

## **Tennyson Town Board**

### **Meeting Minutes February 26, 2025**

The regular meeting of the Town of Tennyson was called to order at 5:30 pm on February 26, 2025, in Tennyson Town Hall by Cathy Oser. The meeting was originally scheduled for February 19<sup>th</sup>, 2025, but was moved due to weather conditions.

**Present:** Cathy Oser, Steve Bruce and Auburn Patmore. Sarah Adams, Clerk Treasurer, was also in attendance. Utility workers Gary Higgs and Robert Woods were present. Michael Phillips, the town's attorney, was also present. Eddison Peters (Midwestern Engineers) was also in attendance. The patrons present were Tyler Trent (Tripletex), and James Hopf (Hopf Consulting/Tripletex).

Steve Bruce made a motion to approve January 15, 2024, meeting minutes, second by Auburn Patmore, motion carried.

Auburn Patmore made a motion to approve February 4, 2025, special meeting minutes, second by Steve Bruce, motion carried.

#### **Approval of Accounts Payable Vouchers:**

Steve Bruce made a motion to approve Accounts Payable Vouchers. Second by, Auburn Patmore, motion carried.

**Patron's Concerns:** None

**New Business:** None

**Old Business:** Cathy Oser asked the board if they would like to make a motion to have the attorney Michael Phillips handle the awarding of the bids in the 2024-2 CCMG Street Improvement bids and the Water System Improvement bids (No. 1700170, 1701058, and 1702072). Steve Bruce made a motion for Michael Phillips to handle the awarding of the bids for both projects, second by Auburn Patmore, motion carried.

Michael Phillips stated Eddison Peters was present with Midwestern Engineers. Mr. Phillips stated that the bids were opened in an open public meeting and the Town took all bids under advisement and requested the engineer (Eddison Peters), who was hired by the Town of Tennyson to review the bids and see if they followed the specifications, were responsive, and responsible bids. Mr. Peters was also asked to make a recommendation to the Town Council as to who was the successful and recommended bidder. Mr. Phillips then asked Mr. Peters to explain his review of his letter that he has drafted for consideration and recommendation to the Town Council and then proceed to do what the Town Council chooses.

Mr. Peters stated he would like to start with the CCMG Street Improvement project. Bids were accepted for the project, and every bid came in under budget. The lowest bidder was Metzger Construction for \$213,596.00. Mr. Peters feels very confident that this company can do the

project at the price they bid, and no qualms with recommending Metzger Construction. The 75% portion paid by the State of Indiana would be \$160,197.00. The Town of Tennyson's 25% portion would then be \$53,399.00. Mr. Peters then presented a letter to INDOT saying that this is our low bid, and we are going to accept. The acceptance Form 96 was also presented, and the signature page for the agreement with Metzger Construction. The contract states the time allowed and warranty period for the contract, and the liquidated damages that will be sent to Metzger's and will send the fully executed contract.

The council did not have any objections. A motion was made to follow the engineer's recommendation and accept Metzger Construction as the successful bidder in the amount of \$213,596.00 and to approve a letter of intent to INDOT, in addition to accepting the bid and entering into an agreement with Metzger Construction so that they can fulfill their responsibility to obtain bonds to satisfy the legal statute. Steve Bruce made a motion to accept, second by Auburn Patmore, motion carried. Cathy Oser signed the Contractor Award and request for CCMG funds. Sarah Adams, attested.

Ed Peters then presented the three INDOT projects for water main relocations (No. 1700170, 1701058, and 1702072). These projects are for culvert replacements, but water mains are parallel to the roads and will need to be moved further away from the road. These projects are 100% refundable by INDOT.

Bids were opened in an open public meeting on February 4, 2025, and were taken under advisement by the council. Ed Peters stated the low apparent bidders were Quality Craft Construction and Triple T Excavating. Both had bids totals that were under the original estimates for all three designation numbers, and both bids would come within the budget that was given by INDOT. We also had four other bids by local contractors.

The recommendation letter presented by Midwestern Engineers spelled out some heavy recommendations for the board.

The first recommendation is that Sam Trucking's bid be rejected. The S.A.M.M. Trucking and Excavating, Inc. INDOT Des. No.: 1701058 Bid Item No. 1 amount of \$6,300.00 was found to be 6.86% of the Subtotal INDOT Des. No.: 1701058 Base Bid of \$91,867.50 which is greater than the specified limit of 5% for that line item. The S.A.M.M. Trucking and Excavating, Inc. INDOT Des. No.: 1702072 Bid Item No. 1 amount of \$5,000.00 was found to be 6.28% of the Subtotal INDOT Des. No.: 1702072 Base Bid of \$79,620.00 which is greater than the specified limit of 5% for that line item. The mobilization, demobilization, safety and environmental compliance bid amounts for two of the INDOT designations in excess of the 5% specified maximum for those bid amounts constitute non-compliance with the bid requirements, making the bid non-responsive. It is Midwestern Engineers, Inc. and the undersigned's professional opinion that the bid of S.A.M.M. Trucking and Excavating, Inc. be deemed non-responsive by the Town Council of the Town of Tennyson.

