

CARSON CITY BOARD OF SUPERVISORS
Minutes of the Special May 29, 1997, Meeting
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A special meeting of the Carson City Board of Supervisors was held on Thursday, May 29, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 12 noon.

PRESENT:	Ray Masayko	Mayor
	Tom Tatro	Supervisor, Ward 3
	Greg Smith	Supervisor, Ward 1
	Jon Plank	Supervisor, Ward 2
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	Mary Walker	Finance & Redevelopment Dir.
	John Iratcabal	Purchasing Director
	Paul Lipparelli	Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(S.B.O.S. 5/29/97 Tape 1-0001.5)	

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 12:02 p.m. Roll call was taken. The entire Board was present constituting a quorum. Mayor Masayko lead the Pledge of Allegiance.

CITIZEN COMMENTS (1-0018.5) - Tom Quigley questioned the reasons he could not obtain any answers regarding the status of the land trade between Carson City and Stanton Park. Mr. Berkich explained his attempt to return Mr. Quigley's phone call. The deeds must be redone and should be going to Northern Nevada Title soon. Mr. Quigley encouraged the Board to direct staff to act quickly on this situation. He felt that the citizens were not able to use the property and should not until it is in the City's name. He could not understand the delay in transferring the title. He urged the Board to take action prohibiting a similar transaction in the future. Mayor Masayko directed Mr. Berkich to place the item on the next agenda.

(1-0085.5) Tom Dotson also questioned the status of the transfer as the fire season is approaching and the weeds need to be cut. Mr. Berkich indicated that the grass would be cut. The status report is included on the draft agenda for the next meeting.

Additional citizen comments were solicited but none given.

A. TREASURER - ACTION ON A SPECIAL EVENT SHORT-TERM PERMIT FOR MAY 30 - JUNE 1, 1997, FOR THE ORMSBY HOUSE HOTEL AND CASINO (1-0101.5) - Mr. Berkich - Supervisor Smith moved that the Board of Supervisors approve the request for a Special Event Short-Term Permit for May 30 to June 1, 1997, for the Ormsby House Hotel and Casino. Supervisor Plank seconded the motion. Motion carried 5-0.

B. FINANCE DIRECTOR - Mary Walker

i. REVIEW AND ACTION ON A RESOLUTION AUTHORIZING EXPENDITURES OF FUNDS TO NON-PROFIT ORGANIZATIONS FOR FISCAL YEAR 1997-98 (1-0125.5) - Supervisor Bennett moved that the Board of Supervisors approve Resolution No. 1997-R-17, A RESOLUTION

AUTHORIZING EXPENDITURES OF FUNDS TO NON-PROFIT ORGANIZATIONS FOR FISCAL YEAR 1997-1998 in the total amount of \$312,000. Supervisors Tatro and Plank seconded the motion. Motion carried 5-0.

ii. REVIEW AND ACTION ON A RESOLUTION ESTABLISHING DISTRIBUTION OF MOTOR VEHICLE PRIVILEGE TAX BETWEEN CARSON CITY AND SIERRA FOREST FIRE PROTECTION DISTRICT (1-0155.5) - Ms. Walker distributed copies of the resolution to the Board and Clerk. Supervisor Bennett moved that the Board of Supervisors approve Resolution No. 1997-R-18, A RESOLUTION ESTABLISHING THE DISTRIBUTION OF MOTOR VEHICLE PRIVILEGE TAX BETWEEN CARSON CITY AND THE SIERRA FOREST FIRE PROTECTION DISTRICT, fiscal impact is approximately \$30,000 per year, funding source is the Motor Vehicle Privilege Tax and the Resolution is as presented to the Board. Supervisor Plank seconded the motion. Motion carried 5-0.

iii. REVIEW AND ACTION ON SIERRA FOREST FIRE PROTECTION DISTRICT FINAL BUDGET FOR FISCAL YEAR 1997-98 (1-0185.5) - Supervisor Plank moved to approve the Sierra Forest Fire Protection District Budget for Fiscal Year 1997-98. Supervisor Tatro seconded the motion. Motion carried 5-0.

iv. REVIEW AND ACTION ON A RESOLUTION SETTING COUNTY COOPERATIVE EXTENSION TAX RATE FOR FISCAL YEAR 1997-98 (1-0203.5) - Supervisor Smith moved to adopt Resolution No. 1997-R-19, A RESOLUTION SETTING THE TAX RATE FOR COUNTY COOPERATIVE EXTENSION FOR FISCAL YEAR 97-98, the rate is to be 1.28 cents ad valorem per \$100 assessed valuation. Supervisor Tatro seconded the motion. Motion carried 5-0.

