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**RULE OF THE CHAMBER**

Any person wishing to address City Council shall step up to the lectern, state their name and address in an audible tone of voice for the record, and unless further time is granted by the presiding officer, shall limit their address to three (3) minutes.

A person may not give up or relinquish all or a portion of their time to the person having the floor or another person in order to extend a person's time limit in addressing the Council.

Any person who does not wish to address Council from the lectern, may print their name, address and comment/question which he/she would like brought before Council on a card provided by the Clerk/Treasurer and return the card to the Clerk/Treasurer before the meeting begins. The Clerk/Treasurer will address the presiding officer at the start of Citizen Comments on the Agenda, notifying him of the card comment, and read the card into the record for response.

Those who want to use audio and image recording equipment in Council Chambers that requires a monopod, tripod or other auxiliary equipment for the audio and image devices shall notify the City Clerk before the meeting begins. Arrangements will be made to accommodate the request in a manner that minimizes the possibility of disrupting the meeting. No additional illuminating lights may be used in Council Chambers unless a majority of City Council members consent. Additionally, cell phones and pagers should be set to vibrate or silent mode when inside Council Chambers.

Should any person fail or refuse to comply with any Rules of the Chamber, after being informed of such noncompliance by the presiding officer, such a person may be deemed by the presiding officer to have committed a breach of the peace by disrupting the public meeting, and the presiding officer may then order such person excluded from the public meeting under Section 3 (6) of Open Meetings Act, Act 267 of 1976.

You will notice a numbering system under each heading. There is significance to these numbers. Each agenda Item is numbered consecutively beginning in January and continues through December of each calendar year.

The City of Monroe will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon one weeks' notice to the City Clerk/Treasurer. Individuals with disabilities requiring auxiliary aids or services should contact the City of Monroe by writing or calling: City of Monroe, City Clerk/Treasurer, 120 E. First St., Monroe, MI 48161, (734) 384-9136. The City of Monroe website address is [www.monroemi.gov](http://www.monroemi.gov).

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**AGENDA - CITY COUNCIL SPECIAL MEETING  
MONDAY, AUGUST 25, 2008  
7:30 P.M.**

**I. CALL TO ORDER.**

**II. ROLL CALL.**

**III. INVOCATION/PLEDGE OF ALLEGIANCE.**

**IV. PUBLIC HEARINGS.**

- 226 Public hearing to hear public comments on Proposed Ordinance No. 08-013, an Ordinance to amend Chapter 296, Municipal Employees' Retirement System to revise Section 296.48(b)(2)A, Hybrid Pension retirement window. There are no comments on file in writing in the Clerk-Treasurer's Office

**V. COUNCIL ACTION.**

- 226 Proposed Ordinance No. 08-013, an Ordinance to amend Chapter 296, Municipal Employees' Retirement System to revise Section 296.48(b)(2)A, Hybrid Pension retirement window, up for it's final reading.

**VI. CONSENT AGENDA.** (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and will be approved by one motion, unless a Council member or citizen requests that an item be removed and acted on as a separate agenda item)

227 2008 Water Main Rehabilitation Program

1. Communication from the Director of Engineering, Public Services and Planning, reporting back on the Labor Harmony Resolution waiver and recommending that council approve a waiver in the Labor Harmony standards for the temporary bypass piping and other related work for the 2008 Water Main Rehabilitation Program.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

**VII. MAYOR'S COMMENTS.**

**VIII. CITY MANAGER COMMUNICATION.**

**IX. COUNCIL COMMENTS.**

**X. CITIZEN COMMENTS.**

**XI. ADJOURNMENT.**



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** 2008 WATER MAIN REHABILITATION PROGRAM – REQUEST FOR EXEMPTION FROM LABOR HARMONY REQUIREMENTS FOR BYPASS PIPING SUBCONTRACTOR

**DISCUSSION:** The Engineering Department received and opened three (3) bids for the 2008 Water Main Rehabilitation Program on Monday April 21, 2008. At the May 5, 2008 City Council meeting, the contract was awarded to the low bidder, FER-PAL Construction USA LLC, dba Liqui-Force Services (USA), Inc. of Romulus, Michigan with a bid of \$2,531,093.00. The second low bidder, Insituform Technologies, USA, Inc., submitted a bid of \$2,563,667.74, \$32,574.74 higher than the low bid (1.3% higher). This award was made contingent upon Liqui-Force fulfilling the terms of the City's Labor Harmony requirements, which were clearly indicated in the bidding documents. As you likely remember, due to the failure of the low bid contractor to secure any type of Labor Harmony agreement for any part of their work, the contract was instead awarded to Insituform Technologies, USA, Inc. on June 2, 2008.

