

It is expected that a Quorum of the Personnel Committee, Administration Committee, and Common Council will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA**  
**Board of Public Works**  
**Third Floor Council Chambers**  
**140 Main Street, Menasha**  
**June 21, 2010**  
**6:45 PM**  
**or immediately following the Administration Committee**

**AGENDA**

A. CALL TO ORDER

B. ROLL CALL/EXCUSED ABSENCES

C. MINUTES TO APPROVE

1. June 7, 2010

D. ACTION ITEMS

1. Street Use Application – 17<sup>th</sup> Annual St. Joe’s 5K Run/Walk; Saturday, October 16, 2010; 8:45 AM – 10:30 AM (Pacesetter’s Fox Cities)
2. Street Use Application – 30<sup>th</sup> Annual Otto Grunski Runski; Saturday, August 14, 2010; 6:30 AM – 10:30 AM (City of Menasha)
3. Recommendation to Accept Proposal for Architectural Design Services for Fire Station 36 (Gries Architects)
4. Request to Transfer Approval of Fire Station 36 Recommendations, Contracts and Change Orders Directly to Common Council
5. Recommendation to Accept Proposal for Professional Land Surveying Services – Midway Road Sidewalk; Martenson & Eisele, Inc.

E. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."

CITY OF MENASHA  
Board of Public Works  
Third Floor Council Chambers  
140 Main Street, Menasha  
June 7, 2010  
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Taylor at 8:20 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Hendricks, Zelinski, Englebert, Benner, Roush, Taylor, Wisneski  
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Stanke, DPW Radtke, CDD Keil,  
C/T Stoffel, Clerk Galeazzi and the Press

C. MINUTES TO APPROVE

1. May 17, 2010

Moved by Ald. Roush, seconded by Ald. Zelinski to approve minutes.

Motion carried on voice vote

D. ACTION ITEMS

1. Street Use Application – Parade of Lights; Saturday, July 3, 2010; 9:15 PM -10:15 PM  
(CommunityFest Committee)

Chairman Taylor commented that everything was in order for the permit.

Moved by Ald. Wisenski, seconded by Ald. Langdon to recommend approval to Common Council.

Motion carried on voice vote

2. Resolution R-14 -10 Acknowledging Review of City of Menasha 2009 Compliance  
Maintenance Annual Report Under Wisconsin Administrative Code NR 208

DPW Radtke explained this resolution is a requirement from Department of Natural Resources for reporting on sanitary sewer. The City has achieved the Compliance Maintenance Annual Report grades of "A" in all the sections so no recommendations or corrective actions are necessary.

Moved by Ald. Hendricks, seconded by Ald. Roush to recommend approval to Common Council

Motion carried on voice vote

3. Request to Install Street Light on Utility Pole No. 888 on Lake Street (Ald. Taylor)

DPW Radtke reported he reviewed the current street lights on Lake Street and on the adjacent Frederick Street and discovered Lake Street has one less street light than Frederick Street. Because of the need to light the end of the street near the water's edge, he is recommending installing a street light in mid-block of Lake Street. EECBG Grant funds recently received could be used to fund the additional street light if it were converted to induction lighting.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to recommend approval to Common Council

Motion carried on voice vote

E. ADJOURNMENT

Moved by Ald. Englebert, seconded by Ald. Hendricks to adjourn at 8:33 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk



### STREET USE APPLICATION

Event: 17TH ANNUAL ST. JOE'S 5K RUN/WALK

Sponsored by: PAVESETTER'S - FOX CITIES

Responsible Person: NED HUGHES - RALE DIRECTOR

Address: P.O. BOX 681  
MENASHA, WI

Phone: 920-475-7116

Email Address: RVNEDRYN@HOTMAIL.COM

Street Route: (Attach Map) 5K (3.1 MILES) RUN/WALK COURSE!  
Description of Use ANNUAL BENEFIT FUNDRAISER/FOODRAISER FOR THE ST. JOSEPH FOOD PANTRY PROGRAM!