v. REVIEW AND ACTION ON CARSON CITY FINAL BUDGET FOR FISCAL YEAR 1997-98 (1-0220.5) - Supervisor Plank moved to approve the Carson City Final Budget for Fiscal Year 1997-98. Supervisor Tatro seconded the motion. Motion carried 5-0.

vi. REVIEW AND ACTION ON TRI-COUNTY RAILWAY BUDGET FOR FISCAL YEAR 1997-98 (1-0245.5) - Supervisor Tatro moved to approve the Tri-County Railway Final Budget for Fiscal Year 97-98. Supervisor Bennett seconded the motion. Supervisor Smith noted that the City's General Fund does not support the Tri-County Railway. Mayor Masayko indicated he is a Trustee for the Tri-County Railway Commission. Motion carried 5-0.

C. REDEVELOPMENT AUTHORITY (1-0261.5) - Mayor Masayko then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Masayko who reconvened the Board of Supervisors. A quorum was present as noted.

D. BOARD OF SUPERVISORS - REVIEW AND ACTION ON REDEVELOPMENT AUTHORITY FINAL BUDGET FOR FISCAL YEAR 1997-98 (1-0285.5) - Supervisor Tatro moved that the Board approve the Carson City Redevelopment Authority Final Budget for Fiscal Year 1997-98. Supervisors Smith and Plank seconded the motion. Motion carried 5-0.

Ms. Walker explained the need for the Board to remain following the next item and sign various documents which must be submitted to the State.

E. PURCHASING DIRECTOR - John Iratcabal - ACTION ON CONTRACT NO. 9697-188 - CARSON CITY PUBLIC SAFETY COMPLEX AWARD (1-0305.5) - Mr. Iratcabal's introduction explained the Capital Projects Advisory Committee's ratification of its original recommendation to award the contract to Roche Constructors. At the conclusion of this meeting Clark and Sullivan Constructors withdrew the original protest. Purchasing also recommended the award to Roche. Deputy District Attorney Lipparelli explained his written legal

opinion indicating that the Board could reject Roche's bid if it is determined that Roche lacks the skill, ability, and integrity to faithfully and conscientiously perform the work. Otherwise, the Board should award Roche the contract. (A copy of the opinion is contained in the file.) He also indicated that Mr. Sullivan from Clark and Sullivan had not submitted a written withdrawal of his protest. He indicated that Mr. Sullivan was not present. He recommended that the Board consider the protest to be valid due to these failures. A formal finding should be made for the record regarding this protest. Discussion indicated that the Board should award the contract to Roche unless there is testimony substantiating that Roche's bid is not the lowest, is not responsive, or is not responsible. Mr. Lipparelli acknowledged that Mr. Sullivan's May 19th seven page letter to CPAC Chairperson Gary Sheerin contained allegations similar to those he had voiced during the last Board meeting. (The Board had a copy of this letter, however, the Clerk did not.) The Board should direct its attention to only the first three pages. The remaining pages deal with the plans and Mr. Sullivan's opinions related to them. Mr. Sullivan felt that the Board should deny awarding the bid to Roche as Silver State Steel's request for a one time increase in its bid limit had been denied by the State Contractor's Board. The State Contractor's Board had not provided a reason for its denial. Unless Clark and Sullivan can produce more information regarding this denial, the Board may not have enough information to determine that Silver State will fail to perform. Silver State's bid to Roche was within the licensing limit. The ultimate decision concerning this fact is up to the Board. The remaining claims in Mr. Sullivan's letter relate to the magnitude of the bid differences between Silver State's bid to Roche and Silver State's bid to the other prime contractors. This is also a fact. Roche Constructors had also provided the Board, which is on the record, reasons for this favoritism. Roche Constructors Representative Bob Maddox was present and could respond to Board questions on this issue. CPAC's role in the site and contractor selection process was described. The purpose and intent of NRS 338.140 was explained. He did not have any information nor is there any information on the record to indicate that Roche or any other contractor failed to list his subs. Clark and Sullivan's argument is that the difference between Silver State's bid to Roche and the other primes indicates that bid shopping had occurred to some degree. The statutory requirement for Roche to submit the list had, however, been met. Mr. Allen had testified, as is in the record, that Silver State had given Roche preferential treatment as Silver State wanted to work with Roche on this project. There is no evidence on the record to indicate that bid shopping had occurred.

