

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, April 23, 2024
<b>Category:</b>	AWARD OF BIDS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project ST-010: Lyon Circle Reconstruction Project - 1) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 2) Resolution Accepting Bid (Awarding Contract)
<b>Background Information:</b>	<p>This project consists of: reconstruction of the street, curb and gutter, and utility replacement work. The sanitary sewer will be replaced, along with service lines, and the storm sewer piping and intakes will be replaced at the intersection of Lyon Circle and E. Lyon Street. Other items of work included in this project are pavement removal, aggregate base, concrete valley gutter, and bituminous surfacing.</p> <p>On April 16, 2024, bids were received for the above-referenced project. Six bids were received as shown on the attached Bid Tabulation and also the Resolution Accepting Bid. The low bid was from A&amp;C Excavating, LLC of Marshall, Minnesota, in the amount of \$161,580.80. The engineer's estimated range of cost was \$193,100 – \$227,200.</p>
<b>Fiscal Impact:</b>	<p>The above-referenced project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. It is required that action be authorized by City Council via Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.</p> <p>Attached is the "Resolution Accepting Bid" awarding the contract to A&amp;C Excavating, LLC of Marshall, Minnesota, in the amount of \$161,580.80.</p> <p>The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs is \$196,805.41.</p> <p>All improvements will be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. The financing and cost participation will be forthcoming and addressed at the time of the Resolution Declaring Cost to be Assessed.</p>
<b>Alternative/Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	<p>Recommendation No. 1 that the Council adopt RESOLUTION NUMBER 24-043 which is the Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project ST-010.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION NUMBER 24-044 which is the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with A&amp;C Excavating, LLC of Marshall, Minnesota, in the amount of \$161,580.80 for Project ST-010.</p>

**RESOLUTION NUMBER 24-043**

**DECLARATION OF OFFICIAL INTENT  
REGARDING THE REIMBURSEMENT OF EXPENDITURES  
WITH THE PROCEEDS OF TAX-EXEMPT BONDS**

WHEREAS, under regulations adopted by the Secretary of the Treasury of the United States of America, the City of Marshall, Minnesota (the "City") is required to make a declaration of its official intent prior to making a capital expenditure, if it intends to be reimbursed for such capital expenditure at a future date from the proceeds of a tax-exempt bond; and

WHEREAS, the City intends to make capital expenditures with respect to the project described below and also intends to reimburse the fund or account described below from which the capital expenditure will be initially paid from the proceeds of an issue of tax-exempt bonds issued at a future date.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City as follows:

1. A general functional description of the project for which the expenditures to be reimbursed are paid is set forth below:

**PROJECT ST-010: LYON CIRCLE RECONSTRUCTION PROJECT** -- This project consists of: reconstruction of the street, curb and gutter, and utility replacement work. The sanitary sewer will be replaced, along with service lines, and the storm sewer piping and intakes will be replaced at the intersection of Lyon Circle and E. Lyon Street. Other items of work included in this project are pavement removal, aggregate base, concrete valley gutter, and bituminous surfacing.

The principal amount of debt expected to be issued for the project referred to above will not exceed \$275,010.00.

2. The fund or account from which the expenditures to be reimbursed are to be paid and the general functional purpose of the fund or account is set forth below:

Capital Projects Fund

3. The City reasonably expects to reimburse the expenditures referred to above with the proceeds of tax-exempt bonds.
4. This statement of the official intent of the City is a declaration of official intent under the regulations adopted by the Secretary of the Treasury of the United States of America.

Passed and adopted by the City Council this 23<sup>rd</sup> day of April 2024.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

This Instrument Drafted By: Jason R. Anderson, P.E.; Director of Public Works/City Engineer

**RESOLUTION 24-044**  
**RESOLUTION ACCEPTING BID (AWARD CONTRACT)**

WHEREAS, pursuant to an advertisement for bids for the following project:

**PROJECT ST-010: LYON CIRCLE RECONSTRUCTION PROJECT** -- This project consists of: reconstruction of the street, curb and gutter, and utility replacement work. The sanitary sewer will be replaced, along with service lines, and the storm sewer piping and intakes will be replaced at the intersection of Lyon Circle and E. Lyon Street. Other items of work included in this project are pavement removal, aggregate base, concrete valley gutter, and bituminous surfacing.

bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

<b>Bidder</b>	<b>Bid Amount</b>
A&C Excavating, LLC Marshall, MN	\$161,580.80
Towne & Country Excavating LLC Garvin, MN	\$164,405.90
D&G Excavating, Inc. Marshall, MN	\$165,961.50
Action Company LLC Marshall, MN	\$189,453.60
R&G Construction Co. Marshall, MN	\$193,222.80
Duininck, Inc. Marshall, MN	\$206,429.30

AND WHEREAS, it appears that A&C Excavating, LLC of Marshall, Minnesota, is the lowest responsible bidder.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALL, MINNESOTA:

1. The Mayor and City Clerk are hereby authorized and directed to enter into a contract with A&C Excavating, LLC of Marshall, Minnesota, in the amount of \$161,580.80, in the name of the City of Marshall for the above referenced project, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

Passed and adopted by the City Council this 23<sup>rd</sup> day of April 2024.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

This Instrument Drafted By: Jason R. Anderson, P.E.; Director of Public Works/City Engineer