



# Port of Brownsville

Minutes of Special Meeting

26 February 2013

## CALL TO ORDER

Commissioner Jack Bailey called the special meeting to order at 6:01 PM. In attendance were Commissioner Allen Miller, Commissioner Bob Kalmbach, Port Manager Jerry Rowland and Assistant Port Manager Gregg Faulkner.

## APPROVAL OF AGENDA

Jerry Rowland stated that due to the Port district lines being changed recently and Bob Kalmbach recently moving, Bob Kalmbach was no longer able to serve as commissioner and therefore could not vote on any items. Allen Miller made a motion to approve agenda. Motion seconded by Jack Bailey and approved unanimously.

## REVIEW C, D & E DOCK REPLACEMENT BIDS

Jerry Rowland announced that after the engineering board review, the contract was recommended to be awarded to Northwest Docks based on the total scoring. However, Jerry announced that after conferring with the Port lawyer, John Mitchell, it was determined that the bids based on the scope of work and package requirements was in violation of RCW 53.08.130 which requires a bid bond to accompany the bid. Also, that day he had received an email from Red Side Construction attorney, Oles Morrison, which was a letter of protest stating the same thing as well as other issues that were being protested by Red Side Construction. At this point Jerry Rowland recommended doing a rebid of the original scope of work or canceling the bid and submitting a new scope of work bid.

Jack Bailey stated he was bothered by the price of all the bids because they were higher than what was budgeted. He suggested looking at the project and scope it down to the budget that was allowed, such as cutting back on some things that are not urgent and can be delayed.

There was some discussion on the pros and cons of rebid versus canceling the bid and starting over. Allen Miller asked how much of a delay would it be if there was a cancelation of the bid. Jerry Rowland stated it would probably be a delay of a year because the window for pile driving would be missed. He added that the same might be true of a rebid, depending on how fast the new scope of work can be submitted and rebids provided.

Allen Miller added that he wanted to keep the whole process simple and thought keeping the same scope and going for rebid was the simpler way. If the bid is above the budget, maybe the Port can proceed with a new bond now as originally planned. Jack Bailey replied that the bond amount was the concern. Housing values would have to increase in the Port district in order to get the amount needed. However, the bids are over what is budgeted and Jack Bailey felt the bids and budget should match.

Allen Miller asked the Port Manager what he recommended. Jerry Rowland replied that he favored canceling the RFP, review and modify the scope of work and submit for new bids.



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Bob Kalmbach asked about the commitment to commit bond funds within a certain time period. Jerry Rowland replied that the commitment was for 45% within 24 months and 85% within 3 years. There will be no problem making those commitments even with this delay.

Jack Bailey made a motion to withdraw the bid and re-evaluate and submit a new RFP at a later date. Allen Miller seconded the motion and it passed unanimously.

Jack Bailey directed the Port Manager to initiate a new scope of work and bid package.

## **CLOSE MEETING / ADJOURN**

Commissioner Allen Miller made a motion to adjourn, Commissioner Jack Bailey seconded. Motion passed unanimously. Meeting adjourned at 6:20 p.m.

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President/Commissioner

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Secretary/Commissioner

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Commissioner

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Recording Secretary