Insituform Technologies has been preparing for project work, and has been assembling their own Labor Agreements. All their direct employees, which handle all of the cleaning and lining work that constitutes the majority of the project work, are covered under an agreement with the Operating Engineers, and they have secured a subcontractor, E.R. Zeiler Excavating, that is signatory to both the Operating Engineers and the Laborers, who will perform their traditional water main work such as hydrant and valve replacement, laying of new permanent piping, and other miscellaneous tasks. One last major subcontract remains, however, as in many cases temporary bypass piping must be installed during cleaning and lining. The value of this work as bid equals slightly more than \$100,000, or approximately 4% of the project work. According to Insituform in the attached letter, they assumed that this work would be considered "specialty work", and in fact could locate only one Union subcontractor performing this work, who could not meet the project schedule.

The Labor Harmony Resolution as adopted by the City Council in 2004 includes a provision for waiver that reads as follows:

*"If the City makes a good faith effort at soliciting bids but received none, or if all bids received are unacceptably high, the City Council may waive the provisions of this resolution."*

At this point, it is the opinion of the Engineering and Water Departments that the Labor Harmony provisions be waived for the temporary bypass piping work activities for the following reasons:

1. Of the 3 bidders for the project, the low bidder and third low bidder are both non-union contractors, such that neither entity could come as close as Insituform to full compliance with the Labor Harmony provisions.
2. Insituform has spent considerable time delaying the project already attempting to secure a Union subcontractor for bypass piping work.
3. Insituform has complied with all other provisions of the Labor Harmony Standards, and has made a good faith effort at each step of the process to secure capable Union contractors in all trades.
4. While the work represents more than \$100,000 in total costs, this is a small percentage (4%) of the project.

**IT IS RECOMMENDED** that the City Council approve a waiver in the Labor Harmony Standards for the temporary bypass piping and other related work for the 2008 Water Main Rehabilitation Program.

**CITY MANAGER RECOMMENDATION:**

- For  
 For, with revisions or conditions  
 Against  
 No Action Taken/Recommended

**APPROVAL DEADLINE:** As soon as possible.

**REASON FOR DEADLINE:** Project has already been delayed close to one month, work must commence soon in order to complete at least some project divisions during 2008.

**STAFF RECOMMENDATION:**  For  Against

**REASON AGAINST:** N/A

**INITIATED BY:** Engineering Department and Water Department

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** City Council, Engineering Department, Water Department, adjacent property owners & residents, Water Customers

## FINANCES

**COST AND REVENUE PROJECTIONS:**

Cost of Total Project	\$ 2,900,000
Cost of This Project Approval	\$0*
Related Annual Operating Cost	\$ N/A
Increased Revenue Expected/Year	\$ N/A

\*Contract has already been awarded.

<b><u>SOURCE OF FUNDS:</u></b>	<u>City</u>	<u>Account Number</u>	<u>Amount</u>
	<u>Other Funds</u>		

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Patrick M. Lewis, P.E., Director of Engineering, Public Services, and Planning

**DATE:** August 21, 2008

**REVIEWED BY:**

**DATE:**

**COUNCIL MEETING DATE:** August 25, 2008



**Insituform**  
*Technologies USA, Inc.*

*Worldwide Pipeline  
Rehabilitation*

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August 20, 2008

Barry S. Laroy  
Director of Water & Waste Water Utilities  
Interim Director of Recreation  
City of Monroe, MI

Dear Barry:

At the time of contract preparation for the City of Monroe Water Rehabilitation Project (Insituform Contract # 371000), it was understood that the bypass piping work was considered an exempt specialty item. Since that time, it has been communicated that we have to use union labor to execute this work.

We have identified a subcontractor that meets the union labor requirements, however there schedule does not permit us to meet the completion date set forth in the contract.

We respectfully request for the bypass piping work to be exempt from meeting the labor harmony requirements of the contract so we can move forward with the planned project schedule without delay.

Thank you for your attention to this matter.

Gary Wiegmann  
Managing Director  
Insituform Technologies

Cc: Deepak Bhattachar