Street Use Date: 10/16/2010  
Start Time: 8:45 AM  
End Time: 10:30 AM  
Number of Units: 641 (2009)  
PROJECTED: 600+ (2010)

Liability Insurance has been secured in the amount of \$ 1,000,000.00 with the City of Menasha named as the additional insured. This is primary insurance.

Insurance Company NATIONAL CASUALTY COMPANY Policy No. KRO-0000000754800  
(Attached is a copy of the certificate of insurance).

Date: June 19, 2010 Applicant's Signature: [Signature]

OK #3687  
CS

**Permit Fee:** Each application for a Street Use Permit shall be accompanied by a fee of Twenty-Five Dollars (\$25.00). Make checks payable to City of Menasha. See highlighted portion of the attached City of Menasha Municipal Code.

**Note to events planning to use City Parks and/or greenspace:** Any multi-day event or event which plans to sell beer and/or wine to the public must appear before the Parks and Recreation Board.

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**TO BE COMPLETED BY CITY STAFF (Revised May 2010)**

Scheduled Park & Recreation Board Review Date: \_\_\_\_\_  
Not Required: X Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Scheduled Common Council Review Date: 7-6-10  
Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

APPROVAL:  
Police Dept. RS Fire Dept. [Signature] Public Works Dept. MR City Attorney \_\_\_\_\_



# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
6/9/2010

PRODUCER (260) 467-5693 FAX: (260) 467-5651  
 STAR Insurance - Fort Wayne Office  
 2130 East DuPont Road  
 Fort Wayne IN 46825  
 INSURED  
 ROAD RUNNERS CLUB OF AMERICA/2010 & ITS MEMBER  
 7410 SKYLINE DRIVE  
 FREDERICK MD 21702-3652

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: NATIONAL CASUALTY COMPANY	11991
INSURER B: NATIONWIDE LIFE INS. CO.	66869
INSURER C:	
INSURER D:	
INSURER E:	

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	KRO 0000000754800	12/31/2009 12:01 A.M.	12/31/2010 12:01 A.M.	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 5,000
	<input checked="" type="checkbox"/> LEGAL LIAB. TO PART.				PERSONAL & ADV INJURY \$ 1,000,000
	\$1,000,000				GENERAL AGGREGATE \$ NONE
	GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG \$ 1,000,000
<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	A&M AGGREGATE \$5,000,000				ABUSE & MOLESTATION 500,000
A	AUTOMOBILE LIABILITY	KRO 0000000754800	12/31/2009 12:01 A.M.	12/31/2010 12:01 A.M.	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS				
<input checked="" type="checkbox"/> NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
	<input type="checkbox"/> DEDUCTIBLE				\$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$
B	OTHER EXCESS ACCIDENT & MEDICAL	SPX 0000003732100	12/31/2009 12:01 A.M.	12/31/2010 12:01 A.M.	EXCESS MEDICAL \$10,000 \$250 DEDUCTIBLE PER CLAIM AD & SPECIFIC LOSS \$2,500

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS  
 CITY OF MENASHA, ITS OFFICERS, AGENTS & EMPLOYEES ARE NAMED ADDITIONAL INSURED AS RESPECTS THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED.  
 DATE & EVENT: 10/16/10 17TH ANNUAL ST. JOE'S 5K RUN/WALK FOR ST. JOE'S FOOD PANTRY PROGRAM (Revised 06/17/10. This voids & replaces previous certificate.)  
 INSURED CLUB: PACESETTER'S RUNNING CLUB, ATTN: NED HUGHES; P.O. BOX 681; MENASHA, WI 54952

## CERTIFICATE HOLDER

10/16/10 CITY OF MENASHA, WI  
 ATTACHMENTS-PCN0229,CG2012,KRGL79  
 ATTN: MARK RADTKE, DIRECTOR  
 DEPT. OF PUBLIC WORKS  
 140 MAIN STREET  
 MENASHA, WI 54952-3151

