the scope, design, and quality of the project. Below is a summary of the changes that were made. It should be noted that the unit prices provided by the low bid contractor were used throughout the value engineering process.

REDUCTIONS

Electrical

1. Eliminate nine (9) up-lighting fixtures and associated wiring from the existing trees to the south of the amphitheater: Deduction = \$5958
2. Eliminate one up-lighting fixture from each of the remaining trees (9 total), two fixtures will remain at each tree: Deduction = \$5958
3. Eliminate soundboard, spare 3" conduit, and shorten wiring distance to electrical panels: Deduction = \$9457

Total electrical deduction = \$21,373

Landscaping

The plan for the landscaping is to reduce the plantings by 1/3. The new planting quantities are shown on the attached markups. Reducing the plantings will also reduce the mulch quantity by 1/3.

1. Remove 7 trees, new quantity = 16: Deduction = \$3039
 2. Remove 179 shrubs, new quantity = 360: Deduction = \$8919
 3. Remove 94 herbaceous perennials, new quantity = 190: Deduction = \$1786
 4. Reduce mulch quantity by 1/3, new quantity = 378SY: Deduction = \$860
 5. Adjusted loam quantity = 600CY (see note below): Deduction = \$16300
- Note: City Arborist Steve Murch recommended 10" of loam for the planting beds rather than the 18" spec'd. The lawn and sods can be reduced from 6" to 4". These reductions are acceptable given the existing loam conditions on site. The adjustment reflects these changes and reductions by reducing the landscaping footprint.

Total landscape deduction = \$30,904

ADDITIONS

Add Alternate Bid - Granite Walls

Propose adding in walls 13, 14, 15 shown on sheet L-7 of plans to allow for additional seating area. This will add 72.90LF of Type 1 Granite Walls to the project and will thus add **\$10,570.50** to the contract.

The changes above will result in a **new contract amount of \$343,265.32.**

\$384,971.82 (original contract, accounting for corrected bid item 41, shrub quantity*)

\$332,694.82 (new contract amount without Add Alternate granite walls 13, 14, and 15)

\$343,265.32 (new contract amount with Add Alternate granite walls 13, 14, and 15)

*Note: During the value engineering process, it was discovered that the original quantity for Bid Item #41 had been incorrectly shown as 40. The correct number per the plans was 489, which is the quantity that was used to determine the final project cost upon value engineering.

These changes are also summarized in the attached spreadsheet (Attachment A). Also attached are the original bid tabulations (Attachment B). You will see that the error in bid item #41 had no effect on the bid outcome since the second lowest bidder was almost \$61,000 higher than the low bid contractor. City staff has spoken to the low bid contractor and the unit price of \$47/shrub was based on the correct total of 489 shrubs. This unit price remains the same regardless of the number of shrubs listed.

I would also like to make you aware of a conversation I recently had with the low bid contractor. I was told that if this project is advertised a second time, the low bid contractor will most likely not be able to bid on the project due to the delay in construction and upcoming workload. As a result, I firmly believe re-advertising this project will result in much higher bid prices and greatly increase the total cost to construct the project. Delaying the project could also result in fewer bids as contractors become busier.

Attachment A
Riverfront Amphitheatre & River Access
Value Engineering

* Value Engineering changes are shown in RED.

