

Special City Council Meeting
Monday, July 22, 2019

Opening:

Medina City Council met in special, open session on Monday, July 22, 2019. The meeting was called to order at 4:45 p.m. by President of Council John Coyne.

Roll Call:

The roll was called with the following members of Council present E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher and J. Coyne.

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Patrick Patton, Nino Piccoli, Chief Kinney, Chief Painter, Mike Wright, Kimberly Marshall, Janson Wehrley and Jonathon Mendel.

Introduction and Consideration of Ordinances:

Discussion of Ord, 114-19

Ord. 114-19:

An Ordinance authorizing the Mayor to execute a Design-Build Contract with _____ for Design and Construction of a City Hall Parking Structure. Mr. Shields moved for the adoption of Ordinance/Resolution No. 114-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 114-19, seconded by Mr. Simpson. Mr. Coyne stated all three previous bidders were given the opportunity to resubmit a new bid based upon the different criteria that Patrick Patton put together and sent out. The design committee went through the various submittals, presentations which is called a technical proposal which is 50% of the bid and the other 50% is the cost per parking spot.

Mr. Patton stated on July 8th they received technical proposals from the same 3 firms being CPS, Mike Coats, and Ruhlin. They went through and reviewed those and last Thursday they had the presentation interviews. Each of the three teams came in, the Design Review Committee consists of 7 members who are Mr. Coyne, Mr. Lamb, Mr. Patton, Mr. Mendel, Joel from 620 Construction, Member from Historic Preservation, and an Architect. They listened to the presentations and had an opportunity to ask questions about the process, and then they scored the technical proposal. The following day they opened up the cost proposals, and those were scored based on a formula based on cost dollars per space.

John Fratto from CPS Construction Group thanked everyone for providing the opportunity to present their proposal the other day and throughout this whole process. John stated he had some information he would like Council to consider prior to their vote. Based on the documentation, it says that Ruhlin had provided the most parking stalls. The actual structure, theirs and Ruhlin's is identical, the dimensions are the same size blocks. They laid out the paint lines from their expertise that is more conducive to the owner to their clients to get in and out of the parking stalls. Ruhlin has tighter spots or closer to the parameters, potentially where there is going to be problems for individuals getting in and out of vehicles, and also adjacent there are areas where it doesn't flow as nicely as his layout does. There will be stalls that you won't even be able to use if your deck is completely filled up. With that being said, because they have the same box, you can paint the same lines on their design as you could theirs so consider there is not a "one has more stalls than the other".

The second thing to consider affects both technical side and cost side. Ruhlin was rated the highest technical score, but yet on the proposal they had deleted some items which are not what you all asked for. Items such as you asked for a ten year warranty, you are building a concrete structure and asked for it to be have a sealer that protects the investment for ten years, and Ruhlin is only giving you two years. Technically that is not good for longevity of your structure, he stated he would imagine when you designed it you wanted a more longer insurance policy and that is why you put ten years in there – you did it twice. CPS provided it and just for a tie breaker so to speak, Mike Coats also included it. So, you had Ruhlin that did not. Just like any warranty, when you go from one year and all the way up to a ten year, there are cost implications. Mr. Fratto stated he doesn't understand how someone can be rated highest technically when they're not including that, and not to mention, how can it be rated cost-wise when they are not including the cost associated with what you asked for. In addition to that the RFP stated, we were to include all excavation, they excluded rock excavation. There was a time period where everybody could ask questions. If you didn't want to do that or unable to you were supposed to ask and then the engineer would say you know what that is a great point or the owner would say great point. Let's everybody excluded so the level playing field and you guys have the opportunity before the bids are submitted to say hey, do we want to include this or do we don't. CPS included money in their price and again not to use Mike Coats as a tie breaker but they did also, no exclusions. So technically Ruhlin did not meet the RFP at the highest quality, but more importantly you guys are on the hook. Those two items are change orders that if anything happens the city has to pay for it because they are excluding it. Mr. Fratto stated that these are not his words, it is right in the bid clarifications.

Lastly, it said that the lowest submitted price was Ruhlin, and that's just a mistake. CPS submitted an alternate proposal that was the lowest price submitted and it met the RFP with no exclusions.

Mr. Simpson asked if there was a reason Ruhlin excluded the two major things mentioned about warranty and rock excavating. Denny asked what rock excavating entailed. John from CPS explained what it entailed.

Mr. Patton stated regarding the ten year warranty and why we scored the technical proposals wasn't brought up until they opened the cost proposals the day after they did the scoring for the technical proposals, so they didn't know that at the time they were reviewing the technical proposals and that is why it wasn't mentioned or considered. Rock excavation, essentially what John says is true, they've done geotechnical investigations and they don't anticipate any kind of bedrock which is where you get a lot of cost, boulders or what not and guesses that is open to the change orders.

Mr. Coyne stated if he remembers correctly, when they removed the Masonic Temple that was backfilled and compacted. Mr. Patton stated they removed the foundation and walls and backfilled. Mr. Coyne asked if anybody knows from any historical photographs if we had anything else that was there.

Mr. Patton stated John from CPS mentioned the difficulty of the parking stalls where Ruhlin had 219 stalls and our consultant recommended only giving them credit for 217 because of the difficulty in accessing a couple of those spaces. They listened to reasoning from Ruhlin and in the end the committee felt that 219 was a fair number.

Pat Patton stated just to be clear that the number of spaces was critical because 50% of score is cost per space. After they opened the cost proposal it didn't matter if it was 219 or 217 on the basis of that, Ruhlin still had the lowest cost.

