

**RESOLUTION NUMBER 04-048**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, ACCEPTING THE LOW BID OF \$1,919,000 FROM SPINDLER CONSTRUCTION CORP., AUTHORIZING THE MAYOR TO AWARD THE LOW BID FOR THE UV DISINFECTION, THE ELECTRICAL AND INSTRUMENTATION AND CONTROLS UPGRADE FOR THE KETCHUM/SUN VALLEY WASTEWATER TREATMENT FACILITY, AND REPEALING RESOLUTION NUMBER 04-046.

**WHEREAS**, the Utilities Department has determined that certain improvements to the Ketchum/Sun Valley Wastewater Treatment Facility as called for in those certain Bidding Documents issued pursuant to the notice inviting bids published in the Idaho Mountain Express on March 17, 24, and 31, 2004 (the "Improvements") would upgrade systems for future capacity and would therefore meet more stringent permit limits; and

**WHEREAS**, bids for the Improvements from the following three companies were received:

- |                               |                |
|-------------------------------|----------------|
| • WR Henderson Construction   | \$2,875,000.00 |
| • Contractors Northwest, Inc. | 2,338,000.00   |
| • Spindler Construction Corp. | 1,919,000.00   |

; and

**WHEREAS**, the apparent low bid from Spindler Construction Corp. contained the following irregularities:

- (a) Industrial Instruments, Inc., the instrumentation and controls system contractor listed in the Spindler Construction Corp., bid, does not have "their own operating UL listed fabrication and testing facility" as specified in Section 16010B1b of Revision 1 (04/12/04) of the bidding documents.
- (b) Industrial Instruments, Inc. did not submit all of the Qualification Submittal with the bid as required by Section 16010B3 of Revision 1 (04/12/04) of the bidding documents.

; and

**WHEREAS**, it is the determination of the Board of Directors that the above mentioned irregularities are of a minor, non-substantive nature which will not compromise the ability of Spindler Construction Corp. to complete the Improvements in full compliance with the plans and specifications upon which its bid was predicated; and

**WHEREAS**, Spindler Construction Corp. and all of its subcontractors falling within the definition of "public works contractor", contained in Idaho Code § 54-1901, have the requisite public works licenses, said subcontractors including War Bonnet

Electric, the systems supplier; Robert Child Plumbing and Heating, Inc., the plumbing subcontractor; and Western Mechanical, Inc., the HVAC subcontractor; and

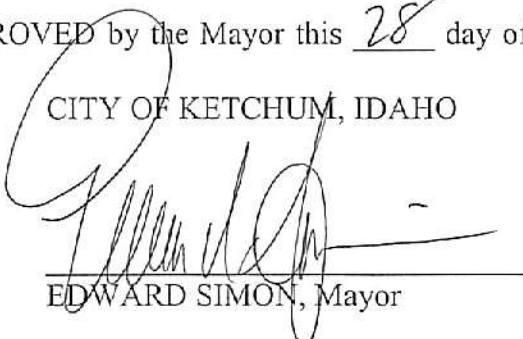
**WHEREAS**, it is the determination of the City Council that the instrument and control system contractor (ICSC), Industrial Instruments, Inc., will not be involved in providing public works construction as defined in Idaho Code § 54-1901(c);

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Ketchum, Idaho that Resolution No. 04-046, approved by the Mayor and passed by the City Council on May 17, 2004 is hereby repealed in its entirety.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Ketchum, Idaho hereby approves the lowest bid of \$1,919,000.00 from Spindler Construction Corp. for the Improvements to the Ketchum/Sun Valley Wastewater Treatment Facility, and the City Council authorizes the Mayor to award the bid to Spindler Construction Corp. and execute all contract documents necessary in connection therewith.

PASSED by the City Council and APPROVED by the Mayor this 28 day of May, 2004.

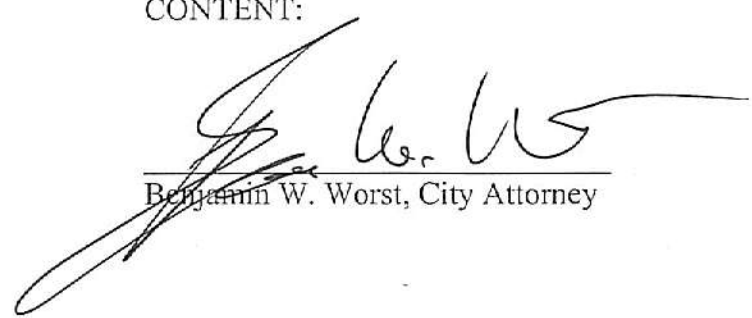
CITY OF KETCHUM, IDAHO

  
EDWARD SIMON, Mayor

ATTEST:

  
Sandra Cady, CMC  
City Clerk/Treasurer

APPROVED AS TO FORM AND  
CONTENT:

  
Benjamin W. Worst, City Attorney



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