

Commissioners debate giving local preference

By Tom Betz
The Goodland Star-News
City commissioners spent quite a bit of time debating whether they could give a road job to a local contractor even though his bid was more than \$23,000 higher than an out-of-town firm.

The contract eventually went to Bryant and Bryant of Halstead, but commissioners at last Monday's meeting discussed ways to give it to the high bidder, Goodland's Miller Construction. Bryant bit \$322,755 to replace two intersections on Caldwell Ave. with concrete, while Miller bid \$345,809.

"What is our guideline for accepting local bids over out of town bids?" Commissioner Dave Daniels asked.

City Manager Wayne Hill said he could not find any documentation about a local preference, but it has been done in the past on a case-by-case basis.

"I think the rule of thumb is 10 percent," Billinger said. "We have done it on police cars."

"You have talked about a local preference," City Clerk Mary Volk said, "but never adopted anything." "I think it came up at a meeting we attended," Commissioner John Garcia said. "It was suggested that a local preference was a good idea."

"If it is under 10 percent, the money stays here," Billinger said.

City Attorney Jeff Mason said he wanted the commissioners to know about a recent case in front of the Kansas Supreme Court.

He said the project was for \$760,000 and the bid document specified the lowest bidder. He said there was a second bid that was higher by \$31,000 but was more local.

Mason said the City of Deerfield lost the case to Ritchie Paving, and will be paying the bidder's costs. He said the high court sent the case back to the district court to determine the costs to the city, and that it could be higher than the \$7,000 Ritchie was asking for if legal fees are included.

Mason said school boards have a statute that allows them to take a higher bid if it is within 1 percent and the bidder agrees to the lower price.

"I cannot recommend you accept the other bid unless you agree to pay the bid costs for the lower bidder," Mason said. "I am not saying you cannot accept the higher bid, but I want you to understand the consequences."

"We don't want to break the law," Billinger said. "I think we need to review our future bid documents to

make sure we have more options and can keep the money at home."

Mason said requirement in state law about public works projects are more specific about bidding than for equipment.

"We need to put in specific dates to get things done when we need to have them done," Billinger said. "We can say when we want them to start if we approve Bryant?"

"I think you could do that," Neufeld said. "You could make the award contingent on a start date. If they cannot meet the date, then you could go to the second bidder."

"I am not saying you cannot accept the bid, but there are consequences," Mason said.

"We don't want to get into any more trouble than we have to," Billinger said.

Neufeld said if the city does not accept the low bid, it could scare off bidders for future projects.

"I was surprised we only got two bids," Neufeld said. "The other two said they had more work on their schedule and did not feel they could bid on the project."

After a lengthy silence, Billinger again asked the commission what they thought.

"I think our hands are a bit tied," Fairbanks said, "unless we put in the contingency."

Intersection bid goes to Halstead firm

BIDS, from Page 1a

included a later start date. They eventually put a contingency in the approval of the low bid that the work should begin by Monday, Nov. 6.

Neufeld said Miller's estimated start date was the first week in November, but Bryant and Bryant said start date would be in March. Neufeld said a representative from the firm had called him Monday to say their company could start in November.

"I talked to him (Bryant) today," Neufeld said. "He did not want winter to close in on him and have the town angry if the intersection was closed for several weeks. He said they might be able to come here in the next couple of weeks if that is not an issue."

Commissioner Annette Fairbanks asked if the change in date for Bryant would affect the price. Neufeld said it should not because the prices are based on quantities of materials being used.

City Commissioner Dave Daniels asked if Bryant waited until March to start if that would set the other projects back.

"No," Neufeld said. "We would not let it affect the other projects. The only question would be if a contractor decided to haul asphalt in February, but that is not realistic."

"The think I'd like us to get it going soon," said Commissioner Josh Dechant, "and that is what we told the people. Since the county has Caldwell shut down right now, we are not the bad guys."

Neufeld said there is usually a window for the contractor to decide when to start.

Daniels said he figured, based on the estimated start dates, Bryant and Bryant would not be done by mid-April, but Miller could be done earlier.

"Both have the same 45 days once the storm sewer inlets arrive on site," Neufeld said. "That is 45 working days and that is nine weeks at five days per week. It could be mid April for both depending on the winter."

"The earliest I can see is it might be done by Feb-

ruary first."

Daniels asked if Bryant and Bryant had done any work for Goodland in the past.

"Not as long as I have been here and not that we know of," Neufeld said. "They have done work around here, but not for the city of Goodland."

"The bid document says low bid and the one that is responsible and responsive. I cannot recommend throwing it out for those reasons."

Dechant asked if there was time to re-bid the project if the commission rejected both bids and asked for a specific start date.

"From our side I don't see anything illegal," Neufeld said. "You do have a problem because these two guys (contractors) are already exposed. I would say it would have to be re-scoped to do the project. I am not going to say that Bryant and Bryant is going to protest."

"I like giving them the same date," Mike Miller said from the audience.

"That does not take us off the hook if the date was not in the bid?" Fairbanks said.

"It is a better position to defend than rejecting the lower bid," City Attorney Jeff Mason said.

