



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

PUBLIC MEETING NOTICE

The City of Elko Redevelopment Agency will meet in a regular session on Tuesday, May 15, 2018 in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, beginning at 4:00 P.M., P.D.S.T.

Attached with this notice is the agenda for said meeting of the Redevelopment Agency. In accordance with NRS 241.020, the public notice and agenda were posted on the City of Elko Website at <http://www.elkocitynv.gov/>, the State of Nevada's Public Notice Website at <https://notice.nv.gov>, and in the following locations:

ELKO COUNTY COURTHOUSE – 571 Idaho Street, Street, Elko, NV 89801

Date/Time Posted: May 10, 2018 8:10 p.m.

ELKO COUNTY LIBRARY – 720 Court Street, Elko, NV 89801

Date/Time Posted: May 10, 2018 8:05 p.m.

ELKO POLICE DEPARTMENT – 1448 Silver Street, Elko NV 89801

Date/Time Posted: May 10, 2018 8:20 p.m.

ELKO CITY HALL – 1751 College Avenue, Elko, NV 89801

Date/Time Posted: May 10, 2018 8:00 p.m.

Posted by: Shelby Archuleta, Planning Technician
Name Title

Shelby Archuleta
Signature

The public may contact Shelby Archuleta by phone at (775) 777-7160 or by email at sarchuleta@elkocitynv.gov to request supporting material for the meeting described herein. The agenda and supporting material is also available at Elko City Hall, 1751 College Avenue, Elko, NV, or on the City website at <http://www.elkocitynv.gov/>.

Dated this 10th day of May 2018.

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the City of Elko Planning Department, 1751 College Avenue, Elko, Nevada, 89801 or by calling (775) 777-7160.

Cathy Laughlin
Cathy Laughlin, City Planner

CITY OF ELKO
REDEVELOPMENT AGENCY
REGULAR MEETING AGENDA
4:00 P.M., P.D.S.T., TUESDAY, MAY 15, 2018
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The agenda for this meeting of the City of Elko Redevelopment Agency (RDA) has been properly posted for this date and time in accordance with NRS requirements.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. **241**, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

I. NEW BUSINESS

- A. Review, consideration, and possible award of the bid for the Centennial Park Expansion Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the April 10, 2018 meeting, the RDA took action to authorize staff to solicit bids for the Centennial Park Expansion Project. Bids were received until 3:00 p.m. on May 4, 2018. A bid tabulation is included in your packet.

II. REPORTS

- A. **Budget**
B. **Other**

COMMENTS BY THE GENERAL PUBLIC

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NOTE: The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another

specified date and time. Additionally, the Redevelopment Agency reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

Respectfully submitted,


Cathy Laughlin
City Planner

Agenda Item # I.A.

**City of Elko Redevelopment Agency
Agenda Action Sheet**

1. **Title: Review, consideration, and possible award of the bid for the Centennial Park Expansion Project, and matters related thereto. FOR POSSIBLE ACTION**
2. **Meeting Date: May 15, 2018**
3. **Agenda Category: APPROPRIATION**
4. **Time Required: 10 minutes**
5. **Background Information: At the April 10, 2018 meeting, the RDA took action to authorize staff to solicit bids for the Centennial Park Expansion Project. Bids were received until 3:00 p.m. on May 4, 2018. A bid tabulation is included in your packet. CL**
6. **Budget Information:**

Appropriation Required: \$171,751.00
Budget amount available: \$250,000.00
Fund name: Redevelopment Agency
7. **Business Impact Statement: Not Required**
8. **Supplemental Agenda Information: A complete bid tabulation**
9. **Recommended Motion: Award the project to Element Construction in the amount of \$171,751.00**
10. **Prepared By: Cathy Laughlin, City Planner/Redevelopment Manager**
11. **Committee/Other Agency Review:**
12. **Agency Action:**
13. **Agenda Distribution:**

