

**CITY OF SALISBURY, MARYLAND**

**SPECIAL MEETING**

**AUGUST 1, 2013**

**PUBLIC OFFICIALS PRESENT**

*Council President Jacob R. Day  
Councilwoman Eugenie P. Shields*

*Council Vice President Laura Mitchell  
Councilwoman Terry E. Cohen  
Councilman Timothy K. Spies*

**IN ATTENDANCE**

*City Clerk Kimberly R. Nichols, CMC, Interim City Administrator M. Thomas (Tom) Stevenson, Jr., Internal Services Director Keith Cordrey, Assistant Internal Services Director-Procurement Catrice Parsons, City Attorney Mark Tilghman, interested citizens, and members of the press*

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*The City Council convened in a Special Meeting in Council Chambers on August 1, 2013, and at 10:00 a.m. Council President Day called the meeting to order.*

**ADOPTION OF LEGISLATIVE AGENDA**

*Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous to adopt the Special Meeting agenda as presented.*

**ORDINANCE NO. 2259** – 2<sup>nd</sup> reading – amending and supplementing Ordinance No. 2044, passed by the Council on December 17, 2007, approved by the Mayor on December 19, 2007 and effective on December 19, 2007, as amended and supplemented by Ordinance No. 2069, passed by the Council on January 12, 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009, as further amended and supplemented by Ordinance No. 2139, passed by the Council on February 28, 2011, approved by the Mayor on March 1, 2011, and effective on March 1, 2011, in order to authorize and empower City of Salisbury to use and apply a portion of the proceeds of the \$3,605,000 City of Salisbury Public Improvements Bond of 2008 issued on January 22, 2008 (the “2008 Bond”) (i) originally allocated to a project identified therein as “Waverly Drive Storm Sewer Project” to a project identified herein as “Salisbury Zoo – Animal Health Building Construction” and (ii) to costs of construction as well as engineering of repairs of the Riverwalk along the Wicomico River East Prong, all as further described herein; providing that this title is a fair statement of the substance of this Ordinance; and otherwise generally relating to the use of proceeds of the 2008 Bond

*Mr. Spies moved and Mrs. Mitchell seconded to approve Ordinance No. 2259 for second reading.*

Ms. Cohen moved, Mrs. Shields seconded, and the vote was unanimous to amend Ordinance No. 2259 by inserting the following changes incorporated by Bond Counsel since the first reading:

- Line 17 – insert “AND( II) TO COSTS OF CONSTRUCTION AS WELL AS ENGINEERING OF REPAIRS OF THE RIVERWALK ALONG THE WICOMICO RIVER EAST PRONG, ALL” after “CONSTRUCTION”
- Line 27 – insert “Municipal Charters of Maryland” after “in”
- Line 154 – insert “WHEREAS, the Existing Ordinance and the Existing Resolution provide that up to \$100,000.00 of proceeds of the 2008 Bond may be applied to costs of the project identified therein as “Riverwalk – Engineering for Repairs Along Wicomico River East Prong”, and the City would like to spend proceeds of the 2008 bond for construction costs of such project: and”
- Line 159 – insert “WHEREAS, the redirection of up to \$539,000.00 of proceeds of the 2008 bond to the “Salisbury Zoo – Animal Health Building Construction” project (exclusive of investment earnings that may be applied for such purpose) as described in the second preceding WHEREAS clause, and the expansion of the project described in the preceding WHEREAS clause to include construction costs, are collectively referred to herein as the “2013 Modified Project; and”
- Line 199 – number 4 – insert “and Construction” after “Engineering”
- Line 256 – insert “(e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2008 Bond shall be applied to costs of the project identified in item 1 of subsection (a) above as “Salisbury Zoo – Animal Health Building Construction” in the amount of up to \$539,000.00 (exclusive of investment earnings that may be applied for such purpose) only after other sources of funding for such project are first applied for such purpose.”

Ordinance No. 2259 for second reading, as amended, was unanimously approved.