Bid #: 2015-001				J. Pratt Construction Hebron ME		
Bid Date: 02/17/2015						
#	Original Qty	VE Qty	Unit Description	Unit Price \$	Original Total \$	VE Total \$
1	1.00	1.00	LS Clear/Grub: Amphitheatre Project Area	\$ 2,235.00	\$ 2,235.00	\$ 2,235.00
2	1.00	1.00	LS Clear/Grub: River Access Project Area	\$ 2,880.00	\$ 2,880.00	\$ 2,880.00
3	1.00	1.00	LS Tree Protection: materials & install	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
4	1.00	1.00	LS Erosion Control: fencing materials/install	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00
5	1.00	1.00	LS Site rough grading	\$ 6,530.00	\$ 6,530.00	\$ 6,530.00
8	1.00	1.00	LS Site fine grading	\$ 9,400.00	\$ 9,400.00	\$ 9,400.00
9	1.00	1.00	LS Subgrade material(s)	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00
10	1,415.00	600.00	CY Loam	\$ 20.00	\$ 28,300.00	\$ 12,000.00
11	10.00	10.00	HR Recycled granite curb: Harvest/sort	\$ 130.00	\$ 1,300.00	\$ 1,300.00
12	5.00	5.00	HR Recycled granite curb: transport/unload	\$ 130.00	\$ 650.00	\$ 650.00
13	10.00	10.00	HR Recycled granite curb: final placement	\$ 305.00	\$ 3,050.00	\$ 3,050.00
14	0.20	0.20	TON Ramp: HMA (hand placed)	\$ 500.00	\$ 100.00	\$ 100.00
15	33.50	33.50	CY 6" concrete stage	\$ 200.00	\$ 6,700.00	\$ 6,700.00
16	1.76	1.76	CY 4" concrete pads	\$ 500.00	\$ 880.00	\$ 880.00
17	2.00	2.00	EA Waste receptacle	\$ 1,200.00	\$ 2,400.00	\$ 2,400.00
18	79.90	79.90	LS Amphitheatre: granite walls Type 1	\$ 145.00	\$ 11,585.50	\$ 11,585.50
19	21.40	21.40	LF Amphitheatre: granite walls Type 2	\$ 112.00	\$ 2,396.80	\$ 2,396.80
20	60.70	60.70	LF Amphitheatre: granite walls Type 3	\$ 127.00	\$ 7,708.90	\$ 7,708.90
21	11.40	11.40	LF Amphitheatre: granite walls Type 4	\$ 118.00	\$ 1,345.20	\$ 1,345.20
22	43.05	43.05	LF Amphitheatre: granite walls 1A-1C	\$ 190.00	\$ 8,179.50	\$ 8,179.50
23	27.53	27.53	LF River Access: granite walls Type 1	\$ 145.00	\$ 3,991.85	\$ 3,991.85
24	35.09	35.09	LF River Access: granite walls Type 2	\$ 112.00	\$ 3,930.08	\$ 3,930.08
25	25.07	25.07	LF River Access: granite walls Type 3	\$ 127.00	\$ 3,183.89	\$ 3,183.89
26	16.00	16.00	EA Granite steps: 5'	\$ 320.00	\$ 5,120.00	\$ 5,120.00
27	12.00	12.00	EA Granite steps: 4'	\$ 276.00	\$ 3,312.00	\$ 3,312.00
28	4.00	4.00	EA Granite steps: 3'	\$ 175.00	\$ 700.00	\$ 700.00
29	7.00	7.00	EA Granite light posts	\$ 488.00	\$ 3,416.00	\$ 3,416.00
30	3.00	3.00	EA 200 Amp electrical panel: materials/install	\$ 4,244.00	\$ 12,732.00	\$ 12,732.00
31	1.00	1.00	EA Transformer	\$ 1,022.00	\$ 1,022.00	\$ 1,022.00
32	7.00	7.00	EA Light fixture: Type A	\$ 428.00	\$ 2,996.00	\$ 2,996.00
33	36.00	18.00	EA Light fixture: Type B	\$ 662.00	\$ 23,832.00	\$ 11,916.00
34	12.00	12.00	EA Light fixture: Type B1	\$ 662.00	\$ 7,944.00	\$ 7,944.00
35	1.00	1.00	LS Misc. Elect: switches/controllers/outlets	\$ 61,375.00	\$ 61,375.00	\$ 51,918.00
36	11.00	9.00	EA Landscape Planting: 2.5-3" cal. Tree	\$ 407.00	\$ 4,477.00	\$ 3,663.00
37	9.00	8.00	EA Landscape Planting: 2-2.5" cal. Tree	\$ 331.00	\$ 2,979.00	\$ 2,648.00
38	3.00	0.00	EA Landscape Planting: 3.5-4" cal. Tree	\$ 517.00	\$ 1,551.00	\$ -
39	4.00	3.00	EA Landscape Planting: 8-10' multistem clump	\$ 343.00	\$ 1,372.00	\$ 1,029.00
40	30.00	20.00	EA Landscape Planting: shrub 5'	\$ 100.00	\$ 3,000.00	\$ 2,000.00
41	489.00	326.00	EA Landscape Planting: shrub #3 container	\$ 47.00	\$ 22,983.00	\$ 15,322.00
42	20.00	14.00	EA Landscape Planting: shrub #2 container	\$ 43.00	\$ 860.00	\$ 602.00
43	284.00	190.00	EA Landscape Planting: herbaceous 2 gal.	\$ 19.00	\$ 5,396.00	\$ 3,610.00
44	567.00	378.00	SY Mulch	\$ 4.55	\$ 2,579.85	\$ 1,719.85
45	1,056.00	1,056.00	SY Seed: NE Semi shade grass & forbes mix	\$ 1.00	\$ 1,056.00	\$ 1,056.00
46	281.00	281.00	SY Seed: NE Erosion control/restor. Mix	\$ 1.00	\$ 281.00	\$ 281.00
47	5,650.00	5,650.00	SY Seed: Athletic Turf mix	\$ 0.50	\$ 2,825.00	\$ 2,825.00
48	60.00	60.00	EA Skate Stoppers	\$ 30.00	\$ 1,800.00	\$ 1,800.00
49	1.00	1.00	LS Mobilization	\$ 89,616.25	\$ 89,616.25	\$ 89,616.25
TOTAL BASE BID (ALL ITEMS)					\$ 384,971.82	\$ 332,694.82
ADD ALTERNATE:						
	103.3	72.90	LF Granite walls: Type 1	\$ 145.00	\$ 14,978.50	\$ 10,570.50
TOTAL PROJECT COST					\$ 399,950.32	\$ 343,265.32