Don Rife from Ruhlin stated the design build process is one that is rewarded by a little risk taking and coming up with a great solution and the number of parking spaces that shows on their design is per the criterial specifications outlined by Desmond and all meet the good parking deck practice so they should be created with 219 spaces and you will be able to get 219 cars into that deck. Saying later that somebody else can use our design and get the same credit as we did in this submission would be unfair to the person that came up with the idea for that, so he doesn't think that is something that should be credited to CPS. The rock excavation clarification is, there were no soil borings done in the area where the old temple was, and just making sure that there is no leftover foundations if something was below four feet. Ruhlin doesn't expect anything to be found in there given the knowledge that they have of the site so there is a 90% probability that there's not going to be anything that they're going to find. His understanding is the product that was specified by Desmond in the criteria comes with a two year warranty from the manufacture, so if somebody is putting an extra eight years on it he doesn't know if that is their piece or what, but maybe he can get a better answer for you.

Mr. Lamb asked if that was specified in the bid and Patrick stated yes it was.

Mr. Simpson asked if it is the same sealant but depends on how much you put down of it.

John stated yes that the preparation is different, more extensive to prep the surface the coverage rates and the amount of material that gets left behind and becomes part of the structure would be more because you are getting more durability and any kind of inspections that might along with that as well from the manufacture and from the contractor.

Mr. Coyne stated that Ruhlin added one more parking space from their previous proposal and doesn't know how they added space when their design is the same as last time and Don stated they had more time this time around and looked at tightening up their stair towers and making them a little skinnier which allowed them to increase some of the spaces and they moved the entry points some of the walkways. It's about being creative.

John Fratto stated you (Mr. Coyne) keep speaking of costs per stall, if they don't have all the costs in there how are you accurately assigning their costs. They excluded things. Not to mention Don talked about changing some parking layout. He has a handicap ramp leaving the stair tower right into the drive entrance because they wanted to take the spot next to it instead of having the spot go to adjacent to the stair tower out of traffic so it is safe they wanted to gain a parking stall they had it coming in through the entrance lane. Mr. Coyne stated every proposal had some issues with it.

John Fratto questioned where does it state that Desmond is recommending someone in the letter? Pat keeps saying a recommendation letter. First time around he clearly said he recommended CPS, this is just a document of regurgitating what the committee did. There is no recommendation in this. Mr. Coyne stated is that the sheet that also has the scoring sheet. Mr. Frado stated that you

just openly admitted that it is irrelevant because it didn't have all the information, the scores were done prior to the cost being open so he doesn't know how accurate for the Council to even utilize that.

Mr. Simpson asked if there have been any structural issues with our current parking deck that is now 10 years old. Mr. Patton stated there has been some cracking in the slab but in terms of sealant performance there hasn't been any issues.

Mr. Lamb stated it all comes down to the warranty with the seal coat and rock excavation.

Mr. Simpson stated CPS's cost with 8 extra years warranty and the stone removal, you still didn't meet even though you say you can if that is what we really want. John stated they meet what you asked for - 200 spots. Let's say Ruhlin finds stones in there, will the change order exceed the cost. Mr. Fratto stated if you are allowing them (Ruhlin) presumptions, you're presuming the potential added costs for them. He is here to tell you the change of line striping and to give you the exact number of stalls 218 is a zero change, you have no liability to get the same amount of stalls with CPS, you have no change order coming your way and Mr. Simpson stated, but your cost is still higher. John replied it is because they don't have all the costs in theirs, they don't have rock excavating. John stated you are right, it is an assumption and that is why you follow the rules in these situations.

Mayor Hanwell stated it is the Law Director's opinion to table this tonight then vote on it and get the answers to these questions and see what those costs are in comparison to the cost difference.

Mr. Coyne asked how long before they get the information and it was stated by tomorrow. Mr. Coyne's concern is the delay, once again. Mayor Hanwell stated they don't want to delay it any longer, but they want it to be right.

Mr. Patton clarified what they are looking for is the cost difference from a 2 year to a 10 year warranty and rock excavating.

Mr. Fratto questioned if he was entitled to ask for a price net change of adding parking if you're allowing them to change things around, why would it not be fair for him to change the parking layout to give you 218?

Mr. Lamb stated they aren't changing anything, they just want to see the difference.

Mr. Fratto stated the answers to the test are already shown.

Mr. Coyne stated, if you both had the 219 numbers their numbers are still lower and Mr. Fratto added, until you add the extra cost.

Mr. Fratto stated the committee is doing this all backwards, they didn't follow the rules and are causing this commotion. If they would have just followed the rules like the other two bidders.

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Council decided to table this until Patrick Patton gets back with the information and come back Wednesday or Thursday.

Ord. 115-19:

An Ordinance authorizing the Mayor to accept a Warranty Deed for 0.629 acres of the Board of Education of the Medina School District owned real property located at 347 N. Huntington Street and to execute a Warranty Deed on behalf of the City of Medina for 0.629 acres of city owned real property located at 625 Bowman Lane for the mutually beneficial purpose of expanding Ray Mellert Park on the N. Huntington Street parcel of land and operating a home based program for students with special needs at the Bowman Lane parcel. Mr. Shields moved for the adoption of Ordinance/Resolution No. 115-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 115-19, seconded by Mr. Simpson. Mr. Shields stated he will be abstaining from voting due to his employment with Medina City Schools. Mayor Hanwell stated they talked about this, they just had to reconfigure to make both properties be exactly the same. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, B. Starcher, J. Coyne, E. Heffinger, B. Lamb, and P. Rose. The roll was called and Ordinance/Resolution No. 115-19 passed by the yea votes of D. Simpson, B. Starcher J. Coyne, E. Heffinger, B. Lamb and P. Rose.

Adjournment:

There being no further business before Council, the meeting adjourned at 5:31 p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council