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.  
 AUTHORIZED REPRESENTATIVE  
 John Lefever/JR 

THE ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

IL 12 01 11 85

**POLICY CHANGES**

<b>POLICY NO.</b> KRO0000000754800	<b>POLICY CHANGES EFFECTIVE</b> 10/16/10	<b>COMPANY</b> NATIONAL CASUALTY COMPANY
<b>NAMED INSURED</b> ROAD RUNNERS CLUB OF AMERICA AND ITS		<b>AUTHORIZED REPRESENTATIVE</b> K&K INSURANCE AGENCY, INC.
<b>COVERAGE PARTS AFFECTED</b> Commercial General Liability	PAGE 01 OF 01	

**CHANGES**

Form Number: KR-GL-79 "Policy Conditions"

Form Number: CG2012 "Additional Insured-State or Political Subdivisions-Permits"

(X) Add Forms To Include Additional Insured Below:

CITY OF MENASHA, WI  
140 MAIN ST.  
MENASHA, WI 54952-3151

Club: Pacesetters Running Club  
Event: 17th Annual St. Joe's 5K Run For St. Joe's Food Pantry Program  
Date: 10/16/10

No Premium Change

NLS 06/16/10



Authorized Representative Signature

# National Casualty Company

ENDORSEMENT  
NO. 0229

ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.
KRO0000000754800	10/16/10	ROAD RUNNERS CLUB OF AMERICA AND ITS	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## POLICY CONDITIONS

This endorsement modifies insurance provided under the following:

### COMMERCIAL GENERAL LIABILITY COVERAGE PART

The **Other Insurance** condition of this Coverage Part is replaced by the provision marked below with an "X" in the box:

#### Other Insurance

If other valid and collectible insurance with any other insurer including any formal self-insured retention programs is available to you covering a loss also covered by this Coverage Part, other than insurance that is in excess of the insurance afforded by this Coverage Part, the insurance afforded by this Coverage Part shall be in excess of and shall not contribute with such other insurance. Nothing herein shall be construed to make this insurance subject to the terms, conditions and limitations of other insurance.

Coverage afforded under this Coverage Part is primary insurance and Other Insurance shall not apply as respects

**\*\*SEE BELOW\*\***

as additional insureds.

The **Cancellation** condition of this Coverage Part is amended by the addition of the following if an "X" is in the box:

Cancellation

The following is added: It is a condition of the Policy by this Endorsement that the Policy will not be cancelled without \_\_\_\_\_ days' prior written notice to:

and further, that the person(s) named above are not liable for the payment of any premiums or assessments on this Policy.

CITY OF MENASHA, WI

140 MAIN ST.

MENASHA, WI 54952-3151



AUTHORIZED REPRESENTATIVE

DATE

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – STATE OR POLITICAL SUBDIVISIONS – PERMITS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

**State Or Political Subdivision:**

CITY OF MENASHA, WI  
140 MAIN ST.  
MENASHA, WI 54952-3151

Club: Pacesetters Running Club  
Event: 17th Annual St. Joe's 5K Run For St. Joe's Food Pantry Program  
Date: 10/16/10

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

**Section II – Who Is An Insured** is amended to include as an insured any state or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

2. This insurance does not apply to:

- a. "Bodily injury," "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or
- b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".



### STREET USE APPLICATION

Event: Otto Gonski Runski  
 Sponsored by: City of Menasha  
 Responsible Person: Brian Tungate  
 Address: 140 Main St.  
Menasha, WI 54952  
 Phone: 967-3640  
 Email Address: DTungate@ci.menasha.wi.us  
 Street Route: (Attach Map) Attached route, Taylor St.  
 Description of Use Reconstruction to be completed by 8/14

Street Use Date: Aug. 14, 2010  
 Start Time: 6:30 a.m.  
 End Time: 10:30 a.m.  
 Number of Units: \_\_\_\_\_

**Liability Insurance has been secured in the amount of \$ \_\_\_\_\_ with the City of Menasha named as the additional insured.**  
 Insurance Company CUMIS Policy No. \_\_\_\_\_  
 (Attached is a copy of the certificate of insurance).

