



## Legislation Text

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File #: 23-1671, Version: 1

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### FINANCIAL BUSINESS REQUEST (FBR)

#### **Motion/Request:**

MOTION to grant a bid waiver to WMC Consulting Engineers in the amount of \$478,000 for RFQ/RFP 2023-07 (Engineering Services-Whitford Brook Watershed Infrastructure Improvements) due to not receiving three bids; in accordance with Ordinance #200-001 (rev 1) "*An Ordinance for Purchasing*".

#### **Background:**

The Town of Ledyard has received a \$3M State of Connecticut Personal Services Agreement (PSA) for funding several infrastructure improvements in the Whitford Brook (Lantern Hill Valley) watershed. These include the Lantern Hill Road Bridge over Whitford Brook, the replacement of which has languished through various setbacks, and several items in the area of the discharges of Long and Bush Ponds. These specifically include Long Pond Dam, Bush Pond Dam, Bush Pond Dike, the twin culvert under Lantern Hill Road just downstream of Long Pond Dam, and a culvert under Hyde Hill Pentway, just below Bush Pond Dam. The latter realm of effort involves multiple public and private stakeholders, including Ledyard, North Stonington, the Lantern Hill Valley Association (LHVA), the McKee Farm Trust, CT DEEP, and Save the Sound, which has undertaken and advanced a fishway project at Long Pond Dam.

The Town of Ledyard initially issued an RFQ seeking qualification statements from engineering firms for the design of the five components cited above in the vicinity of the pond discharges. The Town received only two responses, from SLR International Corporation and WMC Consulting Engineers.

Both firms were rated as well qualified to do the work by the interview panel, and the Town then followed up with a request for cost proposals. WMC Consulting Engineers came in lower on cost (\$409K for base scope and \$478K including a potential add alt). SLR International Corporation came it at \$534K for base scope and \$609K with the add alt.

#### **Department Comment/Recommendation:**

Based on the results of the interview panel's evaluation and in light of the notable difference in price, I recommend proceeding with WMC Consulting Engineers under the provision of a bid waiver. I feel that the price is reasonable, in spite of a lack of bids, and is well within the range of what would have been expected.

#### **Finance Director Comment/Recommendation:**

(type text here)

#### **Mayor Comment/Recommendation:**

(type text here)

## Meeting Action Detail:

### Town Council Meeting 05/24/2023:

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Moved: Saums                      Seconded: Ryan

Action: Approved and so Declared

#### Minute Note:

Moved by Councilor Saums, seconded by Councilor Ryan

Discussion: Councilor Saums provided some background noting that WMC Consulting Engineers also did the work on the Lantern Hill Road Bridge.

Councilor Saums provided some background noting that in response to the Request for Qualifications (RFQ#2023-07) (Whitford Brook Watershed Infrastructure Improvements -1 ) the town only received two proposals. He stated the Proposals were due on April 12, 2023 and that Public Works Director/Town Engineer Steve Masalin along with Planner Sam Alexander from Southeastern Connecticut Council of Governments (SCCOG), and Dave Murphy from Southeastern CT Stormwater and Climate Resilience Agency (SERCA) interviewed the Engineering Firms that submitted proposals. He stated the consensus of the Group was to award the contract to WMC Consulting Engineers, noting that they were the lowest bid. He stated although the town would have typically received several proposals for this type of project that the cost of the two proposals received came in within the range of what they would have seen if they had a bigger pool of participants.

Councilor Ryan stated that Director of Public Works/Town Engineer Steve Masalin stated the proposals were within the scope of what was expected for the size of the project, noting that the cost was not a lot more or a lot less than expected.

Councilor Saums stated that Mr. Masalin explained that this bid waiver was for the Design Work and the Permitting Process and was only one milestone within the whole \$3 Million Watershed Initiative that was being done along Lantern Hill Road and the Whitford Brook, which included the replacement of the Lantern Hill Road/Whitford Bridge (between Ledyard and Stonington) and for other components that needed to be replaced or improved related to the watershed area. He stated that Mr. Masalin also addressed the complexities of the project because there were a lot of stakeholders involved in this Watershed Project, noting that the Town has met with residents Betsy Graham and Terry Fedors. He explained the Local Bridge Program has become an option that the town could use again. He stated WMC Consulting Engineers was the engineers for the Lantern Hill Road Bridge and he noted in speaking with WMC Consulting Engineers they were going to submit an Application for Local Bridge

Funding. However, he explained although Stonington would be a party in the Memorandum of Understanding (MOU) that Mayor Allyn, III, was working on, that the Local Bridge Application would not include Stonington as a *party*. He went on to note that there would be other Memorandum of Understanding (MOU) for some of the other parties because the dams were on private property. He stated for State Funding to be devoted to private dams/culverts was an unusual facet of the projects, and he noted that working thru this project was going to be challenging.