**RESOLUTION NO. 2310** - amending and supplementing Resolution No. 1620, adopted by the Council on January 14, 2008, approved by the Mayor on January 15, 2008 and effective on January 15, 2008, as amended and supplemented by Resolution No. 1750, adopted by the Council on January 12, 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009, as further amended and supplemented by Resolution No. 2034, adopted by the Council on February 28, 2011, approved by the Mayor on March 1, 2011 and effective on March 1, 2011, in order to authorize and empower City of Salisbury to use and apply a portion of the proceeds of the \$3,605,000 City of Salisbury Public Improvements Bond of 2008 issued on January 22, 2008 (the “2008 Bond”) (i) originally allocated to a project identified therein as “Waverly Drive Storm Sewer Project” to a project identified herein as “Salisbury Zoo – Animal Health Building Construction” and (ii) to costs of construction as well as engineering of repairs of the Riverwalk along the Wicomico River East Prong, all as further described herein; authorizing, directing or empowering City officials and employees to take certain actions with respect to the 2008 Bond; and otherwise generally relating to the use of proceeds of the 2008 Bond

*On a motion and seconded by Mrs. Mitchell and Mrs. Shields, respectively, Resolution No. 2310 was unanimously approved as presented.*

**AWARD OF BIDS** – *presented by Assistant Internal Services Director--Procurement Catrice Parsons*

*The following item was unanimously approved on a motion by Mrs. Mitchell and seconded by Mrs. Shields:*

- *Award of Contract No. 117-10 Rebid Animal Health Building – Salisbury Zoological Park - \$1,907,000.00*

### **ADJOURNMENT**

*Prior to the adjournment of the Special Meeting at 10:30 a.m., Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous to convene in Closed Session for the purpose of discussing 1) the appointment of an employee, and 2) the litigation of the Oasis Car Wash and Mr. Tilghman's conversation with the attorney representing Taylor Bank as permitted under the Annotated Code of Maryland §10-508(a)(7)(8). The Closed Session began at 10:38 a.m.*

*At 12:25 p.m., on a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively, and by unanimous vote in favor by those Council members present (Councilman Spies excused himself at 11:50 a.m.), President Day adjourned the Closed Session and provided the statement out to the public that Council discussed the lien on a business property located in the City and reached unanimous consensus to permit Mr. Tilghman to proceed as discussed, interviewed the candidate advanced by Mayor Ireton for the Director of Public Works position, and reached unanimous consensus by those Council members present (Councilman Spies excused himself at 11:50 a.m.) to support the candidate.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
AUGUST 1, 2013

**TIME & PLACE:** 10:35 a.m., Government Office Building – Council Chambers, Room 301  
**PURPOSE:** To consult with counsel and staff on a legal matter and to discuss the appointment of an employee  
**VOTE TO CLOSE:** Unanimous  
**CITATION:** Annotated Code of Maryland Sections 10-508(a)(1)(7)(8)  
**PRESENT:** Council President Jacob R. Day, Mayor James P. Ireton, Jr. (arrived at 12:20 p.m.), Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilwoman Terry E. Cohen, Councilman Timothy K. Spies (left at 11:50 a.m.), Interim City Administrator M. Thomas (Tom) Stevenson, Jr. (left at 11:05 a.m.), Acting Director Public Works Amanda Pollack, P.E. (arrived at 10:50 a.m., left at 11:05 a.m.), City Attorney Mark Tilghman (left at 11:05 a.m.), and the candidate for Director of Public Works (arrived at 11:05 a.m.)

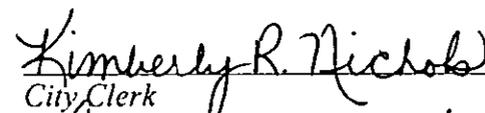
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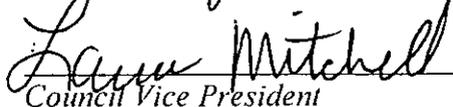
*During the Special Meeting in Council Chambers, Room 301 of the Government Office Building on August 1, 2013, Mrs. Shields moved and Mrs. Mitchell seconded to convene in Closed Session to consult with counsel and staff on a legal matter and to discuss the appointment of an employee recommended by Mayor Ireton as permitted under the Annotated Code of Maryland Section 10-508(a)(1)(7)(8). The vote to close the meeting was unanimous and the Closed Session began at 10:35 a.m.*

*After receiving a report from City Attorney Mark Tilghman on the imminent foreclosure and lien on a business property, Council reached unanimous consensus on how Mr. Tilghman should proceed.*

*Council interviewed the candidate for Director of Public Works and unanimously supported Mayor Ireton's decision to extend the offer to the candidate.*

*At 12:25 p.m., on a motion and a second by Mrs. Shields and Mrs. Mitchell, respectively, the vote was unanimous to adjourn the Closed Session and to return to the Open Session. Thereafter, President Day provided the statement out to the public and adjourned the Open Session.*

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Council Vice President

**COUNCIL AGENDA**

**August 01, 2013**

- |    |   |                |
|----|---|----------------|
| 1. | Award of Contract 117-10 REBID Animal Health Building | \$1,907,000.00 |
|----|---|----------------|

## COUNCIL AGENDA

**August 01, 2013**

TO: Mayor and City Council

SUBJECT: Award of Contract 117-10

REBID Animal Health Building

The Procurement Department received a request from the Public Works Department to solicit bids for the aforementioned Contract. The Procurement Department followed standard bid practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list, and advertising on the State of Maryland's website; eMaryland Marketplace. A total of fourteen (14) vendors were sent bid packages with four (4) vendors submitting a bid by the due date and time, July 02, 2013 at 2:30 p.m., as noted below.

<u>Vendor</u>	<u>Project Cost</u>
Gardiner & Gardiner Contracting, LLC	\$ 2,019,068.00
GGI Builders, Inc.	\$ 2,317,000.00
Harkins Contracting Inc.	\$ 2,395,000.00
Willow Construction, LLC	\$ 2,534,000.00

Gardiner was declared non-responsive due to the vendor not filling out and returning the proper paper work with its bid submission. All other vendors were significantly over budget. It was decided by Public Works and Purchasing that the two lowest responsive and responsible vendors would be brought in to discuss what could be done to reduce the cost of the project as permitted by Section 2.32.050.C.1.e.ii of the Code, with the understanding that both vendors would submit a best and final offer by the close of the business day on Tuesday, July 09, 2013. The results of the best and finals are listed below.

<u>Vendor</u>	<u>Revised Project Cost</u>
GGI Builders, Inc.	\$1,797,000.00
Harkins Contracting, Inc.	\$1,849,000.00

Public Works has reviewed the bids in accordance with the contract documents, reviewed references, and the evaluation criteria and has chosen to award to GGI Builders, Inc. who is the lowest responsive and responsible vendor. There are sufficient funds to cover this purchase in account number 31178-513026-43006 "Construction". The Procurement Department requests Council's approval to approve the award of Contract 117-10 to GGI Builders, Inc. in the amount of \$1,907,000.00.

Thank you,

Catrice L. Parsons  
Assistant Director Internal Services-Procurement and Parking

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
ACTING CITY ADMINISTRATOR

Salisbury



2010

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

AMANDA POLLACK, P.E.  
ACTING DIRECTOR OF  
PUBLIC WORKS

TO: Catrice Parsons, Assistant Director of Internal Services-Procurement Division  
FROM: Amanda Pollack, Acting Director: *AP*  
DATE: July 22, 2013  
SUBJECT: Award of Contract No. 117-10 Rebid  
Animal Health Building - Salisbury Zoological Park

To maintain accreditation, the Salisbury Zoological Park was in need of an Animal Health Building with animal holding areas, a surgery room, necropsy room, and an office area. In 2009, Davis, Bowen and Freidel (DBF) were awarded a contract to provide a design for the new building. It was the City's goal to make this building as green and energy efficient as possible, which includes geothermal heating & air and maximum use of exterior light. Over the past year, Salisbury Public Works has worked with DBF to complete a design that would meet the needs of the City as well as Association of Zoos and Aquariums (AZA) requirements.

Bids were opened on Tuesday, July 2, 2013, at 2:30 p.m. from four (4) different contractors. The bids for complete construction ranged from a low bid of \$2,317,000.00 to a high bid of \$2,534,000.00. The attached bid tabulation offers a breakdown of the bid totals provided from each contractor.

Gardiner & Gardiner Contracting, LLC	\$ 2,019,068.00 Non-Responsive Bid
GGI Builders, Inc.	\$ 2,317,000.00
Harkins Contracting Inc.	\$ 2,395,000.00
Willow Construction, LLC	\$ 2,534,000.00

Based on available funding, Public Works and Internal Services-Procurement Division met with the two (2) lowest responsive bidders to discuss possible value engineering options. Subsequently a revised Form of Proposal 117-10 Rebid Best & Final was provided to the two lowest most responsive bidders. The attached bid tabulation offers a breakdown of the best & final bid totals provided from each contractor.