The bid proposal from Tripletex, LLC was found to have seventeen (17) mathematical errors, resulting in a discrepancy of \$2,250.57. In addition to mathematical errors, the Tripletex, LLC INDOT Des. No.: 1700170 Bid Item No. 1 amount of \$14,499.62 was found to be 14.01% of the Subtotal INDOT Des. No.: 1700170 Base Bid of \$103,473.44 which is much greater than the



specified limit of 5% for that line item. The Tripletex, LLC INDOT Des. No.: 1701058 Bid Item No. 1 amount of \$14,750.00 was found to be 24.40% of the Subtotal INDOT Des. No.: 1701058 Base Bid of \$60,459.66 which is much greater than the specified limit of 5% for that line item. The Tripletex, LLC INDOT Des. No.: 1702072 Bid Item No. 1 amount of \$14,750.00 was found to be 27.93% of the Subtotal INDOT Des. No.: 1702072 Base Bid of \$52,817.47 which is much greater than the specified limit of 5% for that line item. The mobilization, demobilization, safety and environmental compliance bid amounts for all three INDOT designations in gross excess of the 5% specified maximum for those bid amounts constitute material non-compliance with the bid requirements, making the bid non-responsive. It is Midwestern Engineers, Inc., and the undersigned's professional opinion that the bid of Tripletex, LLC be deemed non-responsive by the Town Council of the Town of Tennyson. Accepting a bid that materially violates the specifications would create an unfair bidding process and expose the Town to potential legal challenges from other bidders. Based on this analysis, we formally recommend that the Town Council reject the bid from Tripletex, LLC as non-responsive and award the contract to the lowest responsive and responsible bidder, Quality Craft Construction, Inc., in the amount of \$276,895.52.

Mike Phillips stated that the statute is very clear that once bids are submitted, and opened in a public meeting that they stand, they cannot be revised or altered without consent and concurrence for negotiations that is not happening in this case. These bids were opened for anyone to bid publicly in accordance with the specifications that were submitted on the plans and advertised. In the engineer's review, they found the two bids mentioned as not being responsive to the bid requirement specifications. Mr. Peters stated this was correct and that Midwestern Engineers are not allowed to negotiate before an award is made with a contractor, as that would be an ethical violation.

Mr. Phillips asked if the Town Council had any questions, and stated that there were two bids submitted, S.A.M.M. Trucking & Excavating, and the Tripletex, LLC bid was not responsive as an acceptable bid, due to not complying with the 5% limit on the mobilization cost of the total project. Mr. Phillips then asked Ed Peters if this was why Midwestern Engineers is formally stating to reject the two bids. Ed Peters stated this was why Midwestern Engineers stated to formally reject the bids from S.A.M.M. Trucking & Excavating, INC and Tripletex, LLC.

Mr Phillips stated if the board has no questions, it would be appropriate to make a motion to reject the two bids, based on the engineer's explanation, review and determination that the that the Tripletex, LLC bid, and the S.A.M.M. Trucking and Excavating, INC be rejected because they did not comply as responsive and responsible bids. Auburn Patmore made a motion to reject Tripletex, LLC's bid, and S.A.M.M. Trucking and Excavating, INC's bid, second by Steve Bruce. Cathy Oser asked all in favor of rejecting Tripletex, LLC's bid and S.A.M.M. Trucking and Excavating. All present board members stated I in agreement, motion carried.

Mr. Phillips addressed Mr. Peters and asked that the recommendation that was made is that the next low bid, Quality Craft, INC, be the recommended low, responsible, and responsive bid, and that they be accepted and the award be approved for Quality Craft Construction, INC be awarded with a contract for the projects. Mr. Peters stated he was correct.

Mr. Phillips asked if the board had any questions about what was presented to them.

James Hopf asked if the public could ask a question of what was discussed, and Mr. Phillips stated he could after the board resumes, as he is just handling the presentation.

Mr. Phillips stated an order now if the board would like to make a motion to approve the engineer's recommendation, based on the reasons stated that Quality Craft Construction, INC be accepted as the low, responsible, and responsive bidder for INDOT Projects (No. 1700170, 1701058, and 1702072) and that they receive the award for the contracts.

James Hopf asked Madame President if someone could speak before a vote is taken, and the attorney Mike Phillips stated he make speak after the action of the board, not when the board is in the middle of taking action, and to not interrupt the board.

Auburn Patmore made a motion to approve the engineer's recommendation, based on the reasons stated that Quality Craft Construction, INC be accepted as the low, responsible, and responsive bidder for INDOT Projects (No. 1700170, 1701058, and 1702072) and that they receive the award for the contracts. Steve Bruce seconded the motion. Cathy Oser asked if all were in favor, and all board members stated I. Motion carried.

Gary Higgs asked (as the Water Certified Operator) if he could make a comment or ask a question. Mike Phillips stated he could after Cathy Oser resumes the meeting.

Ed Peters presented the contractor award signature page and Cathy Oser signed. Sarah Adams, attested.

**Clerk Treasurer's Report:** Sarah Adams presented the outstanding checks list. The checks presented were as follows:

*Check #5856 The Estate of Alexander Murphy \$78.06 written on 2/10/2021,*

*Check #5858 Heather Brooks \$37.05 written on 2/11/2021,*

*Check # 6409 Trinity Taylor \$32.52 written on 12/27/2022.*

Sarah Adams requested the checks be voided and receipted back in the appropriation written out of.

Auburn Patmore made a motion to void the checks and receipt them back into the appropriation written out of, second by Steve Bruce, motion carried.


The amended Salary Ordinance 2024-03 was presented. Steve Bruce made a motion to approve, second by Auburn Patmore, motion carried.

**Utility Report:** Gary Higgs asked for an update on the easements on Folsomville-Degonia Road. Michael Phillips stated we are awaiting the signature on one due to it having the Trust's attorney

involved, and the other easement is awaiting the signature of the POA of the Trust's signature. No work can be started until these are signed and recorded with Warrick County.

**Adjournment:** 6:01 P.M. Auburn Patmore made a motion to adjourn, second by Steve Bruce, motion carried.

  
Cathy Oser

  
Steve Bruce

  
Auburn Patmore