(1-0585.5) Special Projects Engineer Jay Aldean explained that Silver State Steel had had a representative at the CPAC meeting. The representative had indicated that he could construct the building for the bid, \$1.49 million. The bid had been intentional. The bid to Clark and Sullivan was higher due to its failure to use Silver State for ten years. He then explained the differences between Roche's and Clark and Sullivan's bids regarding the steel. The contract requires the contractor to have two percent more steel than required on site to avoid encountering problems during construction. Roche will have to find this extra steel elsewhere. This is allowed within the bid documents.

(1-0629.5) Bob Maddox, an attorney representing Roche Constructors, indicated that Silver State's Chief Estimator Roy Weaver had attended the CPAC meeting. He then introduced Silver State owner Nancy Morphey, Roche President Tom Roche, Vice President Mike Allen, Regional Construction Manager Wade Pope, Project Manager Marty Mitcham, and Superintendent Scot Shannonfeldt. There were others also present who may be introduced later. He then reviewed the Roche packet which had been distributed to the Board prior to the meeting. (A copy was given to the Clerk.) He reviewed the certificate of good standing and letters of recommendation from two public agencies for whom Roche had performed.

Supervisor Bennett expressed a desire to hear about the issues raised at the CPAC meeting. Mayor Masayko felt that the Committee was only advisory to the Board and that the ultimate decision should be made by the Board. He would accept the information which is in the record as his guide. Supervisor Smith also pointed out that the Board should not consider the issue related to Silver State's request for a one time increase in its bid limit nor should the Board consider any potential problems which may arise between Silver State Steel and Roche Constructors. These were not valid reasons for awarding or denying a contract. Mr. Lipparelli explained for the record that CPAC's agenda did not include an ability to act on the contract. The Committee did not take action and if it had, the action would be declared illegal and void. The Board had not been at the meeting and, therefore, any statements made about that meeting should be considered as hearsay. He urged the Board to use only that

information which is available today and from its last meeting on this issue in making its decision. Mayor Masayko supported his recommendation. He then indicated that the Board did not need to hear a rendition of the presentation made to CPAC.

(1-0827.5) Mr. Maddox then indicated that neither Roche nor Silver State had shopped the bid. Silver State gave a preferential bid to Roche. This is legal. Mr. Clark's letter indicates he also receives preferential bids. There is no collusion. This is the reason Mr. Clark is not present. Reasons Silver State gave Roche the preferential bid were noted. Mr. Roche asked if the Board had any questions from him. None were made.

(1-0870.5) Silver State Manager Nancy Morphey explained a bid which her firm had not gotten as an example of the bidding war.

Public comments were solicited. Mayor Masayko requested that they be brief and to the point.

(1-0895.5) Reno Labor's Union Representative Richard Daily questioned the reasons the Deputy District Attorney had not informed the Board about the final section of 338.143(c). He felt that this Statute allowed the Board to reject a bid if it is determined to be in the public's best interest. He urged the Board to invoke this Statute. Purported problems at the Battle Mountain site were explained to support this feeling. He also felt that if there is a problem between the general contractor and a subcontractor, it would become the City's problem. Supervisor Smith explained the type of information which he needed to determine that the bid should not be awarded to Roche. All of the information available from State licensing authorities to him at this point indicates that Roche is a contractor in good standing in Nevada. Hearsay evidence should not be used to deny the award. Mr. Daily felt that the information should create enough questions to warrant not awarding the bid to Roche. He then explained a prevailing wage problem which had occurred at Battle Mountain. The fine was allegedly the type assessed against a firm which has not complied with the prevailing wage laws in the past. This was an indication that Roche is not a responsible bidder. Supervisor Smith then explained the findings which the Board must make in order to reject a bid under the Statute Mr. Daily had questioned. He then explained his position on "local hiring". He questioned Roche's hiring practices. Mr. Daily indicated that some of the employees would be from out of town/state. The profits would not remain here as it is not a local firm. The prevailing wage laws do not include benefits. The employees are hired through Manpower. This firm does not offer any benefits.

Mr. Lipparelli agreed that the Board could reject all of the bids if it is in the public's best interest in accordance with the Statute and the contract bid specifications. Mayor Masayko also indicated that the issue before the Board is whether there are significant findings which could support selection of one contractor over another. Mr. Lipparelli indicated that if all of the bids are rejected, the project would have to be rebid. Examples were provided which could be used for such a finding. If the bids are rejected, the Board could not negotiate with a contractor to obtain a good price.

(1-1085.5) Mike Reardon expressed his concern that the selection be in the best interest of the community and the best use of his tax money. He represents approximately 2,000 carpenters who live in Carson City and Reno. He questioned the safety of the workers and the potential litigation which could arise from the project. He felt that the ratio of out-of-town versus local workers was 60-40. There are subcontractors who are working on the job that are not listed. He displayed photographs which purportedly illustrated the poor working conditions. Only since the City's bid award was delayed has Roche begun to provide safety measures. He questioned whether the conditions would revert back to the way it was before the bid opening once this bid is awarded. He questioned whether Roche would be able to perform with proper safety equipment. He then explained the photographs. These problems purportedly illustrate a lack of responsibility. Purportedly, the employees had been told that they must supply their own safety equipment. OSHA had advised Mr. Reardon that it is the employer's responsibility to provide this equipment. He was asked to inform OSHA if an individual is "laid off" due to the lack of equipment as OSHA would bring charges against the company for this failure. Various types of equipment needed for the job and whose responsibility it is to provide same were explained. Letters of recommendation would not be obtained from individuals/firms who fail to provide good references. He felt that OSHA and the State Contractors Board could provide verification of or resolve his allegations. He displayed booklets purporting to support his claim that

the employer must furnish the safety equipment.

Mr. Lipparelli indicated to Supervisor Plank that there should be someone on site who would oversee/investigate these issues although he was unsure who that individual is. Mr. Aldean indicated that the construction manager would oversee it although it is not the construction manager's job to insure compliance with OSHA regulations. Gordon Graham had discussed this issue with Roche after the last CPAC meeting. Supervisor Plank felt that, if the contractor or construction manager failed to address this concern, the City's project manager should bring it to OSHA's attention or the appropriate agency. Mr. Aldean assured the Board that there would be enough discussion among the City personnel, the construction manager, and contractor to be certain that the issue is addressed. Mayor Masayko also indicated that the State office is only six blocks from the project.

(1-1338.5) Marty Mitcham indicated he is the project manager at the College site and will be the project manager for the Public Safety Building. Purportedly, an individual is not allowed to work at the level indicated in the picture. Safety is Roche's responsibility as well as the general public's and every individual working on the site. Safety inspections are held twice a day. Additional photographs illustrating the job site have been taken. The use of non-union members to work on the project was explained. The union/non-union and local/non-local ratios were provided. Additional safety inspections were described. Safety equipment can be supplied by the employee if so desired but it is not a job requirement. Mr. Kinsler had been assigned to serve on the safety committee. Anyone attending these meetings is to provide any information on safety issues or concerns. If an item is raised, it must be addressed. He was willing to produce the minutes. Additional comments had never been added to those minutes.

(1-1426.5) Bert Roberts indicated he had worked on the scaffolding in the photograph. He had been told to purchase his own safety gear. Mr. Kinsler had furnished a lot of the safety gear. Topics purportedly covered during the safety meeting were listed. Threats were allegedly made against the individual who raised any issues. He urged the Board to come to the site and discuss the issues with the employees. He had purportedly trained two of the laborers whom he felt were unqualified. He allegedly was fired when it was determined that he was an union member. Other untrained individuals/supervisors were noted. Supervisor Bennett commended him for "putting his livelihood on the line" by bring forward these issues. Mr. Roberts then explained accidents which had purportedly occurred on the site which he felt illustrated that the supervisors do not know what they are doing.

(1-1498.5) Paul Richards, Carpenters 971 Business Agent, elaborated on the unsafe conditions at the College site. The only reasons the safety issues had been addressed had been due to the pressure which the Union had applied. Roche purportedly does not have any minorities working on the site. He had not personally contacted OSHA about the concerns. Supervisor Smith noted that construction work is by its nature a very hazardous profession. For this reason safety is a big issue. The comments which had been expressed indicate that there are a lot of unhappy employees who are disgruntled and concerned about Roche's management practices. These comments are being made in an effort to persuade the Board that Roche is not a responsible company. He, however, needed to have documented incidents such as the level of injuries occurring on Clark and Sullivan jobs as compared to Roche's level, etc. Supervisor Smith indicated that he was attempting to be fair and consider the information which the employees were providing while at the same time weighing the fact that Roche had complied with all of the State and City criteria. Mr. Richards felt that the photographs were very revealing. He personally would not have climbed the wall which it shows. Supervisor Smith agreed that the wall did appear to be unstable.