Attachment B

Riverfront Amphitheatre & River Access
Original Bid Tabulation

Bid #: 2015-001 Bid Date: 02/17/2015			J. Pratt Construction Hebron ME		C H Stevenson Wayne ME		RA Paradis & Son Newport ME		T-Buck Construction Auburn ME		
#	Qty	Unit	Description	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$	Unit Price \$	Total \$
1	1.00	LS	Clear/Grub: Amphitheatre Project Area	\$ 2,235.00	\$ 2,235.00	\$ 2,500.00	\$ 2,500.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00
2	1.00	LS	Clear/Grub: River Access Project Area	\$ 2,880.00	\$ 2,880.00	\$ 2,500.00	\$ 2,500.00	\$ 7,500.00	\$ 7,500.00	\$ 20,000.00	\$ 20,000.00
3	1.00	LS	Tree Protection: materials & install	\$ 3,000.00	\$ 3,000.00	\$ 4,500.00	\$ 4,500.00	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00
4	1.00	LS	Erosion Control: fencing materials/install	\$ 6,000.00	\$ 6,000.00	\$ 5,600.00	\$ 5,600.00	\$ 10,000.00	\$ 10,000.00	\$ 4,500.00	\$ 4,500.00
5	1.00	LS	Site rough grading	\$ 6,530.00	\$ 6,530.00	\$ 7,250.00	\$ 7,250.00	\$ 12,750.00	\$ 12,750.00	\$ 35,000.00	\$ 35,000.00
8	1.00	LS	Site fine grading	\$ 9,400.00	\$ 9,400.00	\$ 7,000.00	\$ 7,000.00	\$ 12,750.00	\$ 12,750.00	\$ 5,000.00	\$ 5,000.00
9	1.00	LS	Subgrade material(s)	\$ 6,000.00	\$ 6,000.00	\$ 7,200.00	\$ 7,200.00	\$ 56,000.00	\$ 56,000.00	\$ 28,000.00	\$ 28,000.00
10	1,415.00	CY	Loam	\$ 20.00	\$ 28,300.00	\$ 25.00	\$ 35,375.00	\$ 28.00	\$ 39,620.00	\$ 24.95	\$ 35,300.00
11	10.00	HR	Recycled granite curb: Harvest/sort	\$ 130.00	\$ 1,300.00	\$ 250.00	\$ 2,500.00	\$ 226.00	\$ 2,260.00	\$ 125.00	\$ 1,250.00
12	5.00	HR	Recycled granite curb: transport/unload	\$ 130.00	\$ 650.00	\$ 250.00	\$ 1,250.00	\$ 350.00	\$ 1,750.00	\$ 75.00	\$ 375.00
13	10.00	HR	Recycled granite curb: final placement	\$ 305.00	\$ 3,050.00	\$ 475.00	\$ 4,750.00	\$ 1,200.00	\$ 12,000.00	\$ 125.00	\$ 1,250.00
14	0.20	TON	Ramp: HMA (hand placed)	\$ 500.00	\$ 100.00	\$ 400.00	\$ 80.00	\$ 7,200.00	\$ 1,440.00	\$ 30,000.00	\$ 6,000.00
15	33.50	CY	6" concrete stage	\$ 200.00	\$ 6,700.00	\$ 679.10	\$ 22,750.00	\$ 460.00	\$ 15,410.00	\$ 650.00	\$ 21,775.00
16	1.76	CY	4" concrete pads	\$ 500.00	\$ 880.00	\$ 710.00	\$ 1,249.60	\$ 385.00	\$ 677.60	\$ 1,100.00	\$ 1,936.00
17	2.00	EA	Waste receptacle	\$ 1,200.00	\$ 2,400.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,100.00	\$ 2,200.00
18	79.90	LS	Amphitheatre: granite walls Type 1	\$ 145.00	\$ 11,585.50	\$ 243.06	\$ 19,420.81	\$ 220.00	\$ 17,578.00	\$ 720.00	\$ 57,528.00
19	21.40	LF	Amphitheatre: granite walls Type 2	\$ 112.00	\$ 2,396.80	\$ 416.76	\$ 8,918.65	\$ 188.00	\$ 4,023.20	\$ 760.00	\$ 16,264.00
20	60.70	LF	Amphitheatre: granite walls Type 3	\$ 127.00	\$ 7,708.90	\$ 126.08	\$ 7,653.06	\$ 200.00	\$ 12,140.00	\$ 600.00	\$ 36,420.00
