1. Call to Order/ Roll Call
2. Verification of Compliance with Open Meeting Law
3. Pledge of Allegiance
4. PUBLIC COMMENTS (Public comments are an opportunity for citizens to voice concerns to the Board regarding reports and discussion/action items on the agenda, only. Public comments are not a public hearing and are typically a one-way conversation from a citizen to the Board. Individual comments shall not exceed 3 minutes, with a total time limit of approximately 20 minutes. Unless part of a Public Hearing, handouts will not be accepted by the Village. Comments beyond 20 minutes will be moved to the end of the meeting at the discretion of the President.)
5. CONSENT AGENDA
   a. Vouchers for Payment
   b. Treasurer’s Report
   c. Meeting Minutes:
      i. July 30, 2018 – Special Meeting
      ii. January 17, 2019 – Regular Meeting
   d. New Operators License Applications
   e. Resolution R2019-02-01, A Resolution Honoring Eagle Scout Robert Wolff
6. PUBLIC HEARING
   a. Discussion regarding a rezoning petition for property located at 4231 STH 167 (Tax Key: V10_0430025003) from Rs-2, Single Family Residential District to A-2, General Agricultural District – Ordinance O2019-02-01
   b. Discussion regarding proposed amendments to multiple Sections of Chapter 70.193, Single-Family Cluster/Open Space Residential District and multiple Sections of 70.209, Upland Conservancy District of the Zoning Code-Ordinance O2019-02-02
7. DISCUSSION/ACTION ITEMS
   a. Discussion/Action regarding proposed Contract with WellIntel Inc. for 2019
   b. Discussion/Action regarding a rezoning petition for property located at 4231 STH 167 (Tax Key: V10_0430025003) from Rs-2, Single Family Residential District to A-2, General Agricultural District – Ordinance O2019-02-01
   c. Discussion/Action regarding proposed amendments to multiple Sections of Chapter 70.193, Single-Family Cluster/Open Space Residential District and multiple Sections of 70.209, Upland Conservancy District of the Zoning Code-Ordinance O2019-02-02
   d. Discussion/Action regarding a Preliminary Plat for Highland Ridge Subdivision (Tax Keys: V10_1250 and V10_1255)
   e. Discussion/Action regarding Alcohol Beverage Retail Application for a new Reserve “Class B” Liquor License for establishment - Besses Taste of Country, located at 3190 County Line Road
   f. Discussion/Action regarding the rejection of bids for the 2019 Highway Improvement Program
8. PUBLIC COMMENTS (...Continued)
9. CLOSED SESSION
   a. Discussion/Action to enter into Closed Session under Wis. Stats. 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategies to be adopted by the body with respect to litigation in which it is or is likely to become involved. Specifically: Scenic Pit, LLC. v. Village of Richfield and Jim Healy Circuit Court No. 2015CV374
10. RECONVENE IN OPEN SESSION
    a. Discussion/Action regarding matters addressed in Closed Session outlined above
11. ADJOURNMENT
    Additional explanation of items on the agenda (Communication Forms) can be found on the village’s website at www.richfieldwi.gov. Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk’s office at 628-2260 or www.richfieldwi.gov with as much advanced notice as possible.
VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: February 21, 2019

SUBJECT: Consent Agenda - AMENDED
DATE SUBMITTED: February 15, 2019
SUBMITTED BY: Donna Cox, Deputy Clerk

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO APPROVE THE ATTACHED CONSENT AGENDA?

ISSUE SUMMARY:

Included for your review are the Vouchers for Payment, Treasurer’s Report, Minutes of the July 30, 2018 Special Meeting Minutes of the January 17, 2019 Regular Meeting, New Operators License Applications and Resolution No. R2019-02-01, A Resolution Honoring Eagle Scout Robert Wolff.

In January, the Village sought the solicitation of proposals from four (4) portable restroom companies. The only two (2) who responded to our request for bids were Port-A-John and Arnold Environmental Services. Village Staff reached out to the two (2) who did not respond, and they were not interested in supplying a proposal for one reason or another. Currently, the Village works with Port-A-John and we pay $650.00/mo. In 2019, the Village has $8,000 budgeted for Metros and Septic Pumping. The low bid, Port-A-John, has proposed to increase their overall price $90.00/mo. to bring the total of $740/mo. The low bid was $880.00 over the anticipated budget.