Date: 5-28-10 Applicant's Signature: [Signature]

**Permit Fee:** Each application for a Street Use Permit shall be accompanied by a fee of Twenty-Five Dollars (\$25.00). Make checks payable to City of Menasha. See highlighted portion of the attached City of Menasha Municipal Code.

**Note to events planning to use City Parks and/or greenspace:** Any multi-day event or event which plans to sell beer and/or wine to the public must appear before the Parks and Recreation Board.

-----  
**TO BE COMPLETED BY CITY STAFF (Revised April 2010)**

Scheduled Park & Recreation Board Review Date: \_\_\_\_\_  
 Not Required:  Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Scheduled Common Council Review Date: 7-6-10  
 Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

APPROVAL:  
 Police Dept. [Signature] Fire Dept. [Signature] Public Works Dept. MR City Attorney [Signature]



# Menasha, Wisconsin 30th Annual

RACE # \_\_\_\_\_  
OFFICE USE ONLY



## Grunski Runski and Kid's FunRunski

Co-sponsored by the City of Menasha Parks and Recreation Department and the Neenah-Menasha YMCA

New! FunRunski Friday, August 13

Grunski Runski Saturday, August 14

Official Entry - also available on-line at <http://www.cityofmenasha-wi.gov>



I enter this event at my own risk and agree to hold the City of Menasha, all race sponsors, and all workers or volunteers associated with this event harmless for all liability, damage or personal injury I may sustain out of my participation in this event. If applicable, as parent or guardian, I have explained to my child to the best of my ability, the risks associated with running or walking this event, and all risks associated with participation in this event.

Name: \_\_\_\_\_ Gender (M or F): \_\_\_\_\_ Age: \_\_\_\_\_ (on race day)

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ T-shirt Size: Youth: XS S M L XL  
Adult: XS S M L XL XXL

E-mail: \_\_\_\_\_ (to receive future Grunski information only)

Signature: \_\_\_\_\_ Race results available on-line at [www.cityofmenasha-wi.gov](http://www.cityofmenasha-wi.gov)  
(parent sign if under 18)

FunRunski: please ✓  3 & under (110 yards)  4-6 (220 yards)  7-9 (440 yards)  10-12 (880 yards)

Grunski Runski: (please ✓)  10K Run  2 Mile Run  10K Walk\*  2 Mile Walk\*

\* walking events are non-competitive and are not timed. Walkers may note their times by the finish line time clock.

Grunski Runski Ages: 2 Mile:  13 & Under  14-19  20-29  30-39  40-49  50-59  60-69  70-79  Wheelchair  
(please ✓ one) 10K:  13 & Under  14-19  20-29  30-39  40-49  50-59  60-69  70-79  Wheelchair

Checks payable to: City of Menasha, 140 Main Street, Menasha, WI 54952

### Event Information

Friday, August 13, 2010  
Saturday, August 14, 2010



Proud Sponsor of the  
Grunski Runski!

Categories:	FunRunski Friday	Grunski Runski Saturday
	3 & under 6:00 p.m.	10K Walkers 8:30 a.m.
	Ages 4-6 6:15 p.m.	Wheelchair Participants 8:35 a.m.
	Ages 7-9 6:35 p.m.	10K Runners 8:40 a.m.
	Ages 10-12 7:00 p.m.	2 Mile Runners & Walkers 8:45 a.m.

**FunRunski** An untimed, kid's event to promote healthy activity.

- Courses:** Begin and end near the large pavilion in Jefferson Park.  
**Awards:** T-shirt, ribbon and cold after event treat to all participant.  
**Fees:** \$5 through August 6, \$7 thereafter  
**Registration:** On-line at [Active.com](http://Active.com) or with this registration form. Also August 13 from 7:00 a.m.-1:00 p.m. at City Hall, 1st floor conference room or starting at 4:00 p.m. in the Jefferson Park Pavilion

### Grunski Runski

- Courses:** Separate start lines for 2 Mile and 10K. Courses start in front of the pool and by the pavilion. Relatively flat, fast course. Three water stations on the 10K course and one on the 2 mile. Split times read at mile 1, 3, and 5. Chip timed.  
**Awards:** T-shirts to all participants. Unique prizes to the fastest male and female in each race. 10K and 2 mile: Plaques to 1st place in each division, awards to 2nd and 3rd.  
**Award ceremony 10:30 a.m. near the finish line.**  
**Fees:** \$15 through August 6, \$17 thereafter  
 Families of 3 or more registering together can take \$1 off each fee.  
**Registration:** On-line at [Active.com](http://Active.com) or with this registration form. Also August 13 from 7:00 a.m.-1:00 p.m. at City Hall, 1st floor conference room or day of event start at 6:30 a.m. in front of the swimming pool in Jefferson Park. To avoid waiting in line on race day, pre-registration is highly recommended.  
**After the Race:** Participants join the celebration in the pavilion. Food, music and great camaraderie!



### Early Race Number & T-shirt

Friday, August 13th	7:00 a.m.-1:00 p.m.	1st Floor Conference Room	City Hall 140 Main Street, Menasha
	4:00 p.m.-7:00 p.m.	Jefferson Park Pavilion	915 Third Street, Menasha





# Neenah-Menasha Fire Rescue

June 17, 2010

Mayor Merkes  
Menasha Common Council/Board of Public Works  
140 Main St.  
Menasha, WI 54952

Dear Mayor Merkes, Menasha Common Council and the Board of Public Works Members:

On June 4, 2010 the requests for bids (RFP's) were due for the Architect/Design Services for the new fire station. We had thirteen companies request RFP packets and eight of them responded to our request. Of the eight replies, six provided proposals and pricing that we reviewed, two sent letters of not bidding. The six proposals broke down into two groups based on RFP compliance and pricing. Three of the proposals were priced in the \$30,000 range and the other three were \$69,900 and up, which was a distinct separation.

We elected to give the three lower priced companies the opportunity to come in and allow us to go through their bids with them to make sure their bid matched what we were asking for. These meetings occurred on June 10, 2010. This was not an interview or presentation, but a review of what they offered. All three of these companies met the RFP and they are as follows: Gries Architectural, McMahon Associates, and Martenson & Eisele.

The criteria of the procurement process, based by FEMA that we are following, is to award to the lowest proposal meeting all of the criteria that we requested. All three of the companies met the criteria and are all well qualified companies to work with. Price was the deciding factor of the three. Gries Architectural was the low price and is the recommended company for this project.

A spreadsheet is attached with a brief breakdown of the criteria requested, compliance, and pricing.

We request the Board of Public Works and the Menasha Common Council award Gries Architectural the architectural/design contract for this project.

Thank your for your consideration.