"That is what we want," Billinger said, "to get the project started as quickly as possible."

"I agree with Josh that people voted for the sales tax and want to see something going on," Daniels said.

Dechant asked what would happen if the commission approved the low bid from Bryant and Bryant and they do not accept the contract.

Neufeld said he would send the firm a letter by fax and mail about the stipulation, and get back with their answer as soon as possible. City Attorney Jeff Mason said the commission could hold a special meeting if necessary.

Daniels made the motion to accept the low bid with the contingency of starting on Nov. 6. Garcia seconded and the vote was unanimous.

matters of record

District Traffic

The following fines were paid in the Sherman County District Court:

Sept. 21 — Frederick D. Cardenas, \$165 for speeding.

Mirela Farcas, \$210 for speeding and \$10 for no seat belt.

Jason Edward Hewitt, \$188 for no liability insurance.

Sheena R. Pindell, \$132 for speeding.

Sept. 22 — Debra A. Brown, \$126 for improper parking.

Leslie K. High, \$144 for speeding.

Daniel R. Hyzer, \$166 for motor carrier safety rules and regulations.

Frances E. Lewis, \$126 for speeding.

Stephen C. Moreland III, dismissed for no liability insurance and \$96 guilty verdict on bench trial for failure to yield at stop or yield sign.

Gregory M. Peck, \$174 for improper parking.

Tracy M. Pelletier, \$96 for speeding.

Sept. 23 — Daryl G. Luckey, dismissed for no liability insurance.

Sept. 24 — Abigail P. Levine, \$126 for speeding.

Sept. 25 — Cheryl A. Patterson, \$150 for speeding.

Sept. 26 — Cornel Anitei, \$120 for overweight load.

Mark M. Henry, dismissed for no liability insurance.

Natasha M. Malouin, \$126 for speeding.

Terrial B. McLain, \$121 for speeding.

Sept. 27 — Anthony D. Baldwin, \$188 for no motor carrier liability insurance.

Steven R. Craker, \$211 for overweight load.

Robin R. Foreman, \$286 for overweight load.

Karla S. Loader, \$126 for speeding.

Penny D. Patton, \$138 for speeding.

Sept. 28 — Brenda I. Barragan, dismissed for no liability insurance and \$126 for no child safety restraints.

Dudley T. Beyer, \$108 for speeding.

Warren O. Carlson, \$165 for speeding.

Joe A. Pugh, \$188 for following the regulations of the motor carrier act.

Sept. 29 — Thomas J. Bennett, \$235 for overweight load.

Marc W. Bowers, \$126 for speeding.

Ashley A. Codilis, \$201 For speeding.

David R. Cook, dismissed for no liability insurance.

James Lee Hyde Jr., \$96 for improper tires.

Sept. 30 — Tracy L. Bryan, \$246 for speeding.

Charles W. Dix, dismissed for no liability insurance.

Joye C. Gordon, \$132 for speeding.

Jorge L. Hernandez, \$126 for no child seat belts.

Charles A. Major, \$114 for overweight load.

Danielle C. Provencher, \$126 for speeding.

Oct. 1 — Roxanne Robertson, \$150 for speeding.

Oct. 3 — Luis A. Perez, \$120 for speeding and \$60 for unlawful acts with vehicle.

Royal D. Reid, dismissed for no liability insurance.

Oct. 4 — Pita C. Carrillo, \$183 for speeding and dismissed for no liability insurance.

Alvin L. Maurer Jr., \$166 for motor carrier safety rules and regulations.

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Oct. 5 — Daniel Joel Eckert, dismissed for no liability insurance.

Brian J. Fugleberg, \$108 for speeding and dismissed for no liability insurance.

Jeremy Littrell, dismissed for no liability insurance.

Joyce F. Smith, \$144 for speeding.

Oct. 7 — Won H. Choe, \$132 for speeding.

Oct. 8 — James G. Henley, \$132 for speeding.

Oct. 9 — Ricky Harris, \$150 for improper parking.

Kenneth M. Johnson, \$132 for speeding.

Donald R. Rickert, \$150 for speeding.

WRITE-IN

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County Commissioner

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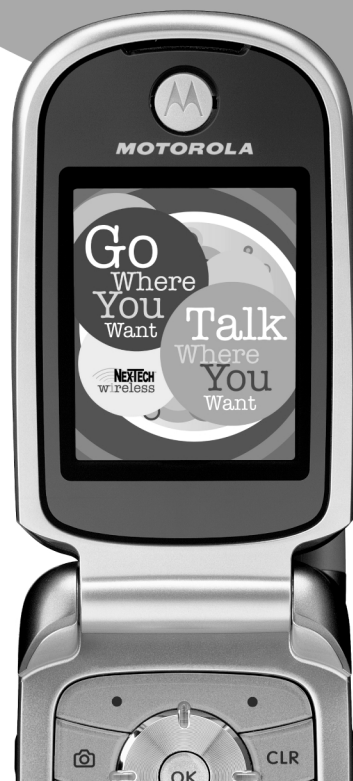
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