When the Village reached out to Port-A-John, they remarked that our prices had not increased since Spring of 2016 and when we sought a more competitive price, that triggered an internal check which resulted in an increase of $15.00, per unit, per month for handicapped stalls and no increase for a “standard” unit. Staff is recommending to eliminate the “standard” unit in Heritage Park for $80.00 per month which will save $960 annually and bring the contract price ($7,920) closer to our annually budgeted amount.

FISCAL IMPACT:

Initial Project Costs: 
Future Ongoing Costs: 
Physical Impact (on people/space): 
Residual or Support/Overhead/Fringe Costs: 

ATTACHMENTS:

1. Vouchers for Payment
2. Treasurer’s Report
3. Minutes > July 30, 2018 Special Meeting & January 17, 2019 Regular Meeting
4. Application for New Operators Licenses (see attached list), Copy of Applications and Background Investigation Reports.
6. MS Excel Spreadsheet 2019 Port-A-John v. Arnold Environmental Services costs for services

STAFF RECOMMENDATION:

Motion to approve the Vouchers for Payment, Treasurer’s Report, Minutes of the July 30, 2018 Special Meeting, Minutes of the January 17, 2019 Regular Meeting, New Operators Licenses Applications per the attached list, Resolution No. R2019-02-01, A Resolution Honoring Eagle Scout Robert Wolff, and to authorize the Administrative Services Coordinator to execute a contract with Port-A-John to place one handicap accessible portable restroom in each park and public boat launch.

APPROVED FOR SUBMITTAL BY: 
VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN: 
Village Deputy Treasurer
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VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: February 21, 2019

SUBJECT: 2019 Highway Improvement Program – Rejection of Bids

DATE SUBMITTED: February 20, 2019

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE VILLAGE ENGINEER TO “REJECT ALL BIDS” FOR THE 2019 HIGHWAY IMPROVEMENT PROGRAM AND TO REBID THE PROJECT?

ISSUE SUMMARY:

On February 1st, the Village held its bid opening for the 2019 Highway Improvement Program. The Village received proposals from two (2) contractors, Stark Asphalt and Payne & Dolan. Per the adopted Capital Improvement Plan and 2019 Budget, the proposal was for the following work:

- Scenic Road from CTH Q to Willow Creek Road
- Monches Road from Hillside Road to Scenic Road
- Monches Road from Plat Road to STH 164
- Reflections Village Subdivision (all roads)
- Wooded Ridge Subdivision (all roads)
- Hubertus Road from Friess Lake Road to Plat Road

<table>
<thead>
<tr>
<th></th>
<th>Scenic Road</th>
<th>Monches Road (1/2 Mile)</th>
<th>Monches Road (1 Mile)</th>
<th>Reflections Village Subdivision (All Roads)</th>
<th>Wooded Ridge Subdivision (All Roads)</th>
<th>Hubertus Road (Alternate #1)</th>
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<tbody>
<tr>
<td>Stark Asphalt</td>
<td>$615,215</td>
<td>$177,245</td>
<td>$362,893</td>
<td>$464,735</td>
<td>$820,995</td>
<td>$122,980</td>
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<tr>
<td>Payne &amp; Dolan</td>
<td>$612,735</td>
<td>$178,780</td>
<td>$362,145</td>
<td>$455,750</td>
<td>$843,050</td>
<td>$135,875</td>
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</table>

TOTAL Stark Asphalt: $2,441,083

TOTAL Stark Asphalt with Alternate: $2,564,063

TOTAL Payne & Dolan: $2,452,460

TOTAL Payne & Dolan with Alternate: $2,588,335

The total amount from the low bid, Stark Asphalt, was $2,441,083 without consideration of the Alternate. This amount exceeds our Village Engineer’s preliminary estimate by $340,668 and it also exceeds our 2019 budgeted amount by $192,728. Knowing that this amount exceeds our budgetary threshold, the Village Engineer communicated to Stark Asphalt of our intention to award them the contract, but it would have to be contingent on it being for a reduced amount which would be based on our ability to pay. While Village Staff was not directly involved in this conversation, it is our understanding that they were agreeable with this proposal from Kunkel Engineering Group.
In the Village Engineer’s letter to the Village he explained that his firm has seen higher bidding results in 2019 due to “an increased cost to the hot mix asphalt and trucking expenses”. In the last bid opening our Village Engineer did for another community, they saw an estimated quantity price of $62.00 per ton of asphalt rise to $80.00 per ton, which is significant.

