

THE CORPORATION OF THE TOWNSHIP OF HORTON
Special Public Works Committee Meeting

August 13, 2014

There was a Special Meeting of the Public Works Committee held in the Municipal Council Chamber on Wednesday August 13, 2014. Present was Chair Glen Campbell, Mayor Don Eady, Murray Humphries and Rick Lester. Staff present was Janet Collins, Public Works Manager and Mackie McLaren, CAO/Clerk (4:00 – 4:35)

1. CALL TO ORDER

Chair Campbell called the Meeting to Order at 4:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest by members of the Committee and Staff.

Chair Campbell asked for a resolution to approve the agenda.

Moved by Rick Lester, Seconded by Murray Humphries that the Committee Members adopt the meeting agenda.

Carried

3. GRANULAR “M” TENDER AWARD

Chair Campbell presented the Members with a copy of a legal opinion on the tender document and use of term “lowest tender not necessarily accepted” from Janet Bradley, Municipal Solicitor. After the members had reviewed the opinion, he asked for the member’s input. He noted that the company that submitted the lowest tender was aware that Horton had concerns with their product.

Rick Lester said he believes that the lawyer’s opinion hit the nail on the head. He asked if there was a recent test from the company’s pit. Janet Collins said we haven’t tested the product this year. The product was tested several years back and it met the specs at that time. The company did what was asked of them and they submitted the lowest tender. This puts the Township in a negative light. If their product was unsatisfactory, it should have been worked out before the tender was called. It would be best if Clouthier Construction provided a test of their material to see if it meets specs. Janet Collins said she did mention to Clouthier that there were concerns their product was dusty. Rick Lester said his advice is to do as recommended, meet with Clouthier, satisfy ourselves that their product meets the specs and if so, award the tender.

Murray Humphries said he mostly agreed with Mr. Lester. He is in favour of awarding the tender to the lowest company if they met the specs. He felt it was not necessary to contact our lawyer. He doesn’t know how the test was carried out in the past. We could test ourselves. We will have \$10,000 remaining in the gravel budget to apply more gravel on other roads.

Mayor Eady said he had mixed feelings. Three years ago we put this gravel on Johnston Road and now we are covering it again. Are we going to have to cover this year’s gravel in three more years? Can’t support wasting ratepayers’ money if this is the situation. Saying this, he has no knowledge of the old product being tested. He has never seen any test report. If we ask the company to come in to meet, we need to get to the nuts and bolts of the situation. If we have a dry year the road will be dusty. He likes when more than one company bids, it keeps the prices low. Supports bringing in Clouthier to discuss this concern with us.

Rick Lester asked if it is fair to go through a tender when in the back of our mind we don't want their product? Mayor Eady said that Clouthier supplied gravel from another pit for Admaston-Bromley and for Greater Madawaska, he would support paying the difference if the material comes from another Clouthier pit if it worked better. A meeting will bring this to a head.

Murray Humphries said he would like to see a test of the material we didn't like in the past and a test of the material we do like to see if there is a difference. We could change the spec in the future. He asked if there was a difference in the amount of calcium put on the road. There are a lot of variables.

Chair Campbell said the tender was a publically opened tender. We are here to publically award the tender. As long as the tender meets the OPS standards that is all we can ask. If we wanted more specifications it should have been included in the tender document. He wanted to see the legal opinion. This year we are compacting the gravel after it has been placed. We are applying liquid calcium this year, not flake calcium as was used 3 years ago. Agreed we should meet with Clouthier. They did name their Onanski Pit as the material source. He spoke with the Public Works Supt. who confirmed that after Mullins Road was graded it dried quickly, they added water and flake calcium and were pleased with the result. Could Clouthier change their product to satisfy our concern?

Murray Humphries said the OPS specs have an upper and lower limit. Ideal is to have the gravel test out in the middle of the range. Need several tests. Each one will be different. We also need to do our own test.

Chair Campbell said he doesn't want it to appear we are sole sourcing. If the material meets the tender specs then OK. We need to tell the contractor what our issue is.

The CAO/Clerk left the meeting at 4:35 p.m.

The following resolution was presented:

Moved by Murray Humphries, Seconded by Rick Lester that the Public Works Committee, after been granted authority by Council, award the Granular "M" tender PW – 2014 – 02 to R. G. T. Clouthier. And further that the date of completion be extended to September 26th, 2014.

Discussion:

Mayor Eady said he can't support this resolution until we meet with Clouthier. Murray Humphries said he was happy with the process. Chair Campbell said he wants to meet with them to tell them the information contained in the legal opinion and doesn't want Township sole sourcing. Rick Lester said that this meeting shouldn't come across as an inquisition but will be here if the Committee wants him here. Chair Campbell said we have 2 sources, 1 takes more maintenance.

Chair Campbell called for a vote.

Carried with Mayor Eady opposed.

The Members agreed to tentatively set the meeting date and time to meet with Clouthier for Monday August 18th at 10 a.m.

4. ADJOURNMENT

Moved by Murray Humphries, Seconded by Rick Lester that this Committee Meeting be adjourned at 4:52 p.m.

Carried

CHAIR

CAO/CLERK & Public Works Manager