RDA / CITY OF ELKO
BID TABULATION
FOR

Centennial Park Expansion Project
Date: 5/4/18

Name Address City State Phone No. Fax No.	CONTRACTOR			CONTRACTOR			CONTRACTOR			CONTRACTOR		
	Element Construction			Acha Construction			KAP Mechanical Services			Remington Construction		
	197 Elko Summit Dr.			1042 Commercial St.			809 Industrial Way			PO Box 1616		
	Elko, NV 89801			Elko, NV 89801			Elko, NV 89801			Elko, NV 89803		
	(702) 373-6254			(775)777-3575			(775-738-1908			(775) 738-6001		
			-			-			-			CONTRACTOR
No.	Bid Item Description	Bid Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	
1	Provide Traffic Control @ _____per Lump Sum.	1	LS	\$ 2,200.00	\$ 2,200.00	\$ 3,395.00	\$ 3,395.00	\$ 9,400.00	\$ 9,400.00	\$ 10,000.00	\$ 10,000.00	
2	Mobilization and Demobilization @ _____per Lump Sum.	1	LS	\$ 6,000.00	\$ 6,000.00	\$ 14,054.00	\$ 14,054.00	\$ 8,000.00	\$ 8,000.00	\$ 24,573.00	\$ 24,573.00	
3	3" AC Paving on 6" Type 2 Aggregate Base, Compacted, in place @ _____per Square Yards.	475	SY	\$ 54.22	\$ 25,754.50	\$ 37.00	\$ 17,575.00	\$ 43.00	\$ 20,425.00	\$ 50.00	\$ 23,750.00	
4	Construct Type 1 Curb and Gutter, with Type 2 Aggregate Base, Compacted, in Place @ _____per Lineal Foot.	206	LF	\$ 27.50	\$ 5,665.00	\$ 29.00	\$ 5,974.00	\$ 38.00	\$ 7,828.00	\$ 43.00	\$ 8,858.00	
5	Construct barrier curb with Type 2 Aggregate Base, Compacted, in Place @ _____per Lineal Foot.	240	LF	\$ 10.50	\$ 2,520.00	\$ 32.00	\$ 7,680.00	\$ 35.00	\$ 8,400.00	\$ 33.00	\$ 7,920.00	
6	Construct 4" Thick Concrete Sidewalk, with Type 2 Aggregate Base Material, Compacted, in Place @ _____, per Square Foot.	2572	LF	\$ 7.25	\$ 18,647.00	\$ 7.50	\$ 19,290.00	\$ 13.50	\$ 34,722.00	\$ 8.00	\$ 20,576.00	
7	Construct ADA Ramp, with Type 2 Aggregate Base, Compacted, in Place @ _____per Square Foot.	452	SF	\$ 33.50	\$ 15,142.00	\$ 20.00	\$ 9,040.00	\$ 28.00	\$ 12,656.00	\$ 25.00	\$ 11,300.00	
8	Remove and Dispose of Concrete Sidewalk @ _____per Square Foot.	904	SF	\$ 3.75	\$ 3,390.00	\$ 4.00	\$ 3,616.00	\$ 9.00	\$ 8,136.00	\$ 6.00	\$ 5,424.00	
9	Remove and Dispose of Concrete Curb & Gutter @ _____per Lineal Foot.	305	LF	\$ 7.20	\$ 2,196.00	\$ 4.00	\$ 1,220.00	\$ 13.00	\$ 3,965.00	\$ 12.00	\$ 3,660.00	
10	Remove and Dispose of Concrete Catch Basin @ _____per Each	1	EA	\$ 1,249.00	\$ 1,249.00	\$ 2,000.00	\$ 2,000.00	\$ 600.00	\$ 600.00	\$ 1,300.00	\$ 1,300.00	
11	Abandon Existing Catch Basin in Place. Remove and dispose of Grate. Fill Basin with Concrete. @ _____per Each.	1	EA	\$ 820.00	\$ 820.00	\$ 2,000.00	\$ 2,000.00	\$ 1,100.00	\$ 1,100.00	\$ 1,400.00	\$ 1,400.00	
12	Import Fill Material from City Cemetery Stockpile. Transport, Place and Compact Below Turf Area @ _____per Cubic Yard.	100	CY	\$ 43.31	\$ 4,331.00	\$ 37.50	\$ 3,750.00	\$ 16.00	\$ 1,600.00	\$ 50.00	\$ 5,000.00	

Cathy Laughlin

From: davidstanton@frontiernet.net
Sent: Tuesday, May 08, 2018 2:28 PM
To: Bob Thibault
Cc: Cathy Laughlin
Subject: Re: Bid Issues

Bob, What we need is confirmation that the bid bond was enforceable at the time the bid was submitted. To be on the safe side, I'd get both the original power of attorney and written confirmation from the surety. You can contact the surety directly, but the contractor might be in a better position to get a letter. I do suggest getting the surety's commitment in writing, however.

David M. Stanton Goicoechea, DiGrazia, Coyle & Stanton, Ltd. P.O. Box 1358 530 Idaho Street Elko, Nevada 89801 Ph. 775-738-8091 Fax 775-738-4220 IMPORTANT NOTICE: If this e-mail is being sent to a client, or a representative of a client, it contains privileged and confidential attorney-client communications. If this e-mail is received by an unintended recipient, please immediately destroy and delete this e-mail, and, in such event: (1) the preservation or distribution of this e-mail is strictly prohibited; and (2) the attorney-client and work product privileges are not waived.