It would have been the recommendation of Village Staff to somehow deduct portions of the Reflections Village project so that as few taxpayer dollars as possible would be spent improving the road infrastructure. As you may recall, the Village received $284,000 as a part of a negotiated settlement agreement with Mr. Ron Carlson who was the court-appointed Receiver. The Capital Improvement Plan and Budget added an additional $50,000 to that sum of money based on the advice of our engineer’s recommendation that the amount of $334,000 would have been enough to pave all the roads in the subdivision.

After the bid opening and analysis of the quantity prices, the Village Engineer did a review of the bidding documents. The Village Engineer offered his interpretation that the Village can negotiate with the low bidder. Given the legal implications, the Village sought the advice of the Village Attorney to confirm our Village Engineer’s understanding. He did not agree with the Engineer’s position. As a double-check, the Village reached out to the League of Wisconsin’s Municipality’s attorney and asked her opinion on this matter. Unfortunately, the concerns of our Village Attorney were confirmed. It is not permissible under law to negotiate on the basis of changing the plans or quantities to a project for a reduced price with the low bidder. Based on this legal recommendation, we are requesting the Board to “Reject All Bids”, so that the Village can rebid the project based on the following timeline:

**February 22nd – Send Advertisement to bid to Publications**
**February 28th – 1st Insertion in Publications**
**March 7th – 2nd Insertion in Publications**
**March 15th – Publicly Open Bids**
**March 21st or April 18th – Award Bids**

In terms of the timeline for construction, the Village was anticipating a May construction starting time with “substantial completion” occurring during the middle of September. Our hope would be that this expedited turnaround will not impact this construction timetable and still afford the Village the ability to communicate with residents regarding roadwork occurring in 2019.

**Fiscal Impact:**

- Initial Project Costs: ~$2,248,355
- Future Ongoing Costs: Administrative
- Physical Impact (on people/space): Improved Road Surfaces
- Residual or Support/Overhead/Fringe Costs: Variable

**Attachments:**
1. Letter from Kunkel Engineering Group dated February 18, 2019
2. 2019 Highway Improvement Program Bid Tabulation
3. Various emails regarding the 2019 Highway Improvement Program

**Staff Recommendation:**

Motion to “Reject All Bids” for the 2019 Highway Improvement Program and to direct the Village Engineer to again advertise the bidding process.
<table>
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<tr>
<th>Village Staff Member</th>
<th>Resolution No.</th>
<th>Continued To:</th>
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<tbody>
<tr>
<td>Jennifer Kele</td>
<td>Ordinance No.</td>
<td>Referred To:</td>
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<tr>
<td>Village Administrator</td>
<td>Approved</td>
<td>Denied</td>
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<tr>
<td></td>
<td>Other</td>
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</tbody>
</table>
February 18, 2019

Mr. Jim Healy, Village Administrator
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033

Re: 2019 Highway Improvement Program
Construction Contract Award – Engineer’s Recommendation

Dear Mr. Healy:

Please find accompanying this transmittal the Bid Tabulation for the 2019 Highway Improvement Program that was bid on February 1, 2019. As is evident, Stark Pavement Corporation, of Brookfield, Wisconsin submitted the low base bid in the amount of $2,441,083.00.

There were two bidders for the 2019 HIP project with both bids exceeding the Engineer’s Preliminary Estimate of $2,100,415.00. Please note, we have been seeing higher bidding results, reflective on many of our projects, due to an increased cost to the hot mix asphalt and trucking expenses.

Jim, Kunkel Engineering understands the current low bid significantly exceeds the Village’s budget and at this time would recommend the Village reject all bids received.

Jim, should either you or the Village Board have any questions or comments regarding this transmittal, please feel free to contact me at your convenience.