21	11.40	LF	Amphitheatre: granite walls Type 4	\$ 118.00	\$ 1,345.20	\$ 221.49	\$ 2,524.99	\$ 180.00	\$ 2,052.00	\$ 650.00	\$ 7,410.00
22	43.05	LF	Amphitheatre: granite walls 1A-1C	\$ 190.00	\$ 8,179.50	\$ 186.13	\$ 8,012.90	\$ 232.00	\$ 9,987.60	\$ 700.00	\$ 30,135.00
23	27.53	LF	River Access: granite walls Type 1	\$ 145.00	\$ 3,991.85	\$ 254.32	\$ 7,001.43	\$ 220.00	\$ 6,056.60	\$ 800.00	\$ 22,024.00
24	35.09	LF	River Access: granite walls Type 2	\$ 112.00	\$ 3,930.08	\$ 365.14	\$ 12,812.76	\$ 180.00	\$ 6,316.20	\$ 700.00	\$ 24,563.00
25	25.07	LF	River Access: granite walls Type 3	\$ 127.00	\$ 3,183.89	\$ 153.36	\$ 3,844.74	\$ 205.00	\$ 5,139.35	\$ 800.00	\$ 20,056.00
26	16.00	EA	Granite steps: 5'	\$ 320.00	\$ 5,120.00	\$ 332.97	\$ 5,327.52	\$ 1,215.00	\$ 19,440.00	\$ 1,000.00	\$ 16,000.00
27	12.00	EA	Granite steps: 4'	\$ 276.00	\$ 3,312.00	\$ 294.05	\$ 3,528.60	\$ 1,225.00	\$ 14,700.00	\$ 1,000.00	\$ 12,000.00
28	4.00	EA	Granite steps: 3'	\$ 175.00	\$ 700.00	\$ 425.15	\$ 1,700.60	\$ 1,150.00	\$ 4,600.00	\$ 1,000.00	\$ 4,000.00
29	7.00	EA	Granite light posts	\$ 488.00	\$ 3,416.00	\$ 491.00	\$ 3,437.00	\$ 1,445.00	\$ 10,115.00	\$ 700.00	\$ 4,900.00
30	3.00	EA	200 Amp electrical panel: materials/install	\$ 4,244.00	\$ 12,732.00	\$ 4,700.00	\$ 14,100.00	\$ 5,000.00	\$ 15,000.00	\$ 4,300.00	\$ 12,900.00
31	1.00	EA	Transformer	\$ 1,022.00	\$ 1,022.00	\$ 1,125.00	\$ 1,125.00	\$ 3,050.00	\$ 3,050.00	\$ 2,000.00	\$ 2,000.00
32	7.00	EA	Light fixture: Type A	\$ 428.00	\$ 2,996.00	\$ 471.00	\$ 3,297.00	\$ 485.00	\$ 3,395.00	\$ 500.00	\$ 3,500.00
33	36.00	EA	Light fixture: Type B	\$ 662.00	\$ 23,832.00	\$ 728.00	\$ 26,208.00	\$ 750.00	\$ 27,000.00	\$ 700.00	\$ 25,200.00
34	12.00	EA	Light fixture: Type B1	\$ 662.00	\$ 7,944.00	\$ 728.00	\$ 8,736.00	\$ 750.00	\$ 9,000.00	\$ 700.00	\$ 8,400.00
35	1.00	LS	Misc. Elect: switches/controllers/outlets	\$ 61,375.00	\$ 61,375.00	\$ 78,500.00	\$ 78,500.00	\$ 81,900.00	\$ 81,900.00	\$ 120,000.00	\$ 120,000.00
36	11.00	EA	Landscape Planting: 2.5-3" cal. Tree	\$ 407.00	\$ 4,477.00	\$ 518.00	\$ 5,698.00	\$ 450.00	\$ 4,950.00	\$ 400.00	\$ 4,400.00
37	9.00	EA	Landscape Planting: 2-2.5" cal. Tree	\$ 331.00	\$ 2,979.00	\$ 680.00	\$ 6,120.00	\$ 410.00	\$ 3,690.00	\$ 400.00	\$ 3,600.00
38	3.00	EA	Landscape Planting: 3.5-4" cal. Tree	\$ 517.00	\$ 1,551.00	\$ 908.00	\$ 2,724.00	\$ 1,225.00	\$ 3,675.00	\$ 1,000.00	\$ 3,000.00
39	4.00	EA	Landscape Planting: 8-10' multistem clump	\$ 343.00	\$ 1,372.00	\$ 404.00	\$ 1,616.00	\$ 485.00	\$ 1,940.00	\$ 500.00	\$ 2,000.00
40	30.00	EA	Landscape Planting: shrub 5'	\$ 100.00	\$ 3,000.00	\$ 117.00	\$ 3,510.00	\$ 260.00	\$ 7,800.00	\$ 250.00	\$ 7,500.00