On Tuesday, May 8, 2018 2:16 PM, Bob Thibault <bthibault@elkocitynv.gov> wrote:

Dave,

Thanks for getting on that so quickly. You recommend obtaining a commitment from the bid bond surety confirming that the bid bond included in the package is acceptable. Is that something I should request through the contractor, or do I need to contact the bid bond surety directly?

The contractor has also just informed me that he has the original in hand now. Can we accept those as a substitution, or do we need confirmation that the submittal is enforceable?

Sincerely,

Bob Thibault, PE, PLS
Civil Engineer
City of Elko
1751 College Ave
Elko, NV 89801
Phone: 775-777-7214
Fax: 775-777-7219



From: davidstanton@frontiernet.net [mailto:davidstanton@frontiernet.net]
Sent: Tuesday, May 08, 2018 11:40 AM
To: Bob Thibault <bthibault@elkocitynv.gov>
Cc: Cathy Laughlin <claughlin@elkocitynv.gov>
Subject: Re: Bid Issues

Bob,

This follows up on your question about the responsiveness of the low bid on the Centennial Tower Expansion Project. The bid was generally correct and complete. However, the power of attorney attached to the bid bond contains a notation indicating that it is not effective without a red border. The document is a black-and-white copy without a red border, creating a concern that the bidder could, potentially, argue that the bid bond is not effective. If that were the case, the bid would be nonresponsive, since an enforceable bid bond is a requirement.

A basic rule of competitive bidding is that bids must conform to specifications and instructions. If a bid doesn't conform, it can't be accepted. That being said, a bid which substantially conforms to the instructions, although not strictly responsive, can be accepted if the variance doesn't affect the amount of the bid or give the bidder an advantage or benefit over other bidders. In other words, inconsequential variations from the instructions can be waived. Moreover, in some cases, late submittal of information has been allowed by courts from different jurisdictions. The key is that in these cases, the late information didn't change or amend the bid (which would give the bidder a competitive advantage), but just provided information needed for the municipality to properly evaluate the bid.

A similar issue was taken up by a California appellate court in 2014 in a case called Bay Cities Paving & Grading v. City of San Leandro (223 Cal.App.4th 1181). In that case, the low bidder submitted a bid bond that was missing a page, creating concern that the bid bond was not enforceable. Several weeks after bid opening, the city received a letter from the bid bond surety confirming that the bid bond it had issued "was approved and authorized by it" and that the omission of the first page of the bond from the bid package didn't affect its commitment under the bid bond. The city council then awarded the bid, waiving the irregularity and determining that the missing page of the bid bond was an inconsequential deviation from the bidding requirement for the project. The remaining pages of the bid bond which were included in the bid package provided sufficient information to assure the city that the bidder had complied with the bid security requirement. The court noted that this was not a situation in which the bidder supplemented the bid after bid opening, which would not be allowed. Rather, there was sufficient information in the original bid to determine that it was supported by a valid bid bond. Therefore, the low bidder did not have a competitive advantage over other bidders.

Based on this research, I recommend that the low bid not be categorically rejected as nonresponsive. Rather, I recommend that you obtain a commitment from the bid bond surety confirming that the bid bond included in the bid package is enforceable. Then, this matter can be presented to the RDA for possible waiver of the irregularity on the grounds that the bid bond was enforceable at the time the bid was submitted, that the waiver does not provide a competitive advantage to other bidders, and that the irregularity is inconsequential.

David M. Stanton Goicoechea, DiGrazia, Coyle & Stanton, Ltd. P.O. Box 1358 530 Idaho Street Elko, Nevada 89801 Ph. 775-738-8091 Fax 775-738-4220 IMPORTANT NOTICE: If this e-mail is being sent to a client, or a representative of a client, it contains privileged and confidential attorney-client communications. If this e-mail is received by an unintended recipient, please immediately destroy and delete this e-mail, and, in such event: (1) the preservation or distribution of this e-mail is strictly prohibited; and (2) the attorney-client and work product privileges are not waived.

On Tuesday, May 8, 2018 8:43 AM, Bob Thibault <bthibault@elkocitynv.gov> wrote:

Dave,

I wanted to follow up on the bid issue we met about yesterday. At the that time we met, I did not know when we might be able to award, but now have a date. Cathy, would like to schedule a special RDA meeting on the 15th, which means that we need to have the agenda out tomorrow. Would it be possible to get a response on that bid issue today?

Sincerely,

Bob Thibault, PE, PLS
Civil Engineer
City of Elko
1751 College Ave
Elko, NV 89801
Phone:775-777-7214

Fax: 775-777-7219

