

CITY OF LEWISTON

CITY COUNCIL

AUGUST 2, 2011

SPECIAL MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor Bernier.

Pledge of Allegiance to the Flag.
Moment of Silence.

RESOLVE AUTHORIZING THE BUDGET TRANSFER OF \$65,000 FROM THE PEPPERILL MILL HEAD RACE PROJECT TO THE WHITE/NICHOLS STREET STORMWATER SEPARATION PROJECT

Public Works Director David Jones provided a brief presentation on this topic.

VOTE (1)

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Resolve authorizing the Budget Transfer of \$65,000 from the 2010 Pepperill Mill Head Race Project to the White/Nichols Street Stormwater Separation Project:

Whereas, the combined White/Nichols Street project funds authorized total \$1,336,000 and current estimated total project expenses amount to \$1,400,000, producing a \$64,000 project shortfall; and

Whereas, the work described in Gendron and Gendron's Change Order #3 has already been completed by the contractor and the project paving is still outstanding; and

Whereas, given the uncertainty of the city canal system's future, the City is reluctant to proceed with the Pepperill Mill Head Race Project valued at \$185,126;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston to approve the budget transfer of \$65,000 from the 2010 Pepperill Mill Head Race Project to the White/Nichols Street Stormwater Separation Project.

Passed - Vote 6-0

ORDER RATIFYING CHANGE ORDER #3 TO CONTRACT WITH GENDRON & GENDRON ON THE WHITE STREET AND NICHOLS STREET AREA STORMWATER SEPARATION PROJECT IN THE AMOUNT OF \$11,900

VOTE (2)

Motion by Councilor Jean, seconded by Councilor Poulin:

To approve the Order ratifying Change Order #3 to contract with Gendron & Gendron on the White Street and Nichols Street Area Stormwater Separation Project in the amount of \$11,900:

Whereas, the current price for the contract with Gendron & Gendron for the White-Nichols Area Stormwater Separation project is \$1,136,433.70; and

Whereas, during construction, a conflict was discovered where two (2) sewer service pipes from the Carnegie Science building on Campus Ave were found to be at the same elevation of the new 15" (inch) storm drain pipe; and

Whereas, the conflict resulted in delays and a work stoppage on the project until the conflict could be resolved; and

Whereas, the City Staff and contractor negotiated a resolution by installing a six (6) foot diameter conflict manhole and a four (4) foot diameter catchbasin at a price of \$11,900; and

Whereas, the City Staff prepared and approved the change order to get the work on the project resumed as quickly as possible; and

Whereas, the Finance Committee had no issue with the work already being performed or the type of work or the price, but were concerned about the source of funds proposed to be used to fund the work and failed to ratify the change order at their meeting on July 18, 2011 by a vote of 2 for and 2 against; and

Whereas, the Finance Committee voted to reconsider the ratification of the change order at this Same meeting and the reconsideration failed to ratify the change order by a vote of 1 for and 3 against; and

Whereas, the issue with source of the funds to support this change order is addressed and resolved by a Budget transfer approved by the City Council earlier at this same meeting (August 2, 2011);

Now, Therefore, Be It Ordered By the City Council of the City of Lewiston that the Change Order #3 to contract with Gendron & Gendron on the White Street and Nichols Street Area Stormwater Separation Project in the amount of \$11,900 is ratified.

Passed - Vote 6-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO AWARD CONTRACT
2011-040 PUBLIC WORKS COMPLEX BOILER AND HEATING SYSTEM
REPLACEMENT PROJECT**

VOTE (3)

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to award contract 2011-040 Public Works Complex Boiler and Heating System Replacement Project:

Whereas, the Lewiston Capital Improvement Program for FY2012 included project BLDG3 “Public Works Buildings Boiler Replacement Project” with an estimated cost of \$500,000 (\$230,000 from 2011 LCIP, \$250,000 from 2012 LCIP and \$20,000 from Unutil Rebate); and

Whereas, on June 7, 2011, the City Council ORDERED, that \$8,121,000 be appropriated for financing projects in the 2012 Lewiston Capital Improvement Program, including \$250,000 for the P. W. Boiler Replacement; and

Whereas, the City advertised for 38 days including an on-site pre-bid meeting attended by 4 qualified mechanical contractors and bid opening was held on June 30, 2011 with only 1 bid; and

Whereas, City Staff followed up with other bidders who indicated they had other commitments preventing their participation in the project; and

Whereas, the bid from Nason Mechanical of \$479,471.00 would exceed the amount approved and budgeted, when including the project administration and inspection costs and the Unutil rebate program not being available; and

Whereas, City Staff, the design consultant and the contractor worked together to perform Value Engineering to reduce costs while maintaining the original design intent resulting in a negotiated contract cost for the project of \$430,905 plus ~\$10,000 worth of work which will be completed by others; and

Whereas, Integrated Energy Systems (City design consultant) has estimated the energy savings per year to be ~\$39,000 per year; and

Whereas, Bruce Damon (Chair of the City’s Energy Committee) reviewed the revised contract and recommended the Finance Committee award the contract to Nason Mechanical Systems of Auburn (Damon Mechanical was one of those who participated in pre-bid but did not bid); and

Whereas, the Lewiston Finance Committee voted to two in favor, one against and one abstention, resulting in rejecting the award of the contract; and

Now, Therefore, Be It Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to award Contract 2011-040 in the amount of \$430,905 to Nason Mechanical Systems of Auburn, Maine.

Passed - Vote 5-1 (Councilor Morgan opposed)

VOTE (4)

Motion by Councilor Jean, seconded by Councilor Cayer:

To adjourn at 6:35 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine