



March 5, 2018

Mr. Robert M. West, Director
Department of Public Works
Hartland Township
2655 Clark Road
Hartland, Michigan 48353

Re: 2018 Hartland Road Pathway Project

Dear Mr. West:

The Michigan Infrastructure and Transportation Association (MITA) is a statewide construction trade association that consists of over 500 Michigan companies representing construction disciplines such as road and bridge, sewer and water, utility, railroad, excavation and specialty construction throughout the state of Michigan. One of the purposes of this association is to advance the interests of the heavy construction industry by protecting the public policy embodied in the competitive bidding process. The goal of the competitive bidding process is to provide the public with the best quality construction at the lowest price, and to guard against corruption, favoritism and abuse of discretion by public officials in public contract awards.

We have recently learned of your efforts to solicit bids for the above referenced capital improvement project. We are aware that bid documents were sent to nine potential bidders and that four bids were publicly opened and read on February 15, 2018, with the low bid read at \$305,073 and the high bid read at \$8,198,030.

Unfortunately, we have also learned that the Township initiated some unwarranted post-bid, pre-award negotiations with one of the bidders that resulted in that bidder being allowed to change a unit price bid after the bids were opened. Interestingly, after that bidder was allowed to make that post-bid unit price change, that bidder became the determined low bidder and was ultimately awarded the contract at the March 6, 2018 Township Board Regular Meeting without any disclosure of the apparent post-bid, pre-award negotiations.

The apparent post-bid, pre-award negotiations the Township executed causes us significant concern as it could be viewed as an attempt to manipulate the bid results of the competitive bidding process. In our experience, an owner's

opportunity to negotiate any unit price bid can only happen after the contract has been awarded to the lowest, responsive and responsible bidder, and then with the execution of an appropriate contract change document.

Maintaining the integrity of the competitive bidding process is a high priority for our industry, and likewise, should be a high priority for all public owners as they execute their responsibility to safeguard the public funds entrusted to their care. Contractors invest a considerable amount of time, energy, and resources in preparing their bids and do so in good faith assuming they will be awarded the contract if they are the lowest, responsive, and responsible bidder.

By employing bidding practices that are viewed as anticompetitive, Hartland Township will soon establish fences around its geographic area, such that the pool of interested contractors may shrink, the number of competitive bids you receive on future projects may decrease, and you may pay more than your neighboring communities for similar types of projects.

We sincerely hope that Hartland Township continues to openly solicit bids for projects, conducts their analysis of all submitted bid proposals in a consistent, fair and unbiased manner, and awards their projects to the lowest, responsive and responsible bidder without any post-bid, pre-award manipulation of the original bids.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glenn J. Bukoski', with a stylized flourish at the end.

Glenn J. Bukoski, P.E.
Vice President of Engineering Services

Cc: Hartland Township Board of Trustees