Official Proceedings of the Stutsman County Commission – August 13th, 2013

At 8:00 a.m., Chairman Mark Klose called the special meeting of the Stutsman County Commission meeting to order. Present were Denny Ova, Dale Marks via phone, David Schwartz, Craig Neys via phone, and Mark T. Klose answered the roll call.

Casey Bradley, Auditor/COO, stated the bids were reviewed on August 9th, 2013 at 8:00 a.m. during a special meeting of the Stutsman County Commission. Bid concerns were raised at this meeting. The board requested Fritz Fremgen, State's Attorney issue an opinion on whether or not the county could reject the low bidder, Lindberg Brothers because the information provided showed they were in excess the 50% of the contract price and they were not pre-qualified as a PCC contractor. It is the opinion of the State's Attorney Fremgen that it is grounds for rejection of the contract. The county allowed Lindberg Brothers the opportunity to respond to the State's Attorney's opinion. Lindberg Brothers response was to contact an attorney. The attorney sent a letter protesting any action against his client. Lindberg Brothers also offered an opportunity for Stutsman County representatives to view a demonstration of their new equipment in Barnes County. Bradley, Auditor/COO, stated the county will not hold a special meeting in Barnes County of the Stutsman County Commission. Bradley, Auditor/COO, requested Daren Peterka, Interstate Engineering, to take a look and provide the commissioners with the feedback of the demonstration. Peterka provided a packet of the report and took several pictures of the project. On Sunday, August 11th, 2013; the county received a response from Mr. Lindberg for Daren Peterka which is a response to the information that was presented at the August 9th, 2013 special commission meeting. Last night, the county received a letter of protest from the attorney representing Mr. Lindberg. Mr. Dean, Lindberg's attorney, stated if the county takes any action not to award to his client they will file suit against the county. It is the opinion of Bradley, Auditor/COO; the commissioners have three options to look at:

(1) Award the contract to Lindberg Brothers as the low bidder;
(2) Follow our State's Attorney's advice and reject the bid from Lindberg Brothers and award and perform an analysis to the second low bidder;
(3) Reject all four bids and re-bid the project.

Schwartz made a motion, seconded by Ova to reject all bids and re-bid the project with a different scope and completion date. Roll call: Ova, Marks, Schwartz, Neys, Klose voted aye.

At 8:07 a.m., a motion to adjourn was made by Schwartz, seconded by Neys. Motion Carried.

ATTEST:

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Casey Bradley
Auditor/COO

Mark T. Klose
Commission Chairman