




## Madison Parks Division

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**MADISON  
PARKS**

Date: January 13, 2021

To: Robert F Phillips, City Engineer

From:  Eric Knepp, Parks Superintendent

Re: Aldo Leopold Park Off-Road Bicycle Facility Design

The Parks Division intends to construct a series of Off Road Bicycle Facilities at Aldo Leopold Park starting in 2021. These facilities will consist of features such as a bike playground, pump track, wood and natural surface trail features, and bike optimized single track.

Constructing these trails and facilities is highly specialized work and requires an experienced trail building contractor. Such contractors specialize in precisely this type of work. When building on a site the project requires the builder to use their own riding experience and knowledge to create a rewarding experience for the user. No two trail builders would interpret a site or plans the same way and must insert their own opinions, methods, and creativity, into a site that functions properly. As such Parks feels that it is not possible to write a specification for this work.

In our discussions with Assistant City Attorney Doran Viste, it has come to my attention that, given the specialized nature of the work to be performed, and the inability to write specifications for this work, that this is specific type of work may not have to be competitively bid. "A general test to be applied in determining whether a contract is exempt from bidding requirements is whether the nature of the work called for makes it impossible or impractical to draw specifications satisfactorily to permit competitive bidding." *Aqua-Tech, Inc. v. Como Lake Prot. & Rehab. Dist.*, 71 Wis. 2d 541, 547, 239 N.W.2d 25, 28 (1976). The Parks Division believes that this projects meets the Aqua-Tech exception to the public bidding requirements.

As specifications cannot be written for this work, Parks intends to bid this work by soliciting a Request for Proposals based on a predetermined set of criteria that gives us the best product for the site, while taking into consideration the bidders qualifications and experiences. This contractor would then sign a Purchase of Services contract and perform the outlined work. The dollar value would exceed \$50,000 but because this is skilled work not capable of being specified it is our understanding that it is eligible for an exemption from Board of Public Works bidding requirements.

cc. ACA Doran Viste