Attachment B

Bid #: 2015-001 Bid Date: 02/17/2015			J. Pratt Construction Hebron ME		C H Stevenson Wayne ME		R A Paradis & Son Newport ME		T-Buck Construction Auburn ME		
41	40.00 ¹	EA	Landscape Planting: shrub #3 container	\$ 47.00	\$ 1,880.00	\$ 45.00	\$ 1,800.00	\$ 35.00	\$ 1,440.00	\$ 40.00	\$ 1,600.00
42	20.00	EA	Landscape Planting: shrub #2 container	\$ 43.00	\$ 860.00	\$ 31.50	\$ 630.00	\$ 33.00	\$ 660.00	\$ 35.00	\$ 700.00
43	284.00	EA	Landscape Planting: herbaceous 2 gal.	\$ 19.00	\$ 5,396.00	\$ 24.00	\$ 6,816.00	\$ 25.00	\$ 7,100.00	\$ 30.00	\$ 8,520.00
44	567.00	SY	Mulch	\$ 4.55	\$ 2,579.85	\$ 25.00	\$ 14,175.00	\$ 9.00	\$ 5,103.00	\$ 15.00	\$ 8,505.00
45	1,056.00	SY	Seed: NE Semi shade grass & forbes mix	\$ 1.00	\$ 1,056.00	\$ 1.60	\$ 1,689.60	\$ 1.50	\$ 1,584.00	\$ 1.50	\$ 1,584.00
46	281.00	SY	Seed: NE Erosion control/restor. Mix	\$ 1.00	\$ 281.00	\$ 1.60	\$ 449.60	\$ 0.70	\$ 196.70	\$ 1.00	\$ 281.00
47	5,650.00	SY	Seed: Athletic Turf mix	\$ 0.50	\$ 2,825.00	\$ 1.50	\$ 8,475.00	\$ 0.70	\$ 3,955.00	\$ 1.00	\$ 5,650.00
48	60.00	EA	Skate Stoppers	\$ 30.00	\$ 1,800.00	\$ 25.00	\$ 1,500.00	\$ 111.00	\$ 6,660.00	\$ 65.00	\$ 3,900.00
49	1.00	LS	Mobilization	\$ 89,616.25	\$ 89,616.25	\$ 47,935.00	\$ 47,935.00	\$ 44,674.75	\$ 44,674.75	\$ 40,706.00	\$ 40,706.00
TOTAL BASE BID (ALL ITEMS)					\$ 363,868.82		\$ 424,791.85		\$ 534,739.00		\$ 717,832.00
41	449.00	EA	Landscape Planting: shrub #3 container	\$ 47.00	\$ 21,103.00	\$ 45.00	\$ 20,205.00	\$ 36.00	\$ 16,164.00	\$ 40.00	\$ 17,960.00
TOTALBASE BID (ALL ITEMS w/ corrected quantity for bid item #41)					\$ 384,971.82		\$ 444,996.85		\$ 550,903.00		\$ 735,792.00

