

CITY OF MILFORD
SEWER COMMISSION SPECIAL MEETING
SEPTEMBER 11, 2019

The Sewer Commission of the City of Milford held a special meeting on Wednesday, September 11, 2019, in Republican Conference Room at City Hall, 110 River Street, Milford, CT. Chairman Lee Cooke opened the public hearing at 6:00 p.m.

The following Commissioners were in attendance:

Chairman Lee Cooke
Commissioner Brian Bier
Commissioner Vito Castignoli

Others in attendance:

Lindsay King, Wastewater
Mark Davis, Westcott & Mapes
Jonathan Berchem, City Attorney
Toni Weeks, Recording Secretary

1. CITIZENS COMMENTS

None

2. VISCOUNT DRIVE SANITARY SEWER FORCE MAIN REPLACEMENT

Chairman Cooke stated that Chris Saley, Public Works Director, and Mark Davis, Westcott & Mapes Consultant, brought to his attention issues with B&W the contractor for the Viscount Drive project. He stated that B&W is the successful bidder on a similar project in Bayview Beach and that B&W recently contacted Chris Saley stating they do not have the equipment and manpower to do the job and that the alternate pricing was not properly stated. Chairman Cooke stated the issue is that since the Viscount Drive project is similar to the Bayview Beach project is B&W properly equipped to take on and complete the Viscount Drive project. Chairman Cooke stated the meeting was called to decide how to move forward. He stated the Commission has choices, keep the contract in place and move forward with B&W, rescind the contract and go to the next lowest bidder or rebid the project.

Mark Davis discussed similarities with the Bayview Beach and Viscount Drive projects. He stated that B&W alternate pricing is wrong and now the low bid is an issue. Mr. Davis stated that because of the issues with Bayview he has concerns that B&W cannot handle the Viscount Drive project. He also discussed the importance of the Viscount Drive project starting soon and being completed before Memorial Day next year due to its proximity to Walnut Beach. Mr. Davis stated the next low bid was \$49,350 higher and that amount is within the allocated funds. He further stated that rebidding may not get the same pricing.

Jonathan Berchem, City Attorney, referred to an email from B&W discussing the issues concerning equipment, labor and timing for completion at Bayview Beach. He further stated that with both projects time is of the essence due to their proximity to the water. Attorney Berchem discussed the legal ramifications of rescinding the award. He stated the consultant's recommendation is to rescind as to B&W and award the contract to the next lowest bidder and that Chris Saley and the Mayor agree. Attorney Berchem advised the Commission that they need to vote on how to proceed.

Commissioner Castignoli and Commissioner Bier made and seconded a motion to rescind the award to B&W and to award the contract to the next lowest bidder.

Commissioner Bier asked if B&W will be doing the Bayview Beach project. Mark Davis stated the contract has not yet been awarded. Commissioner Bier asked if B&W has previously done work for the City. Mark Davis stated B&W was the contractor for the aeration project at the Beaverbrook wastewater plant. Commissioner Bier asked if the City was satisfied with the work. Mark Davis stated it is completed and under warranty.

Commissioner Castignoli stated there are a few things going on with the Bayview Beach award, timing, ability to do the job and wanting to renegotiate.

Commissioner Bier asked when the Viscount Drive project is to begin. Mark Davis stated the contract is not yet signed, but under the contract it is to be completed by Memorial Day. Chairman Cooke stated that as of right now there is not an issue with Viscount, but given the circumstances with Bayview Beach and the similarities in the projects, there is a red flag.

Commissioner Castignoli stated that won the Bayview Beach project, B&W indicated the pricing was not properly stated adding to the cost. Attorney Berchem stated that is correct and that the issues pertaining to the Bayview Beach project raised questions as to B&W's ability to complete the Viscount Drive project because of the similarities with the Bayview Beach project. He reminded the Commission that they have the option to do nothing and proceed with the Viscount Drive project with B&W.

Commissioner Bier asked if the inability to do the Bayview Beach project is because B&W was awarded the Viscount Drive project. Attorney Berchem stated that B&W bid on both project and should be able to do both projects within the specified scope and time. Mark Davis stated timing is very important.

Commissioner Bier asked if the Commission would vote to rescind the award would they also need to do the same for the Bayview Beach project. Chairman Cooke stated the Bayview Beach project is a City project not under the purview of this Commission.

Commissioner Castignoli asked what will happen if the award to B&W is rescinded and the Commission awards the contract to the next low bidder. Chairman Cooke stated B&W could challenge the rescission. Commissioner Castignoli asked if that would stop

the next lowest bidder from completing the work. Attorney Berchem stated he would hope it would be adjudicated quickly.

Commissioner Bier asked if City was familiar with B&W and its ability to complete the work. Attorney Berchem stated B&W was prequalified by the Commission. Commissioner Bier stated that may be a reason to not vote in favor of the motion. Attorney Berchem stated that the Commission needs to consider the information from B&W on the Bayview Beach project and whether it has any impact on B&W's ability to complete the Viscount Drive project. Commissioner Bier asked what reasoning is there for rescinding the contract. Mark Davis stated the Bayview Beach project and Viscount Drive project are similar and B&W's response that they do not have the equipment and manpower available to complete the project on time and that alternate pricing was not properly stated in the bid. Commissioner Bier asked if a timeline and controls can be put in place. Mr. Davis stated that is all part of the contract.

Commissioner Castignoli asked if the contract requires bonds. Mr. Davis stated it requires both a payment and performance bond.

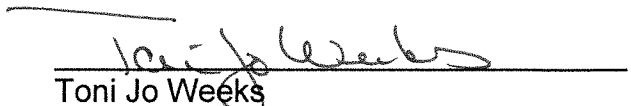
Chairman Cooke stated B&W's ability to do the work is unclear and they can't know what will happen. He further stated there is concern.

Commissioner Bier asked if there should first be a conversation with B&W about the Bayview Beach issue and the ability to complete Viscount Drive. Attorney Berchem stated he is amenable to having a conversation. He further stated there is a confidence issue based on the B&W's issues with the Bayview Beach project. Chairman Cooke stated he wanted to move quickly as the next lowest bidder has to hold its price until September 24th. Commissioner Castignoli stated he would be amenable to holding off on voting to discuss the Viscount Drive project with B&W before the next meeting. Mark Davis stated he could send them a letter stating all the issues with Bayview Beach and that Viscount Drive being a similar project can they do the job within the contract terms and pricing. Commissioner Bier asked if an answer could be obtained from B&W before the next meeting and whether the answer will change Mr. Davis' opinion. Mark Davis stated he was very skeptical based on the Bayview Beach issue. Chairman Cooke stated based on the information he was in favor of rescinding the award and awarding to the next lowest bidder.

Motion carried, 2 in favor (Cooke, Castignoli), 1 against (Bier).

Commissioner Castignoli and Commissioner Bier made a motion to adjourn at 6:29 p.m.
Motion carried unanimously.

Respectfully submitted,


Toni Jo Weeks