Councilor Saums concluded by stating that Mr. Masalin was comfortable with the selection of WMC Consulting Engineers. He explained because the State would not allow a private party to be the administrator of the grant funding; that the town would be handling the administration of the funding.

**Action:** Approved and so Declared

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**Finance Committee Meeting 05/17/2023:**

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**Title:** MOTION to grant a bid waiver to WMC Consulting Engineers in the amount of \$478,000 for RFQ/RFP 2023-07 (Engineering Services-Whitford Brook Watershed Infrastructure Improvements) due to not receiving three bids; in accordance with Ordinance #200-001 (rev 1) “*An Ordinance for Purchasing*”.

**Moved:** Ingalls                      **Seconded:** Ryan

**Action:** Recommend to Approve

**Minute Note:**

Moved by Councilor Ingalls, seconded by Councilor Ryan

Discussion: Public Works Director/Town Engineer Steve Masalin stated in response to the Request for Qualifications (RFQ#2023-07) (Whitford Brook Watershed Infrastructure Improvements -1 ) the town only received two proposals. He stated the Proposals were due on April 12, 2023 and that he along with Planner Sam Alexander from Southeastern Connecticut Council of Governments (SCCOG), and Dave Murphy from Southeastern CT Stormwater and Climate Resilience Agency (SERCA) that they interviewed the Engineering Firms that submitted proposals. He stated both Engineering Firms interviewed well and there was not a significant difference in the costs. He stated the consensus of the Group was to award the contract to WMC Consulting Engineers. He stated although the town would have typically received several proposals for this type of project that the cost of the two proposals received came in within the range of what they would have seen if they had a bigger pool of participants.

Mr. Masalin presented both of the RFP’s received, and he explained that this Design Work and the Permitting Process was only one milestone within the whole \$3 Million Watershed Initiative that was being done along Lantern Hill Road and the Whitford Brook, which included the replacement of the Lantern Hill Road/Whitford Bridge (between Ledyard and Stonington) that has languished for years, and for other components that needed to be replaced or improved related to the

watershed area.

Councilor Ryan questioned whether the Agreement Ledyard had with Stonington extended into the bridge work at Long Pond. Mayor Allyn, III, explained that State Senator Cathy Osten secured the \$3 Million for the replacement of the bridge, which was supposed to be shared between the two towns (Ledyard & Stonington). However, he stated this funding would not pay for the replacement of the Dams, which were on private property. He noted Mr. Masalin had some creative suggestions that may allow them to leverage some of the funding to get more of the overall Watershed Project done.

Mr. Masalin stated there were a lot of stakeholders involved in this Watershed Project, noting that they have met with residents Betsy Graham and Terry Fedors. He explained the Local Bridge Program has become a funding option that the town could use again. He stated WMC Consulting Engineers was the engineers for the Lantern Hill Road Bridge and he noted in speaking with WMC Consulting Engineers they were going to submit an Application for Local Bridge Funding. However, he explained although Stonington would be a party in the Memorandum of Understanding (MOU) that Mayor Allyn, III, was working on, that the Local Bridge Application would not include Stonington as a party. He went on to note that there would be other Memorandum of Understanding (MOU) for some of the other parties because these dams were on private

property. He stated for State Funding to be devoted to private dams was an unusual facet of the projects, and he noted that working thru this project was going to be challenging.

Mayor Allyn stated, as Mr. Masalin mentioned, it was unusual for State Funding to go toward something that was privately owned. He stated when someone purchases a property they most likely know that the property had a dam that was holding back water, which was a liability.

Councilor Ryan questioned whether the town could reach back to the property owner for the costs to maintain the dams. Mayor Allyn stated the town does not maintain the dams. However, he explained for this particular case, because the dams have been there for such a long time and needed to be redone, and because the private property owners did not funding to repair the dams, that the town would be administering the funding and the work for the replacement of the dams because they were an important piece of the waterway.

Mr. Masalin explained because the State would not allow a private party to be the administrator of the grant funding; and therefore, as the Mayor noted, the town inherited the administration of the funding. However, he explained to succeed with the Watershed Project the town has to put together a Memorandum of Understanding (MOU); noting that he believed the town has done a good job with drawing a firm line, while recognizing that there were private stakeholders involved. He went on to note the Lantern Hill Valley Association (LHVA) has put a significant amount of effort in lobbying to get this state funding. However, he stated the more people they have sitting at the table the more difficult it was to try to keep control of the project.

Councilor Ryan noted that Mr. Masalin seemed to be comfortable with the selection of WMC Consulting Engineers for the Design Work and Permitting Process. Mr. Masalin explained that they could not ignore the saving and the experience that WMC Consulting Engineers had because they have been working in this watershed area and on the bridge for quite some time. He stated the next step in the process was to issue a Request for Qualifications for the project.

VOTE: 2 - 0 Approved and so declared

**Action:** Recommend to Approve

