



**Request for City Council Committee Action
From the Departments of Public Works and Procurement**

Date: March 1st, 2011
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Referral to: Honorable Betsy Hodges, Chair Ways and Means Committee
Subject: **Approval of Official Publication No. 7388 Re-Bid for Renovations for the Public Works Aldrich Facility**

Recommendation:

Acceptance of the low responsive bid of CM Construction Company, Inc. for an estimated amount of \$333,500.00 to furnish and deliver all labor, materials, equipment, tools, transportation and services necessary to complete the Renovations for the Public Works Aldrich Facility for the Minneapolis Public Works Property Services Division, as follows:

Base Bid:	\$279,200.00
Alternate No. 1	\$ 35,600.00
Alternate No. 2	\$ 10,550.00
Alternate No. 3	\$ 8,150.00
For a Total Estimated Amount of	\$333,500.00

The low bidder of JS Cates Construction, Inc. did not meet the SUBP requirements. Please refer to the attached letter from the Minneapolis Department of Civil Rights.

Terms are net-30 days

F.O.B.: Destination

Further recommend proper Officers be authorized and directed to execute a contract for this project, all in accordance with specifications prepared by Hagen, Christenson & McIlwain Architects and Engineering Design Initiative, Ltd.

This has been approved by the Civil Rights Department

Prepared by: Gary Warnberg Director, Purchasing

Approved by: Steven A. Kotke, P.E. Director, Public Works

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain): Action is within Budget

Request provided to the Budget Office when provided to the Committee Coordinator

Honorable Sandra Colvin Roy
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Background/Supporting Information:

Tabulation of ten (10) bids received on Official Publication No. 7388 Re-Bid for Renovations for the Public Works Aldrich Facility.

Attachments - Staff Recommendation
Tabulation Sheet

cc: C. Backes
J. Burns



Department of Civil Rights

Velma J. Korbel
Director

350 South 5th Street - Room 239
Minneapolis MN 55415-1369

Office 612 673-3012
Fax 612 673-2599
TTY 612 673-2157

February 1, 2011

Jeff Cates
2400 Cates Ranch Drive
Hamel, MN 55340

SENT VIA E-MAIL

RE: OP-7388 – Re-Bid for Public Works Aldrich Facility Renovation

Mr. Cates:

The Minneapolis Department of Civil Rights (MDCR) has concluded its pre-award Small Underutilized Business Participation (SUBP) review related to JS Cates Construction, Inc. for the OP 7388 – Re-Bid for Public Works Aldrich Facility Renovation project. We regret to inform you that MDCR will not be recommending JS Cates Construction, Inc. for approval on this project.

As indicated in the bid documents, goals for the participation of certified Minority and Woman owned businesses (MBE/WBE) were set at 8% MBE and 9% WBE. Our records indicate that the participation levels submitted by JS Cates Construction, Inc. did not meet the established MBE/WBE goals. Therefore, MDCR was required to investigate what efforts were made prior to bid submission.

According to Chapter 423 of Minneapolis Code of Ordinances, bidders shall make and document every reasonable effort to include qualified firms owned by women and minority persons. The criteria for “good faith efforts” have been established by the City of Minneapolis and are documented in the bid specifications. MDCR has determined that your company did not engage in “good faith efforts” to contract with CERT certified MBE and WBE’s prior to bid.

After careful examination of all documentation submitted by JS Cates Construction, Inc., it appears that your firm did not solicit any CERT certified firms.

In your email dated February 1, 2011 you stated that “no goals can be met by any of these subcontractors & this is the only way the bid can be performed for bid amount.”

Although your email does indicate the opportunity for subcontracting in the areas of demolition, cement concrete pavements, carpentry, joint sealants, steel doors and frames, gypsum board assemblies, acoustical ceilings, floor tile, signage, toilet and bath accessories, fire protection, plumbing, HVAC,

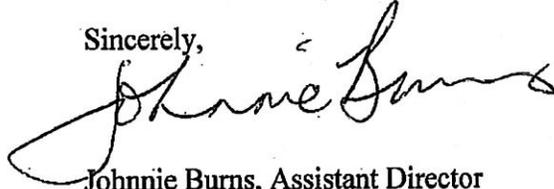


and electrical, no documentation was provided that indicates that your company contacted any vendors on the CERT list, via fax, email, phone, or otherwise. No documentation was provided that indicates that any follow up was made with any MBE/WBE firms. The documentation provided does not demonstrate that JS Cates Construction, Inc. made reasonable efforts to afford the maximum feasible opportunity to certified MBE/WBE firms as required by the bid documents, Chapter 423 and 139.50(a)(6) of the Code of Ordinances.

For the reasons listed above MDCR will not recommend approval of JS Cates Construction, Inc. for the Minneapolis Public Works Aldrich Facility Renovation Project.

If you have any questions please contact me at 612-673-3076 or at johnnie.burns@ci.minneapolis.mn.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Johnnie Burns". The signature is written in black ink and is positioned above the typed name and title.

Johnnie Burns, Assistant Director
Minneapolis Department of Civil Rights – Contract Compliance Unit.

"RE-BID FOR RENOVATIONS AT THE PUBLIC WORKS ALDRICH FACILITY" - P/W - Property Services

Official Publication #7388
Bids opened 10 AM, CST
January 13th, 2011
Minneapolis MN

1 Lund Martin Constr. Inc.	2 A & L Const Inc.	3 Moore Constr Co, Inc	4 Hull Constr Inc.	5 Parks Constr Comp	6 Elbert Constr.	7 CM Constr. Comp.	8 LS Black Constr Inc.
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Lump Sum Base Bid	\$	285,800.-	325,000.-	315,300.-	304,700.-	297,400.-	297,800.-	279,200.-	328,000.-
Alternate No. 1 - Garage Ventilation System	\$	31,752.-	38,000.-	35,500.-	35,000.-	32,900.-	34,000.-	35,600.-	32,500.-
Alternate No. 2 - Site Lighting	\$	16,308.-	14,800.-	15,669.-	12,000.-	11,000.-	10,000.-	10,550.-	16,400.-
Alternate No. 3 - Exterior Electrical Receptacles	\$	6,048.-	4,000.-	5,750.-	8,000.-	12,000.-	7,800.-	8,150.-	4,800.-

We, the undersigned, hereby certify that the above bids were publicly opened and read aloud:

Heidi Sina

[Signature]

FOR THE: FINANCE OFFICER

ASST. DIRECTOR, PURCHASING

"RE-BID FOR RENOVATIONS AT THE PUBLIC WORKS ALDRICH FACILITY" - P/W - Property Services

Official Publication #7388
 Bids opened 10 AM, CST
 January 13th, 2011
 Minneapolis MN

9 Prestige Builders of MN
10 JS Cortes Constr.

Lump Sum Base Bid	\$	306,000.-	267,000.-
Alternate No. 1 - Garage Ventilation System	\$	33,000.-	34,000.-
Alternate No. 2 - Site Lighting	\$	14,000.-	10,000.-
Alternate No. 3 - Exterior Electrical Receptacles	\$	11,000.-	7,000.-

We, the undersigned, hereby certify that the above bids were publicly opened and read aloud:

Hira Shah

FOR THE: FINANCE OFFICER

[Signature]

ASST. DIRECTOR, PURCHASING