



December 14th, 2022

City of Lynden
300 Front Street
Lynden, WA 98264

Subject: Northwest Washington Fairgrounds Stormwater Improvements
Bid Award Recommendation

Attn: Steve Banham, PE
Public Works Director

Dear Steve:

We have reviewed all construction bid proposals for the above referenced project. DeKoster Excavating provided the lowest bid for the project at \$660,000.23. DeKoster Excavating did not submit a Minority and Women Business Enterprises (MBE/WBE) subcontractor list as required by Ecology's Stormwater Facility Specifications Insert included in Appendix B of the specifications.

However, we understand that the City's legal counsel has determined, as documented in a memorandum dated December 14, 2022, that 'the City may accept the low bid because not including the list of MBE/WBE subcontractors does not result in a "substantial advantage or benefit not enjoyed by other bidders.'" With this determination DeKoster Excavating is the lowest responsive bidder, and therefore we recommend the City award the contract to DeKoster Excavating subject to the following:

- Required project funds are available.

Sincerely,
Herrera Environmental Consultants, Inc.

Colleen E. Mitchell, PE
Associate Engineer

