

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in special session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, MS. on July 10, 2015 at 5:00 p.m. to take action on the following matters of city business.

**NOTICE OF MEETING TO APPROVE J.O. COLLINS, CONTRACTOR, INC.
FOR POLICE DEPARTMENT BUILDING (EXHIBIT A)**

Mayor Smith noted for the record the presence of Aldermen Burke, Lafontaine and Piazza, along with City Clerk Lisa Planchard and City Attorney Rachel Yarborough. Also present, by phone, was Attorney Gary Yarborough.

Absent from the Meeting was Alderman Bobby Richardson.

POLICE STATION/CDBG/BIDS

Re: Approve and Accept J.O. Collins Contractor, Inc. as Lowest, Best and most Responsible bid for the Police Department Building Construction

Alderman Piazza moved, seconded by Alderman Burke to approve and accept as the lowest, best and responsible bid, the bid from J.O. Collins in the amount of \$4,750,000 for the completion of the Police Department Construction Project. The award is subject to execution by the City of Waveland and J.O. Collins of the contract. This motion is also to issue the 'Notice to Proceed' to J.O. Collins. The Board is making the finding that the scope of the bid was sufficiently broad and that the receipt of only one bid was due to circumstances outside of the City's control. The City is also making a finding of fact that the completion cost is reasonable given the needed repairs and replacement of certain items of the building. Further, attached to this finding is the recommendation of the MS. Development Authority that the City must accept this bid because the contractor is Section 3 compliant and the City is required by the CDBG Grant to comply with Section 3. Further, the cost is reasonable as shown by the cost analysis provided by GM&R estimating that the cost of completion is \$5,200,000. **(EXHIBIT B)**

Legal Counsel Gary Yarborough said the City received only one bid by J.O. Collins. The City submitted to FEMA about 3 weeks ago, (6/19/15), a position statement requesting approval of the one bid received. I am asking you, the Board, to approve and accept that position statement submitted to FEMA and adopt those findings of fact stated in the position statement and the memorandum. The question presented in the position statement to FEMA was whether or not the City could accept J.O. Collins' bid for completion of the Police Department project due to it being the only bid the City received. Generally, FEMA guidelines would want at least two bids for completion.

Waveland solicited sealed bids for the completion of the project. Waveland's scope of the bid was sufficient and broad enough to capture not only in State Mississippi license contractors, but also Mississippi license contractors residing in other states; we bid this in the Sea Coast Echo, Sun Herald and also bid on the State Contractor website (MTAP) which is viewed nationally and it is typical and standard in the industry. FEMA's letter of today indicated that that is their opinion that it was a sufficiently broad advertisement. We also have, because we have multiple funding sources on this project, being FEMA PA9, FEMA Hazard Mitigation and, thirdly being the CDBG funds through MDA, which are HUD funds. The HUD funds require the City of Waveland to comply with Section 3 of the 1968 US Dept. of Housing and Urban Development Act. The bidder we have in place is a local contractor from Biloxi, which under HUD requirements 1) Give them preference as to similar requirements under FEMA statutes 2) They are Section 3 compliant under MDA guidelines; MDA reviewed the bid and had their attorneys approve the contractor to be Section 3 compliant.

The HUD requirements would require us to give preference to a Section 3 qualified contractor and make all efforts to award a contract to a Section 3 compliant bidder. Section 3 bidding requirements are imposed upon the City as per the MDA Grant agreement, which requires the City to accept J.O. Collins bid and generally overrides other federal requirements such as those in the PA9 funds and Hazard Mitigation funds, which is an additional reason we would need to accept the bid.

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The position has been stated that if we would reject this bid, we would violate our HUD requirements because of the MDA agreement due to J.O. Collins being a qualified contractor under Section 3. For all those reasons, I am asking that you, Madam Clerk, spread on the Minutes the correspondence from MDA, our letter to FEMA and Hazard Mitigation requesting their review of the single bid because of the MDA Section 3 requirements, the reasonableness of the bid price, and the breadth of scope of the bid, as well as those other findings of the position statement submitted by Waveland to FEMA & HMGP, FEMA's response to that single bid request (**EXHIBIT C**). Our correspondence will also include the Bid (**EXHIBIT D**) of J.O. Collins and the cost analysis done by GM&R which using the same scope that was bid by J.O. Collins and was priced to be \$5,200,000 vs. the \$4,750,000, the bid we received from J.O. Collins and accept the bid with those findings of fact". Mr. Yarborough said the contractor has 365 days from the Notice to Proceed to complete the job and 14 days to mobilize after the Notice to Proceed.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine, and Piazza

Voting Nay: None

Absent: Richardson,

ADJOURN

Re: Adjourn at 5:40 p.m.

Alderman Piazza moved, seconded by Alderman Burke to adjourn the meeting at 5:40 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine, and Piazza

Voting Nay: None

Absent: Richardson

The foregoing minutes were presented to Mayor Smith on August 7, 2015.

Lisa B. Planchard
City Clerk

The Minutes of July 8, 2015 have been read and approved by me on this, the 7th day of August, 2015.

Mike Smith
Mayor

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