Dan Schultz  
Shift Commander

Al Auxier  
Chief

	Angus Young	Dimension IV	Five Bugle Design	Gries Architectural	McMahon Associates	Martenson & Eisele	Short Elliot Henderickson	Smies & Associates
<b>Fees</b>	\$74,654	\$89,400	\$69,900	\$31,450	\$25,000	\$39,900	No Bid	No Bid
<b>Statement of Overriding Qualifications</b>	yes	yes	yes	yes	Need CAD	yes		
<b>List of Similar Projects</b>	yes	yes	yes	yes	\$5,250	yes		
<b>Experiences in Controlling Project Costs &amp; Design Schedule</b>	yes	yes	yes	yes	yes	yes		
<b>Listing &amp; Resumes of Individuals</b>	yes	yes	yes	yes	yes	yes		
<b>Financial Standing</b>	yes	yes	yes	yes	yes	yes		
<b>Quality Control</b>	yes	yes	yes	yes	yes	yes		
<b>List of References</b>	yes	yes	yes	yes	yes	yes		
<b>Required Consultant Services</b>	yes	yes	yes	yes	yes	yes		
<b>Fee Determination</b>	yes	yes	yes	yes	yes	yes		
<b>Organization Chart</b>	yes	yes	yes	yes	yes	yes		
<b>Fee Deermintation</b>	?	?	?	yes	yes	yes		
<b>Reimbursables ( Not Included)</b>				\$8,000	\$8,000	\$7,450		
<b>LEED Guidelines</b>	yes	yes	yes	yes	no	No		
<b>Energy Modeling</b>	no	no	no	yes	\$5,000	\$760		
<b>Office/Site Visits</b>	yes	?	yes	yes	yes	yes		
<b>ARRA</b>	?	?	yes	yes	yes	yes		
<b>Buy American</b>	?	?	yes	yes	yes	yes		
<b>EHP Laws</b>	?	?	yes	yes	yes	yes		
<b>Davis-Bacon Act</b>	?	?	Yes	yes	yes	yes		
<b>Open Bidding</b>	?	?	Yes	yes	yes	yes		
<b>Grant Compliance</b>	?	?	yes	yes	yes	yes		

Total Architectural Fees

\$74,654

\$89,400

\$69,900

\$31,450

\$35,250

\$40,660



# Neenah-Menasha Fire Rescue

June 17, 2010

Mayor Merkes  
Board of Public Works  
140 Main St.  
Menasha, WI 54952

Members of the Board of Public Works:

With the approval of Miron as the construction manager and tonight's recommendation of an architect for the Station 36 Project, we are entering a small window for design approval and construction if we are to begin construction before winter cost increases take place. During this time we will be issuing multiple RFP's and receiving multiple bids for different phases of the construction. Furthermore, this AFG(Assistance to Firefighter Grant) /SGC (Station Construction Grant) award, was authorized under the American Reinvestment and Recovery ACT, which encourages us to move quickly to get money into the local economies.

**Due to this tight timeframe, we are requesting that the Board of Public Works transfer the approval process for contracts and change orders directly to the Common Council for the Fire Station 36 Project.**

Typically recommendations go before both the Board of Public Works and the City Council for approval before awarding a contract. We have concerns that the four week timeframe could delay ground breaking resulting in winter construction costs that could be avoided.

Being that the funding of this project is coming from FEMA, under the AFG/SCG program, we will be following the FEMA procurement process. Therefore, in most cases we will be required to award to the low bidder meeting all requirements. We have attached a copy of the Code of Federal Regulations Title 44: Emergency Management and Assistance, 13.36 Procurement for your review.

Due to the fact that FEMA has a strict Procurement process that we need to follow, a budget with limits that has been submitted and approved by FEMA, and plans that have been approved by the Plan Commission, we believe there will be very few changes from the original grant request. We believe that this process is in the best interest of the City of Menasha to minimize the potential for winter construction costs while maintaining oversight and accountability with the Common Council.

Thank your for your consideration.

Dan Schultz  
Shift Commander

Al Auxier  
Chief

## Electronic Code of Federal Regulations



e-CFR Data is current as of May 26, 2010

### **Title 44: Emergency Management and Assistance**

#### **PART 13—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

##### **Subpart C—Post-Award Requirements**

##### **Changes, Property, and Subawards**

[Browse Previous](#) | [Browse Next](#)

### **§ 13.36 Procurement.**

(a) *States.* When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section.

(b) *Procurement standards.* (1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,

(ii) Any member of his immediate family,

(iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will





(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by *competitive proposals*. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Procurement by *noncompetitive proposals* is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) *Contracting with small and minority firms, women's business enterprise and labor surplus area firms.*

(1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) *Contract cost and price.* (1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see §13.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) *Awarding agency review.* (1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded

without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) *Bonding requirements.* For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) *A performance bond on the part of the contractor for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) *Contract provisions.* A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department

of Labor regulations (29 CFR Part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

[53 FR 8078, 8087, Mar. 11, 1988, as amended at 60 FR 19639, 19645, Apr. 19, 1995]

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Section 508 / Accessibility



June 17, 2010

Board of Public Works  
City of Menasha  
Menasha, WI 54952

RE: Recommendation to Accept Proposals for  
Professional Land Surveying Services – Midway Road Sidewalk

Members of the Board:

The Town of Menasha, in partnership with the City of Menasha, prepared a Request for Proposals for necessary land surveying services in advance of design work for the proposed Midway Road sidewalk construction project. It is anticipated the Town and the City will jointly submit an Advertisement for Bids in 2011 for the construction of concrete walk along sections of Midway Road currently without concrete walk.

This construction project will possibly require the acquisition of permanent easements depending on the location of the existing right of way limits relative to the street curb and gutter. The surveying services being sought will determine that right of way location along with the land interests of abutting property owners.

In the Request for Proposals the City of Menasha asked for an alternate price to exclude approximately 2,680 lineal feet of right of way plat for properties along which the City may choose not to install sidewalk. The properties include the north side of Midway Road west of the Affinity Medical complex property and the south side of Midway Road west of Mission Street.

The Town received four proposals for land surveying services. Following is a tabulation of proposal prices.

	<u>Option A</u>	<u>Option B</u>
Martensen & Eisele	\$16,562.00	\$15,076.53
Omni Associates	\$18,250.00	\$16,565.00
McMahon Engineers/Architects	\$36,725.00	\$34,685.00
Davel Engineering	\$44,350.00	\$40,711.54

Option A includes right of way plat work for the entire corridor and Option B reflects the cost for the reduced right of way work as previously described. Because of the relatively small cost difference, selecting Option A would allow us to gather the full right of way data for the entire City corridor. The City could later select the walk construction limits based on the findings of the right of way plat work.

It is my recommendation, the City of Menasha select the Option A proposal of Martensen & Eisele, Inc. for the Midway Road Professional Land Surveying Services.

Respectfully submitted,

Mark Radtke  
Director of Public Works

enclosure

PROJECT COST BREAK DOWN PER COMMUNITY:

TOWN OF MENASHA

39 Potential Title Searches- 20 parcels with sidewalks at \$ 150<sup>00</sup> per search

19 parcels without sidewalks at \$ 150<sup>00</sup> per search

5784.11 lineal feet of Right-of-way Plat \$ 4,088<sup>00</sup>

TOTAL COST \$ 9,938<sup>00</sup>

CITY OF MENASHA

65 Potential Title Searches – 13 parcels with sidewalks at \$ 150<sup>00</sup> per search

52\* parcels without sidewalks at \$ 150<sup>00</sup> per search

12,290.27 lineal feet of Right-of-way Plat \$ 6,812<sup>00</sup>

TOTAL COST \$ 16,562<sup>00</sup>

Alternate price for:

9,610.18 feet of R/W plat (excludes Lots 1-6) \$ 5,326<sup>53</sup>

\*NOTE: 11 of these parcels are condominium units sharing Midway Road frontage.

PRINTED NAME: Gary Zahringer

TITLE: Senior Vice President

COMPANY: Martenson & Eisele Inc

ADDRESS: 1377 Midway Road

PHONE NUMBER: (920) 731-0381

EMAIL ADDRESS: garyz@martenson-eisele.com

DATE: 5/26/10

FAX: (920) 733-8578

## Proposal Requirements

### 2) Professional and Technical Qualifications

The team to be assigned to this project are Registered Land Surveyors with many years of experience completing projects to establish and dedicate road right-of way. The team will be lead by:

- Dave Eisele, project manager
- Gary Zahringer, project schedule, plan review, client contact and attendance at all meetings required for the project
- Mike Kaczmarzyk, review of title information supplied by the title company, survey computations and easement preparation
- Mike Roubal, fieldwork to locate the existing right of way of Midway Road and monumentation of the final right of way location.

