

**Larson, Alan**

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**From:** Larson, Alan  
**Sent:** Tuesday, July 24, 2012 4:05 PM  
**To:** Heikkinen, Tom  
**Subject:** RE: Water Utility Board Agenda for July 24, 2012

Can't comment on the consent agenda question. It would appear from Larry's argument that these should be pulled off the consent agenda.

We use a qualification based selection process and consider costs but do not select solely based on cost. We advertised in the paper twice, we posted it on our web page, and we contacted a comprehensive consultant list by email to solicit submittals. We received 5 proposals, one was rejected because it was late so four were reviewed. Eight people have reviewed the proposals in detail and met and deliberated the review. Of the four proposals reviewed we judged three to be very qualified for the work and responsive to our RFP. We reviewed the budget and projected hours for these three firms. Based on this review and the qualifications of each firm, we have made the recommendations for the work budgeted in 2012. The Well 26 recommendation was referred to the meeting in August to allow us to gather additional information. The proposed budget numbers were as follows:

	BPS 106	Well 20
Budget	\$190,000	\$35,000
Strand	\$197,000	\$75,250
AECOM	\$187,500	\$34,738
Baxter Woodman	\$180,500	\$42,000

I will be happy to discuss this with the Board.

AI

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**From:** Heikkinen, Tom  
**Sent:** Tuesday, July 24, 2012 3:30 PM  
**To:** Larson, Alan  
**Subject:** FW: Water Utility Board Agenda for July 24, 2012

Please advise.

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**From:** Larry D. Nelson [<mailto:ldnelson@chorus.net>]  
**Sent:** Sunday, July 22, 2012 3:09 PM  
**To:** Heikkinen, Tom  
**Cc:** 'Madeline Gotkowitz'; Cnare, Lauren; Ellingson, Susan; [bruce.mayer@wegnercpas.com](mailto:bruce.mayer@wegnercpas.com); 'Mike DePue'; Voegeli, Doug; 'Dan Melton'  
**Subject:** Water Utility Board Agenda for July 24, 2012

**One way communication: No response from WUB Members, please.**

I believe that Items 5, 6 & 7, have been placed improperly on the "Consent Agenda". Specifically, WUB Policy EL-2H, Paragraph 6 provides that the General Manager shall "submit to the Board a consent agenda *containing items delegated*

to the General Manager yet required by law, regulation, or contract to be board-approved, along with such monitoring assurance as may be relevant."

I have yet to find in our WUB Policies that we have delegated the selection of contractors to the General Manager.

Although I believe the WUB has not abrogated its responsibility review the outcome of the selection of contractor's, I also believe that to do so would be contrary to our fiduciary responsibility.

With regards to the process provided for in each resolution, from a standpoint of getting the most for the public dollar, setting a "top end" number reduces competition for the work. Issuing a batch of contracts at once also reduces competition for the work. I think that the Board should approve the selection of Contractors after being apprised of the amounts bid for the work, the number of bidders, and the reasons for the selection of contractors. Such a review by the WUB would allow an aggrieved contractor some place to hear his/her concerns.

The expenditure of public funds, some \$270,000 in this instance needs to be reviewed by a board or commission. In this case, I think it right and proper that the WUB review this outcome.

Finally, given this work is included in the adopted budget, I fail to see the necessity of the Board of Estimates reviewing the issue. Perhaps staff discuss that at the meeting.

Larry D. Nelson, P.E.

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