Sincerely,

KUNKEL ENGINEERING GROUP

[Signature]

Mitchell Leissess
Office/Project Manager

Enclosure

cc: John Jeffords, Village President
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Unit Price</th>
<th>Total</th>
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<tbody>
<tr>
<td>1</td>
<td>Equipment Transportation for Materials and Equipment Testing</td>
<td>$1,000.00</td>
<td>1,000.00</td>
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<tr>
<td>2</td>
<td>Traffic Control Access</td>
<td>$1,000.00</td>
<td>1,000.00</td>
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<tr>
<td>3</td>
<td>Traffic Control Signage</td>
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<td>Traffic Control</td>
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<td>9</td>
<td>Traffic Control</td>
<td>$1,000.00</td>
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</table>

**Total:** $10,000.00

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**Bid Tabulation:**

- Base Bid - Preliminary and Overhead (Moncton Rd to Price Rd)
- Quantity unit: Total
- Price: $10,000.00

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*Note: The table continues with similar entries.*
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<thead>
<tr>
<th>Item No.</th>
<th>Item</th>
<th>Description</th>
<th>Unit Price</th>
<th>Quantity</th>
<th>Total</th>
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<td>30% Contract Award Allowance for Materials and Contractor Testing</td>
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<td>10B</td>
<td>10% Final Control and Access</td>
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<td>3</td>
<td>10C</td>
<td>4% Fence Control</td>
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<td>4</td>
<td>10D</td>
<td>4% Initial Site Preparation</td>
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<td>5</td>
<td>10E</td>
<td>24% Concrete, Masonry, Brick, Stone, and Iron Work</td>
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<td>6</td>
<td>10F</td>
<td>14% Electrical and Signal Devices</td>
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<td>8% General Site Preparation</td>
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<tr>
<td>10</td>
<td>10J</td>
<td>8% General Conditions</td>
<td>$0.00</td>
<td>1.00</td>
<td>$0.00</td>
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**Total: $123,890.00**

**Grand Total: $241,003.00**
Hi Jim,

Sorry for the delay. I talked with Chuck Gassert, (I believe he's the V.P. of the Asphalt Paving Division) who put together the bid for the Village of Richfield's 2019 HIP project. He's is definitely amenable to deducting a portion of the project. When looking at this, I think our best bet, so we aren't "chopping up" other areas is to deduct the Monches Road segment, from St. Augustine Road to Plat Road. This would bring the total project cost to $2,078,190.00. I think with the funds you have for Reflections Village, we would then have this project back within budget.

That said, I can't remember which roadway segment had the Local Road Improvement Program funds? If it was this segment of Monches Road, we would have to do something different.

Jim, as we discussed, as we progress through the project, Kunkel Engineering will monitor the quantities used the budget. I would ultimately like to get Monches completed as well, should the other roadway segments come in under estimated quantities/budget.

Chuck's comment to me was he doesn't want to lose the job and is willing to work with us. Let me know how you would like to proceed.

Thanks Jim! Hope you're surviving this dynamic weather.

Mitchell Leisses
Office/Project Manager

Kunkel Engineering Group
a Geo-Logic Company
1115 South Main Street
West Bend, WI 53095
Office: (920)356-9447 | Direct: (920)210-6330
mleisses@kunkelengineering.com or mleisses@geo-logic.com

www.kunkelengineering.com | www.geo-logic.com

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Mitch,

Our attorney has reviewed this boilerplate language and is not convinced.

Is there any other language in any of the other language Kunkle prepares which might be applicable?

Sincerely,

Jim Healy
Village Administrator
Planning and Zoning Administrator
(262)-628-2260
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
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“Far and away the best prize that life has to offer is the chance to work hard at work worth doing.” – President Theodore Roosevelt

From: Leisses, Mitchell <mleisses@geo-logic.com>
Sent: Thursday, February 14, 2019 12:06 PM
To: Jim Healy <administrator@richfieldwi.gov>
Subject: 2019 HIP - Contract Language

