

**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
May 28, 2003
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1. Call to Order and Roll Call

Chairman Eichenberg called the Special Board Meeting to order at 8:00 a.m. Wednesday, May 28, 2003. Roll was noted as follows:

Directors present: Chairman Tim Eichenberg
Director Ronald D. Brown
Director Daniel Hernandez
Director Daniel Lyon
Director Linda Stover

Others present: John Kelly, Executive Engineer
Sam Bregman, Attorney
Staff

2. Approval of Agenda

Director Brown made a motion to approve the agenda. Director Stover seconded the motion and it passed (4-0) with Director Hernandez not being present for the vote.

3. Isleta Blvd. Phase 1-A Drainage Improvements – Sanchez Farm Detention Basin and Pump Station

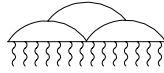
Director Hernandez arrived during this discussion.

a. Rejection of Bid from New Mexico Underground Contractors, Inc.

Bruce Marsh, representing RMCI, Inc., and Bill Zimmerman, representing HDR, Inc., were present.

Mr. Lovato stated that 6 bids were received at 2:00 p.m. on May 20, 2003. He stated that the AMAFCA staff recommends that the low bid from New Mexico Underground Contractors, Inc. be rejected since the contractor failed to fill in the entire bid proposal--Item 67 was not filled in. He stated that the contract specifications require that all bid items must be filled in.

Mr. Kelly stated that a letter was sent to Mr. Thompson, New Mexico Underground indicating that staff intended to recommend to the Board at the May 28, 2003 Special Meeting to reject their bid for the reasons cited. He stated that Mr. Thompson received the facsimile and sent it back with the following annotation: "John, although it's tough to lose this job, I have no one to blame by myself. I agree with your decision and await your next project."



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In response to a question asked by Director Lyon, Mr. Kelly stated that bids have been rejected before for various reasons and that the contract specifications are explicit in that all bid items must be filled in. Director Lyon expressed his concerns about the increase in cost of \$25,000 by rejecting the low bid and awarding the bid to RMCI, Inc.

Director Brown stated that not rejecting the bid would set a precedent that could possibly allow manipulation of the bid process by contractors selectively not filling in certain bid items and attempting to negotiate the final price later.

Director Hernandez stated that AMAFCA does not want to set precedence by accepting an uncompleted bid and that bids have been rejected for this very reason in the past.

Chairman Eichenberg stated that AMAFCA is preserving the integrity of the bid process by rejecting this bid. He stated that there would be a legal technicality if AMAFCA were to request the 2nd low bidder to reduce their price to that of the low bidder.

Attorney Bregman stated that the overall bid process has to remain consistent with the procurement code and that he concurred with the staff recommendation.

Director Hernandez made a motion for the Board to reject the bid of New Mexico Underground as submitted for failure to fill in all bid items and extensions as required by the bid documents. Director Lyon seconded the motion and it passed unanimously (5-0).

b. Award of Contract to RMCI, Inc.

Director Brown made a motion for the Board to accept RMCI, Inc. as the lowest responsible bidder and authorize the Board Chairman to execute a contract with RMCI, Inc. in the amount of \$1,889,617.60 for construction of the Sanchez Farm Detention Basin and Pump Station Project. Director Hernandez seconded the motion and it passed unanimously (5-0).

4. Unfinished Business

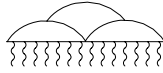
None.

5. New Business

None.

6. Items from the Floor / Public Comment

None.



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7. Adjourn

With no further business to discuss, Director Hernandez made a motion to adjourn the meeting at 8:15 a.m. Director Brown seconded the motion and it passed unanimously (5-0).

Ronald D. Brown, Secretary-Treasurer
6/26/03

Recorded by Lori Webb
Secretary to the Executive Engineer