(1-1598.5) Robert Boston indicated he had worked for Roche at Super Kmart in Reno under a subcontractor called Langford from Chicago, Illinois. Langford had purportedly been run out of Nevada. It had had a State contractor's license but did not have a Reno Business License, the required SIIS license, nor any other State/City license which is required. He lost his job as a result of these failures. He then explained a State requirement that a Nevada Drivers' License and automobile registration must be obtained for anyone working in the State. He urged the City to verify compliance with this Statute.

(1-1666.5) Larry Larson, a Carson City resident, urged the Board to hire local contractors. All Union Contractors must provide all safety and power equipment. He reiterated the statements concerning the same requirement mandated by OSHA. He had worked for another out-of-state contractor. This firm had purportedly signed with

his Union and provided Union benefits. He then expressed his feeling that Silver State had given Roche a contract within \$3,000 of its limit. He questioned the procedure is a change order by the steel contractor puts the amount over the limit. He urged the Board to be cognizant of this potential as Mr. Sullivan had indicated it would occur. This will eliminate a potential for the taxpayers to be taken for a ride.

(1-1742.5) Mr. Roche emphasized that there is nothing to support the allegations from OSHA. There had not been a safety violation in the State in six years nor had there been a fine during the ten years his firm had done business in Nevada. There is a qualified safety program. A copy of the insurance company's safety report is included in the Board's packet. OSHA has been invited to inspect its job sites and corrections are made if violations are discovered. OSHA has not contacted him about any complaints on the College project. The project has been under the Union's microscope. A large portion of the project is Union. There had been one accident claim against this project. There had not been any claims for two or three years prior to that time. The insurance rate indicated within the Board's packet is either .65 or .58 percent. The normal rate for a contractor of his size is one percent. Supervisor Plank indicated the rate was .67 percent. Mr. Roche indicated that there had been two accidents in Las Vegas. Neither had resulted in a fine. He responded to Supervisor Bennett's questions concerning several safety items pointed out by his insurance company's inspector by indicating that these were uncovered during a routine monthly inspection. His firm supplies all of the safety equipment for the concrete work. He felt that the issues raised during the meeting were all union/non-union related. All of the comments regarding the photograph were "hearsay". There was no one working on the scaffolding. He invited the Board to visit the site. Mr. Roche then indicated that his firm would be doing little of the concrete work on the Public Safety Complex.

(1-1890.5) Bob Curtis, Business Agent for the Plasterers and Cement Masons of Northern Nevada, indicated he had 13 plasterers and 3 finishers residing in Carson City who are unemployed. He questioned the Colorado area where the six finishers had been hired.

(1-1905.5) Mr. Pope indicated the Battle Mountain project had been completed in a timely fashion without any complaints. Roche Contractors is a local contractor and would use several local firms. Safety is a major issue with his firm.

Mr. Daily then indicated that Greg Lockwood was OSHA certified and had attended the mandatory classes. Therefore, he was more aware of the requirements and concerns than anyone else within the room.

Mayor Masayko indicated that two minutes would be granted for rebuttal. Additional public comments were then requested.

An unidentified individual explained his safety certification. He indicated that all employers are required to furnish a safe working environment. A federal law mandates that the employer must furnish safety equipment. Examples were listed.

Mr. Reardon indicated that he could furnish additional photographs before 5 p.m. illustrating that there were employees working on the scaffolding. He reiterated the statements that the College site had been cleaned up as a direct result of the previous Board meeting. Even though Roche Constructors has a trained individual on staff, he felt that the firm had a great disregard for safety. (1-1996.5) He indicated that the Clerk should keep the photograph and it was given to Mr. Glover.

Ms. Morphey expressed her feeling that the focus had shifted from the bid to union concerns and safety issues. Roche's insurance rate clearly indicated it is a safe firm. Mr. Sullivan's comments about her bid for the State Legislative Building project was explained. She felt that the job performance on that project clearly indicated her firm's ability to perform.