Good Afternoon Jim,
I reviewed the contract documents, looking for specific language stating we can change the total contract cost by 15% or less but can't find it. I'm almost positive I've read it in the past, when having disputes with contractors. In general, what I read today, the estimated quantities of items of Unit Price Work are not guaranteed and are solely for the purpose of comparison of Bids and determining an initial Contract Price. As I read today, if the Owner and Contractor agree on proposed changes, those changes can be executed by Change Order. It doesn't give any specifics on limiting the significance of a Change Order (i.e. 15% of the total Contract or less).
Good Morning Jim,

I did a little more research to find out what we can and can't do with regards to the Richfield's 2019 HIP contracts. In reviewing the League of Municipality's Legal Counsel, it appears that a contract can only be increased by an amount no greater than 15% of the total contract (https://www.lwm-info.org/877/Contracts-FAQ-15).

Contracts FAQ 15 | LWM, WI

Under what circumstances can a municipal public construction contract be amended to provide for additional work? Once a municipal public construction contract has been entered into, the contract cannot be modified with regard to the quantity of construction required unless there is an increased quantity clause in the contract.

www.lwm-info.org

The other question the League gets frequently is our situation... whether we can negotiate on the basis of changing the plans or quantities to the project for a reduced price with the low bidder. The answer is no. https://www.lwm-info.org/876/Contracts-FAQ-14

Contracts FAQ 14 | LWM, WI

This question usually arises when all bids received on a particular project are much higher than the municipality estimated the project would cost.

www.lwm-info.org

Jim, all of that said, I think we are going to have to rebid the project. In order for us to do so, the Village Board is going to have to reject all bid received before we can re-post the project.

I sent the above links to you so you could read through for yourself as well. Once you've had a chance to look over, please give me a call and we can discuss.

Sincerely,

Mitchell Leisses
Office/Project Manager

Kunkel Engineering Group
a Geo-Logic Company
1115 South Main Street
West Bend, WI 53095
Office: (920)356-9447  |  Direct: (920)210-6330
mleisses@kunkelengineering.com or mleisses@geo-logic.com
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From: Jim Healy <administrator@richfieldwi.gov>
Sent: Friday, February 15, 2019 8:42 AM
To: Leisses, Mitchell
Subject: RE: 2019 HIP - Contract Language

Thanks Mitch

From: Leisses, Mitchell <mleisses@geo-logic.com>
Sent: Friday, February 15, 2019 8:41 AM
To: Jim Healy <administrator@richfieldwi.gov>
Subject: Re: 2019 HIP - Contract Language

Hi Jim,
I’ll look through a little closer and see if I can find anything to help.
Mitch

Sent from my iPhone

On Feb 15, 2019, at 8:25 AM, Jim Healy <administrator@richfieldwi.gov> wrote:

Mitch,

Our attorney has reviewed this boilerplate language and is not convinced.

Is there any other language in any of the other language Kunkle prepares which might be applicable?

Sincerely,

Jim Healy
Village Administrator
Planning and Zoning Administrator
(262)-628-2260
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
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I've attached our General Conditions which is the "guts" to our contract language (I've highlighted a couple sections which talks about changes to the contract price(s)).

Let me know your thoughts?

Mitchell Leisses
Office/Project Manager

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Jim Healy

From: Jim Healy
Sent: Monday, February 18, 2019 10:15 AM
To: 'jmacy@ammr.net'
Subject: FW: 2019 HIP - Contract Language

Attorney Macy,

It would appear that after further review by our Village Engineer, there is not any language in our bidding document that he was able to find to allow us to negotiate or deduct work from the base bid total Stark Asphalt provided. Even with them being the “low bidder”, the cost is still several hundred thousand more than what we have budgeted or what they were projecting as a cost.

The Village Engineer is recommending now that we “reject all bids” in order to republish the notice with a series of alternates so that we can pick and choose the projects to better fit within our budgetary constraints.

Sincerely,

Jim Healy
Village Administrator
Planning and Zoning Administrator
(262)-628-2260
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
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From: Leisses, Mitchell <mleisses@geo-logic.com>
Sent: Monday, February 18, 2019 9:43 AM
To: Jim Healy <administrator@richfieldwi.gov>
Subject: Re: 2019 HIP - Contract Language

Good Morning Jim,
I did a little more research to find out what we can and can't do with regards to the Richfield's 2019 HIP contracts. In reviewing the League of Municipality's Legal Council, it appears that a contract can only be increased by an amount no greater than 15% of the total contract (https://www.lwm-info.org/877/Contracts-FAQ-15).

**Contracts FAQ 15 | LWM, WI**

Under what circumstances can a municipal public construction contract be amended to provide for additional work? Once a municipal public construction contract has been entered into, the contract cannot be modified with regard to the quantity of construction required unless there is an increased quantity clause in the contract.

www.lwm-info.org

The other question the League gets frequently is our situation... whether we can negotiate on the basis of changing the plans or quantities to the project for a reduced price with the low bidder. The answer is no. https://www.lwm-info.org/876/Contracts-FAQ-14

**Contracts FAQ 14 | LWM, WI**

This question usually arises when all bids received on a particular project are much higher than the municipality estimated the project would cost.

www.lwm-info.org

Jim, all of that said, I think we are going to have to rebid the project. In order for us to do so, the Village Board is going to have to reject all bid received before we can re-post the project.

I sent the above links to you so you could read through for yourself as well. Once you've had a chance to look over, please give me a call and we can discuss.

Sincerely,

Mitchell Leisses  
Office/Project Manager

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From: Jim Healy <administrator@richfieldwi.gov>
Sent: Friday, February 15, 2019 8:42 AM
To: Leisses, Mitchell
Subject: RE: 2019 HIP - Contract Language

Thanks Mitch

From: Leisses, Mitchell <mleisses@geo-logic.com>
Sent: Friday, February 15, 2019 8:41 AM
To: Jim Healy <administrator@richfieldwi.gov>
Subject: Re: 2019 HIP - Contract Language

Hi Jim,
I’ll look through a little closer and see if I can find anything to help.
Mitch

Sent from my iPhone

On Feb 15, 2019, at 8:25 AM, Jim Healy <administrator@richfieldwi.gov> wrote:

Mitch,

Our attorney has reviewed this boilerplate language and is not convinced.

Is there any other language in any of the other language Kunkle prepares which might be applicable?

Sincerely,

Jim Healy
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Good Afternoon Jim,
I reviewed the contract documents, looking for specific language stating we can change the total contract cost by 15% or less but can’t find it. I’m almost positive I’ve read it in the past, when having disputes with contractors. In general, what I read today, the estimated quantities of items of Unit Price Work are not guaranteed and are solely for the purpose of comparison of Bids and determining an initial Contract Price. As I read today, if the Owner and Contractor agree on proposed changes, those changes can be executed by Change Order. It doesn’t give any specifics on limiting the significance of a Change Order (i.e. 15% of the total Contract or less).

I’ve attached our General Conditions which is the "guts" to our contract language (I’ve highlighted a couple sections which talks about changes to the contract price(s).

Let me know your thoughts?

Mitchell Leisses
Office/Project Manager

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Mitch,

Just as an FYI, I just got off the phone with the legal council for the LWM. I explained to her the situation with the bids coming in too high and asked whether the Village could execute the contract with Stark Asphalt for the amount they bid ($2.44M), knowing that they were several hundred thousand over what we had budgeted ($2.1M), with the intention that we would omit aspects of the base bid to fall within our budgetary constraints. Her response was “No”. I then asked if we could make our approval of the contract contingent on contemporaneously filing a “deduct” and her response was that she did not believe that was legally possible, either. Based on the absence of any language expressly permitting this type of action, I think your research and recommendation are correct.

Additionally, I talked to the County Highway Commissioner regarding what language he had in his bidding documents which allows him to “deduct” and he provided me with a MS Word version of his bidding document. I have not yet reviewed it, but perhaps if that verbiage is there it is something we can look to incorporate into our next version of this document, so we have greater flexibility to work with the low bidder in these types of circumstances rather than having our hand forced with having to “reject all bids” potentially.

I am CC:ing the Village Attorney on this email so that he can weigh-in, but as much as we’d like to move forward with Stark Asphalt, from a legal standpoint, it doesn’t seem like our ability to negotiate with the low bidder is there.

Sincerely,

Jim Healy
Village Administrator
Planning and Zoning Administrator
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