ADD ALTERNATE:

103.30	LF	Granite walls: Type 1	\$ 145.00	\$ 14,978.50	no unit price provided	\$ -	\$ 220.00	\$ 22,726.00	\$ 800.00	\$ 82,640.00
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¹ Total quantity for bid item #41 is 489, so 449 was added to give the correct bid amount.

LEWISTON CITY COUNCIL

MEETING OF MARCH 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. X

SUBJECT: Resolve, Transferring the FY2014 \$75,000 Authorization to Construct the Universally Accessible Playground at Marcotte Park to the Riverfront Island Master Plan Phase II Project.

INFORMATION: We recently received bids for the next phase of Riverfront Island improvements to Simard Payne Park (amphitheater and water access). Four bids were received with the low bid from J Pratt Construction for \$384,971.82. This exceeds the available funding of approximately \$330,000. Staff met with the designer and low bid contractor in effort to explore options for reducing the cost of the project (i.e. value engineering), and it became apparent that reductions to fall within available funding would result in significant changes to the scope, design, and quality of work being proposed.

The attached resolve would transfer \$75,000 previously authorized for the universally accessible playground at Marcotte Park to this project to assist in completing this phase of designed improvements in Simard Payne Park. To date, the playground project has been unable to receive the significant grants or contributions that would allow the project to move forward. This would increase available funding for the Simard Payne project to \$405,000.

Staff has continued to value engineer the project with contractor and has arrived at a number of modifications that will not compromise its quality or scope and which will produce savings of approximately \$40,000. We are confident that these adjustments will result in site and infrastructure improvements in the park that will remain of high value. Given this, we anticipate that the full \$405,000 will not be required for this Phase II project, allowing any balance remaining once it is concluded to be used toward future work in implementing the Riverfront Island Plan or to be reallocated toward other city capital needs.

Should the Council authorize the transfer, it is staff's intent to present a modified bid to the Finance Committee on March 23rd for their approval. Construction would then start this spring with a projected completion date of early July 2015.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Transferring the FY2014 \$75,000 Authorization to Construct the Universally Accessible Playground at Marcotte Park to the Riverfront Island Master Plan Phase II Project.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: City Council
FROM: David Hediger, City Planner
DATE: March 11, 2015
RE: Simard Payne Park: funding amphitheater and water access improvements

As the Council may recall, the City has been in the process of designing enhancements to Simard Payne Park including site and landscape improvements comprising of an amphitheater, water access, and electrical infrastructure upgrades. The City advertised the bid for said improvements in January 2015. On February 17, 2015 four bids were received with the low bid going to J Pratt Construction for \$384,971.82.