Mr. Roberts reiterated his request that the State laws be enforced. Discussion ensued on the "gainfully employed requirements" and the timeframe for obtaining State driver's and motor vehicle licenses. These laws are purportedly enforced in California, are on the Nevada books, and should be enforced in Nevada. Mayor Masayko

noted that this is a "side issue". He felt certain that Undersheriff Dehl is aware of the law and would pay attention. Additional public testimony was solicited but none given.

BREAK: A five minute recess was declared at 2:05 p.m. The entire Board was present when the meeting was reconvened at 2:10 p.m.

Supervisor Smith noted that the information provided was hearsay although he believed all of the comments. These issues are all representative of a mediation dispute over which the Board had no control. It should not be used as documented evidence. The Board would have to make specific findings in order to reject Roche's bid. These findings would provide the necessary legal justification for the District Attorney's office to base a response if the City is sued by Roche for rejecting the bid. The photograph of the wall could be illustrated at other job sites in the State. He did not feel that he could justify the price difference based solely upon the hearsay provided particularly when there are State OSHA investigators who inspect job sites. He hoped that these individuals would perform their jobs, however, he lacked control over this matter. Although he supports local hire, the law does not grant this flexibility. He was concerned about the "gainfully employed requirements", indicating a desire to have this law enforced if it is a law. He did not feel that there had been an adequate amount of substantiated information provided to support expending the \$500,000 difference required to award to the contract to the next low bidder. He recommended awarding the contract to the lowest bidder unless additional information could be provide to change his mind.

(1-2235.5) Discussion indicated that there is a \$300,000 difference in the bids.

Supervisor Plank indicated his support for Supervisor Smith's comments. He felt certain that Mr. Aldean and anyone with whom he would be working will be cognizant of the concern and certain that it would not become an issue for Carson City. He also felt certain that Undersheriff Dehl would be sure that the "gainful employment requirements" were enforced.

Supervisor Bennett supported their findings. She abhorred being forced to babysit the contractor. The contractor has a cloud over him right from the get-go. Change orders, etc., may be requested from the very beginning. She accepted the testimony which had been provided and commended them for bringing their comments forward. She expected the contractors to observe the OSHA requirements to the letter. Anyone and everyone who begins work for them should be safe. The letter of the law will be met. The contract will be on time and under budget. This is expected by all of the residents. She did not by her vote intend to jeopardize the safety of anyone who is on the job site. She hoped that she would never have to hear a complaint in this regard.

Mayor Masayko indicated that the "rules of engagement" mandated by State law spell out the decision which must be made on this project. He appreciated the fact that the Roche managers and executives had attended all of the hearings and are aware/understood the gravity and context of the statements which had been made. He, too, expected that whatever action is required, will be taken from the very beginning. His expectations were that it is a good bid, the project is fairly complex, the schedule is accurate and the project should come in on price and time. CPAC will provide periodic reports, maybe quarterly, to be sure that we are in fact moving forward in a timely fashion. He appreciated the testimony which had been provided by the residents. He also appreciated the fact that Roche and its representatives had been forthright and forthcoming with no hidden agenda. No requested information had been withheld. The Nevada law clearly indicates the criteria for using discretion in awarding the bid. Although he is not 100 percent comfortable with the award, a finding of fact could not be made that Roche did not have the skill, ability, or integrity to perform. The bid is responsive and responsible. There is a \$300,000 difference between Roche's bid and the second lowest bid. The direction is set by the Legislature.

(1-2368.5) Supervisor Smith moved that the Board of Supervisors accept the Purchasing Department's recommendation and award Contract No. 9697-188 to bidder number 4, Roche Constructors Inc., 2500 West Sahara Avenue, Suite 207, Las Vegas Nevada 89102, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$18,093,900 and a contingency amount of \$1,300,000; budget allocation is \$22.5 million for the entire project; funding source is the Capital

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Facilities Fund as provided for in the 96-97 through 99 budgets. Supervisor Plank seconded the motion. Mayor Masayko noted that this may be the one largest single project which has ever been awarded by Carson City as a municipality. The motion was voted by roll call with the following result: Ayes - Bennett, Smith, Tatro, Plank, and Mayor Masayko. Nays - None. Motion carried unanimously.

Mayor Masayko indicated that the contract had been awarded and commended all for attending and participating.

Supervisor Smith moved to adjourn. Supervisor Plank seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 2:25 p.m.

The Minutes of the Special May 29, 1997, Carson City Board of Supervisors meeting

1997. ARE SO APPROVED ON____September_4_,

_____/s/_____

Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder