



## CITY COUNCIL AGENDA

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- I. 2:00 PM **CALL TO ORDER: APRIL 25, 2023 SPECIAL COUNCIL MEETING**
- II. **PLEDGE OF ALLEGIANCE**
- III. **APPROVAL OF AGENDA**
- IV. **COUNCIL ACTION ITEMS**
  - A. **CONSIDERATION TO AWARD THE BID FOR THE WASTEWATER TREATMENT PLANT REPLACEMENT FACILITY PROJECT**

This project consists of the construction of a new wastewater treatment plant to replace the City's aging lagoon treatment system. The bid opening for the project was held on January 26, 2023, resulting in three bids. Two bids were rejected at the April 18, 2023 Council meeting due to material irregularities, leaving a single bidder. We have received concurrence from the SRF Program to award to Bodell Construction. Bodell has offered an adjustment to their original bid price with the anticipation that additional value engineering will occur after the the bid is awarded.

**Suggested Motion:** I move to award the Wastewater Treatment Plant Replacement Facility Project to Bodell Construction, in the amount of \$51,300,000.00 and authorize the Mayor to sign the agreement, pending legal approval.

Documents:

[BID AWARD - WWTP.PDF](#)

- V. **ADJOURNMENT**





City of Green River  
City Council Meeting  
Agenda Documentation

Preparation Date: April 24, 2023	Department: Public Works
Meeting Date: April 25, 2023	Department Head: Mark Westenskow
	Presenter: Mark Westenskow

**Subject:**

*Consideration to Award Bid for the Wastewater Treatment Plant Replacement Facility Project.*

**Background/Alternatives:**

*This project consists of the construction of a new wastewater treatment plant to replace the City's aging lagoon treatment system. The Bid Opening for the Project was held on January 26, 2023, resulting in three bids. Two bids were rejected at the April 18, 2023 Council meeting due to material irregularities, leaving a single bidder. We have received concurrence from the SRF program to award to Bodell Construction. Bodell has offered an adjustment to their original bid price with the anticipation that additional value engineering will occur after the bid is awarded.*

**Attachments:**

*Bid Tabulation, Bodell Letter, Proposed Agreement*

**Fiscal Impact:**

*The City has secured a \$45.1 million loan for this work. The City has also received \$6,245,000 in ARPA grants..*

**Staff Impact:**

*In House Project Management with Inspection by the Engineering Division and the design team under separate contract.*

**Legal Review:**

Pending

**Suggested Motion:**

*“I move to award the Wastewater Treatment Plant Replacement Facility Project to Bodell Construction in the amount of \$51,300,000.00, and authorize the Mayor to sign the Agreement.”*



April 21, 2023

Mark Westenskow, PE  
Director of Public Works  
City of Green River  
50 E. 2<sup>nd</sup> North  
Green River, Wyoming 82935

**RE: City of Green River Wastewater Treatment Plant Replacement Facility - Contract Negotiation**

Dear Mr. Westenskow:

Thank you for the opportunity to meet with you and discuss the Green River Wastewater Treatment Plant Project. As we discussed during our meeting, Bodell Construction is committed to working with the City to identify potential value engineering/cost saving options.

As a good faith effort to assist the city in being able to make an award and move forward with construction of the project, we are willing to make adjustments to our self-perform efficiencies, a reduction in fees, and have asked our key subcontractors and vendors if they can offer any concessions. A few of them have offered savings, some have committed to hold their price while incurring increases in their cost, and a few vendors are unable to hold and are unfortunately passing on cost increases to Bodell Construction.

Our intention is to work with the owner and construction team in targeting areas for value engineering. We will pursue these potential savings early in the construction process to maximize the City's funding.

We are pleased to offer a reduced proposal price without deviation from the design documents and specifications in the amount of \$51,300,000.00. In order for us to lock in reduced pricing, a notice of award to Bodell Construction will need to be received no later than April 26, 2023.

We look forward to partnering with the city on the successful completion of the project.

Regards,

**Bodell Construction Company**

A handwritten signature in blue ink that reads "Michael J. Bodell".

Michael J. Bodell  
*Chief Executive Officer*  
P: (801) 892-8031  
E: [mbodell@bodellconstruction.com](mailto:mbodell@bodellconstruction.com)

SECTION 00 50 00 – AGREEMENT BETWEEN OWNER AND CONTRACTOR

Project Name: Green River WWTP Replacement

THIS AGREEMENT, made this \_\_\_\_ day of, \_\_\_\_\_ 20\_\_\_\_, by and between CITY OF GREEN RIVER, hereinafter called "OWNER", and Bodell Construction, doing business as a Corporation, hereinafter called "CONTRACTOR".  
Company

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned;

- 1.01 The CONTRACTOR will commence and complete the construction of GREEN RIVER WWTP REPLACEMENT PROJECT.
- 1.02 The CONTRACTOR will furnish specified material, supplies, tools, equipment, labor, and other services necessary for the construction and completion of the PROJECT described herein;
- 1.03 The CONTRACTOR hereby agrees to fully complete the project within 730 (Seven Hundred Thirty) consecutive calendar days after specified start date as identified in the NOTICE TO PROCEED. CONTRACTOR further agrees to pay as liquidated damages, the sum of \$3,000 for each consecutive calendar day thereafter;
- 1.04 The CONTRACTOR agrees to perform all of the work described in the CONTRACT DOCUMENTS and comply with the terms therein for the Lump Sum as shown on the Bid Form. The total contract amount as shown on the Bid Form is  
\$51,300,000.00.
- 1.05 The term "CONTRACT DOCUMENTS" means and includes the following:
  - A. NOTICE AND CALL FOR BIDS
  - B. PRE-BID AND PRE-CONSTRUCTION AGENDAS AND MINUTES
  - C. BID FORM
  - D. BID BOND
  - E. AGREEMENT
  - F. PAYMENT BOND
  - G. PERFORMANCE BOND
  - H. NOTICE OF AWARD
  - I. NOTICE TO PROCEED
  - J. CHANGE ORDER
  - K. PROJECT MANUAL prepared by BURNS & MCDONNELL dated September 2022
  - L. SRF SPECIAL CONDITIONS
  - M. ADDENDA
  - N. CERTIFICATE OF SUBSTANTIAL COMPLETION
  - O. PUNCH LIST
  - P. CERTIFICATE OF FINAL ACCEPTANCE
- 1.06 The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the Project Manual such amounts as required by the CONTRACT DOCUMENTS;

SECTION 00 50 00 – AGREEMENT BETWEEN OWNER AND CONTRACTOR: continued

- 1.07 By execution of this Agreement, it is understood and agreed to between the parties that nothing contained herein, nor execution of this Agreement, constitutes a waiver by the OWNER of its sovereign immunity under Wyoming law.
  
- 1.08 If either party hereto shall bring any legal action against the other to enforce any right or obligation based upon this Contract, the successful party in such legal action shall be entitled to recover a judgment therein for, and the unsuccessful party shall be obligated to pay, all of the cost and expenses of any kind and nature whatsoever incident to the prosecution of defense of such legal action and the preparation thereof, including a reasonable attorney fee.
  
- 1.09 This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns;

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in (three) copies, each of which shall be deemed an original on the date first above written.

CONTRACTOR:

OWNER:

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Type)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Title: Mayor, City of Green River

(SEAL)

(SEAL)

ATTEST:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_  
(Please Type)

Name: \_\_\_\_\_  
(Please Type)

END OF DOCUMENT 00 50 00