Currently, the available funding for these improvements is approximately \$330,000. Staff worked with landscape architect Richardson Associates throughout the design process in effort to keep the project within this budget. Unfortunately, the bids received came in higher than anticipated. Staff met with the designer and low bid contractor in effort to explore options for reducing the cost of the project (i.e. value engineering) and it became apparent that reductions to fall within available funding would result in significant changes to the scope, design, and quality of work being proposed.

Rather than redesigning and rebidding the project, staff approached the Finance Department as to whether any additional funding was available. Finance suggested that \$75,000 for the partial construction costs of the universally accessible playground at Marcotte Park may be transferred to assist in completing this phase of designed improvements in Simard Payne Park upon City Council approval. This would increase total available funding for the project to \$405,000.

At the same time, staff has continued to value engineer the project with contractor and has arrived at a number of modifications that will not compromise the quality or scope of the project and which will produce project savings of approximately \$40,000. Staff is confident that these adjustments along with the transfer of funds will result in site and infrastructure improvements in the park that will remain of high value as originally called for. Given this, we anticipate that the full \$405,000 will not be required for this Phase II project, allowing any balance remaining once it is concluded to be used toward future work in implementing the Riverfront Island Plan or to be reallocated toward other city capital needs.

Should the Council authorize the transfer, it is staff's intent to present a modified bid to the Finance Committee on March 23rd for their approval. Construction would then start this spring with a projected completion date of early July 2015.

I plan to be available at the meeting for questions or concerns you may have about this request.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



TO: Mayor Robert E. Macdonald
And Members of the City Council

FROM: Heather Hunter, Finance Director

SUBJECT: Project Budget Transfer Request

DATE: March 11, 2015

The City Council approved the FY14 LCIP on June 4, 2013. One of the projects included in that funding order was \$75,000 for the partial construction costs of a proposed universally accessible playground at Marcotte Park. The funding for the playground design (\$50,000) was provided by through a Shane's Inspiration grant award. The grant also provided \$10,000 for playground equipment. With total construction costs estimated at \$538,565, the project stakeholders expected to fundraise the \$453,565 project balance. After applying for numerous grants and pursuing both public and private sponsorship, the group has only raised \$405 to date. More project information can be located on the City's website at <http://www.lewistonmaine.gov/index.aspx?nid=539>.

Given the uncertainty of the fundraising success, the bonds have not yet been sold for this project so there is no arbitrage urgency as we've had with prior bond authorization transfer requests. However, the amount still is factored into the City's debt service calculation as bonds authorized but unissued, so the Council would need to take some action on whether to reprogram the authorization to another project or rescind the authorization.

In lieu of rescinding the project authorization, I am recommending that we transfer those project funds to the Riverfront Island Master Plan Phase II discussed in the City Planner's memo included in this packet.

Should the universally accessible playground effort gain traction in the future, potential city funding for a portion of it could be revisited at that time.

I would be happy to address any questions or concerns you may have about this request.

Lewiston



**City of Lewiston Maine
City Council Order
March 17, 2015**

RESOLVE, Transferring the FY2014 \$75,000 Authorization to Construct the Universally Accessible Playground at Marcotte Park to the Riverfront Island Master Plan Phase II Project.

WHEREAS, in the FY2014 LCIP, the City Council approved \$75,000 to partially fund the estimated \$538,565 construction cost for a universally accessible playground at Marcotte Park; and

WHEREAS, this project also included a \$60,000 Shane's Inspiration Grant to fund the playground design and a small amount of playground equipment; and

WHEREAS, a stakeholder group was charged to raise the balance of construction costs through other grants or fundraising that, to date, have not been secured; and

WHEREAS, the City has a strategic initiative to pursue phase two of the Riverfront Island Master Plan; and

WHEREAS, the cost of phase two of the Riverfront Island Master Plan exceeded budgetary funds available by approximately \$80,000;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that the FY2014 \$75,000 authorization to construct the universally accessible playground at Marcotte Park is hereby transferred to the Riverfront Island Master Plan Phase II project and staff is instructed to value engineer the project to balance the project budget.

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

State statutes define the purposes for entering into an executive session.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF APRIL 7, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Executive Session to discuss labor union negotiations regarding the city's six employee unions.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458.