

**Public Utilities Commission  
Special Meeting Agenda**

City of Brainerd, Minnesota  
City Hall, 501 Laurel Street, Council Chambers  
Monday, July 31, 2023 @ 5:45 pm

The public is invited to attend these meetings in person

- 1. Call to Order**
- 2. Roll Call**
- 3. Summary of Bid and Award Alternative Bid**
- 4. Adjourn**

**Any individual needing special accommodations, please call 828-2307**

July 27, 2023

**Brainerd/Baxter**

7804 Industrial Park Road  
Baxter MN 56425

Brainerd Public Utilities  
c/o Todd Wicklund, Public Works Director  
8027 Highland Scenic Road  
Brainerd, MN 56401

218.829.5117  
Baxter@Widseth.com  
Widseth.com

**RE: Directional Drilling Forcemain River Crossing  
Summary of Bid Opening and Award Alternatives**

Mr. Wicklund:

This letter summarizes the series of events, beginning with the bid opening for the above project, and subsequent actions taken that result in the need to review alternatives for awarding a construction contract.

Summary of Actions to Date

- Bid Opening - 1:00PM on Monday, July 24, 2023
  - Receipt of six (6) sealed bids.
  - One apparent non-responsive bid (Gieslinger and Sons, Inc.) was not read.
  - Bid values:

• DeChantal Excavating, LLC, of Brainerd, MN	\$1,286,983.75
• Minger Construction Co., Inc. of Jordan, MN	\$1,727,164.08
• C&L Excavating, of St. Joseph, MN	\$1,763,113.00
• RL Larson Excavating, Inc., of St. Cloud, MN	\$1,776,398.50
• JR Ferche, Inc., of Rice, MN	\$2,766,334.00
- A recommendation for award to the lowest responsive bidder (DeChantal Excavating, LLC) was provided to the BPU Board of Commissioners for consideration at their 9:00AM Tuesday, July 25, 2023 meeting with the caveat that the low bidder did have the right to withdraw their bid within 24 hours of the bid opening.
- The Commission awarded the project to DeChantal Excavating, LLC.
- At 11:49AM, Tuesday, July 25, 2023, Widseth received a written request from DeChantal Excavating, LLC to withdraw their bid due to an error they discovered as a result of subcontractor costs that were erroneously not included in their submitted bid.
- At 3:41PM, July 25, 2023, Widseth forwarded to DeChantal Excavating a duly signed acknowledgement of receipt of DeChantal's request, acceptance of their withdrawal request, and notification that, if the Work is rebid, their firm is disqualified from further bidding on the Work.
- BPU has scheduled a special meeting to review the options available for awarding the contract. The special meeting is scheduled for 5:45PM on Monday, July 31, 2023.

### Alternatives for Consideration

- Reject all bids and rebid the project.
  - This process would require 45-60 days and, potentially, could delay the project from being constructed this year due to lead times for materials.
  - The base bid values are known to the bidding public, which can affect the competitive integrity of the bidding process.
  - There is no guarantee that any bids would be received.
  - The permits obtained for the project would remain in effect for the next construction year without the need for re-permitting.
- Award the contract to the second low bidder.
  - The apparent second low bid that was read aloud at the bid opening is Minger Construction Co, Inc.
- Exercise the Owner's right, per Article 18.01 to waive all minor Bid informalities not involving price, time, or changes in the Work.
  - BPU may wish to have its legal counsel review this alternative, and the consequences, of waiving the irregularities noted during the bid opening and allowing the non-read bid submitted by Gieslinger and Sons, Inc. to be considered for award as the second low bidder.

These alternatives are respectfully submitted for your consideration. Please let us know if you have any questions.

Regards,



David S. Reese, PE  
Project Engineer

cc: Charlie Gammon, Brainerd Public Utilities