Martenson and Eisele, Inc, has prepared numerous surveys along this stretch of the Midway Road corridor to locate and dedicate right of way. Our existing survey information will be an invaluable time saver for this project. In addition, we have prepared other right of way plats. Included is a 5 mile project for C.T.H. "T" in the Town of Dale, Outagamie County; a 6 mile project for C.T.H. "G" in the Towns of Dupont and Wyoming, Waupaca County; and currently a 1 mile project for Larsen Road, Town of Clayton, Winnebago County.

The field equipment we will be using on this project will Trimble GPS and Sokkia Robotic total station. The office computations, easements and right of way plat will be done in Auto Cad 2010 and will be saved into your required version.

### 3) Scope of work

Research courthouse survey records for existing survey data, including plats, surveys and right of way plats. Field crews will perform survey reconnaissance and flag all section corners and existing individual lot corners for field location. A crew member will then electronically locate section corners and property corners and any existing site improvements within the Midway Road right of way using GPS where accessible. A 2-man crew will locate property corners not accessible by GPS. Survey computations will be preformed by a Registered Land Surveyor to establish Midway Road right of way and individual property lines. The right of way plat will be prepared showing the adjacent individual properties, owners of record, and existing easements. Descriptions for new easements will be drafted. The final right of way of Midway Road will be staked with 1" X 24" iron pipes.

#### 4) Project time line

Description	Start	Completion	Hours
2) Research public land records for previous Surveys, Subdivision Plats, Certified Survey Maps and/or Street right-of-way Plats.	6/14/2010	6/18/2010	8
3) Contact a local title company to order title searches for each individual parcel within the Town and City of Menasha that abuts the Midway Road right-of-way within the above described project limits. (Title searches to include current ownership, present deed of record and 60 year easement search.	6/14/2010	7/25/2010	
4) Provide field surveying services to locate property boundary stakes and/or site improvements if necessary to establish property boundaries and/or street right-of-ways. (Project to utilize previous survey work performed in 2004 & 2005 which located existing site improvement and property corner monuments.)	6/21/2010	6/30/2010	20
5) Perform office calculations within the project limits to establish street right-of-way lines and abutting parcel boundaries within the Town and City of Menasha.	7/5/2010	7/25/2010	20
6) Review title searches to obtain present parcel ownership and to locate existing easements.	7/25/2010	7/30/2010	10
7) Draft a right-of-way plat for the entire length of the project including existing easement locations.	7/30/2010	8/15/2010	20
8) Submit digital and hard copies of the right-of-way plat to the Town and City of Menasha for engineering design of sidewalks and placement of proposed easements.		8/15/2010	
9) Amend the right-of-way plat to include placement of sidewalk easements.	9/1/2010	9/15/2010	15
10) Prepare sidewalk easement documents.	9/1/2010	9/15/2010	15
11) Provide copies of easement documents and revised right-of-way plat to the Town and City of Menasha for reviews, signatures and recordings.	9/15/2010		
12) Stake final right of way plat	9/15/2010	9/20/2010	8

13) Meet with City/Town staff and attend meetings on an as needed basis throughout the project and provide status reports for both City/Town officials to the designated contact names. 6/14/2010 9/20/2010 3

**5) Communication methods**

In recent completed projects, we have found that using a project group e-mail list was the most effective way to keep everyone informed of project changes, deadlines, etc. Along with utilizing e-mail, Town, City or group meetings, when required, will be arranged. We are also available by phone in the office as well as in the field.