GGI Builders, Inc.	\$1,797,000.00
Harkins Contracting, Inc.	\$1,849,000.00

Salisbury Public Works reviewed the best & final bid packages. GGI Builders, Inc. was the lowest, responsive, responsible bidder with a bid of \$1,797,000.00. GGI Builders, Inc. received outstanding recommendations from each of the references contacted and their skill in project management by meeting deadlines and budgets was noted on multiple occasions.

Public Works recommends that the base contract include the fire sprinkler system and casework, therefore those costs were added back into the best & final price. We also recommend that Public Works purchase the generator and animal cages separately from this contract. Finally, we recommend accepting the deduct alternative to not install the additional geothermal wells at this time.

Based on the price bid and company qualifications, Salisbury Public Works recommends awarding the Contract for the Animal Health Building at Salisbury Zoological Park to GGI Builders, Inc. in the amount of \$1,907,000.00. Funds are available in account number 31178-513026-43006.

  
Amanda Pollack, P.E.  
Acting Director, Salisbury Public Works

VENDOR	QTY	UM	Vendor		Vendor		Vendor		Vendor		Vendor	
			Each	Total	Each	Total	Each	Total	Each	Total	Each	Total
			GGI Builders, Inc. T/A Gillis Gilkerson, 217 W. Main St., Ste. 305, Salisbury, MD 21801		Harkins Contracting, Inc., 31400 Winterplace Pkwy., Suite 400, Salisbury, MD 21804							
Item:			Each	Total	Each	Total	Each	Total	Each	Total	Each	Total
1. Base Bid lump sum	1	LS		\$2,237,000.00		\$2,295,000.00						
2. Delete the casework from base bid and add a \$25,000 allowance	1	LS		\$25,000.00		\$25,000.00						
3. Deduct for Generator, generator pad, etc. However, the transfer switch is to remain in the base bid	1	LS		(\$50,000.00)		(\$48,000.00)						
4. Deduct the additional geothermal wells. However, stub outs or sleeves are to be installed in the base bid for the tie in of futurer geothermal wells.	1	LS		(\$35,000.00)		(\$37,000.00)						
5. Deduct the animal cages from LGL. However leave the guillotine doors and their installation.	1	LS		(\$325,000.00)		(\$331,000.00)						
Net total items 1-5				\$1,852,000.00		\$1,904,000.00						
Alternate Deduct 1												
2. Delete the entire fire sprinkler system including the fire pump.	1	LS		(\$55,000.00)		(\$55,000.00)						
Alternate Deduct 2												
3. Design and install a complete fire soprinkler system without a fire pump. (Deduct only the fire pump).	1	LS		(\$22,500.00)		(\$23,000.00)						
Net total Line 13 less Line 15				\$1,797,000.00		\$1,849,000.00						

**Contract No. 117-10 REBID**  
**Zoo Animal Health Building**  
**July 2, 2013 2:30 P.M.**

QTY	UM	Vendor		Vendor		Vendor		Vendor		Vendor		Vendor	
		Each	Total	Each	Total	Each	Total	Each	Total	Each	Total	Each	Total
		GGI Builders, Inc; T/A Gillis Gilkerson, 212 W. Main St., Ste. 305, Salisbury, MD 21801		Willow Construction, LLC, 400 Maryland Ave., Easton, MD 21601		Harkins Contracting, Inc., 31400 Winterplace Pkwy., Suite 400, Salisbury, MD 21804		Gardiner & Gardiner Contracting, LLC, 2124 Priest Bridge Drive, Suite 14, Crofton, MD 21114					
1	LS		\$2,317,000.00		\$2,534,000.00		\$2,395,000.00		\$2,019,068.00				
5	YR	\$ 9,887.00	\$49,500.00	\$8,600.00	\$43,000.00	\$10,000.00	\$50,000.00		\$49,656.00				
1	LS		(\$53,900.00)		(\$54,600.00)		(\$55,000.00)		Not submitted				
1	LS		(\$20,500.00)		(\$12,800.00)		(\$22,000.00)		Not submitted				
			Y		Y		Y		Y				