

**MINUTES OF THE MEETING
DERRY TOWNSHIP MUNICIPAL AUTHORITY
670 CLEARWATER ROAD
HERSHEY, PA 17033
MONDAY, MAY 6, 2024**

The Derry Township Municipal Authority Board held a special meeting on Monday, May 6, 2024, in the Conference Room of the Authority's Administration Building, 670 Clearwater Road, Hershey, Pennsylvania. The meeting was also available to Board members, Consultants and Advisors, and the Public virtually through Microsoft Teams. Chairman Feidt called meeting to order at 3:30 p.m.

ROLL CALL

Attendees	In-Person	Virtually
Board Members		
Robert Cerminara	X	
Michael Corado		X
David Feidt	X	
Ronald Furlan	X	
Randy Goss		
Kelly Heffner-Means	X	
Carter Wyckoff (arrived at 6:04 pm)		
Staff		
William Rehkop (Executive Director)	X	
Kimberly Bloom (Deputy Director)	X	
Michael Postick (Stormwater Program Manager)	X	
Dennis Beck (Comptroller)	X	
Dylan Ellinger (Staff Engineer)	X	
Consultants		
Darrell Dethlefs (Dethlefs Pykosh)		X
Mike Pykosh (Dethlefs Pykosh)		X
Josh Fox (HRG)		
Colin O'Brien (Brown and Caldwell)		
Mike Hess (HRG)	X	
Other Attendees		

PUBLIC COMMENT

There was no public comment at this time.

STORMWATER PROGRAM MANAGER’S REPORT

This special meeting was held to discuss the Bid Award for Contract 2024-05 – Ridge Road Drainage Improvements Project. Mr. Postick provided the following report for discussion.

Ridge Road Drainage Improvements Project

Bids for this project were received and opened on April 15, 2024. At the April 22, 2024 Board meeting, the Board and Staff agreed that further review of the bids was warranted before an award could be made for this project.

The total bid prices for each bidder are:

BIDDER	BID PRICE
MDX Site (A Mason Dixon Contractors LLC Company)	\$ 4,556,156.50
Ankiewicz Enterprises, Inc	\$ 5,483,304.00
Pact One LLC	\$ 5,523,029.00
DH Funk & Sons	\$ 5,708,245.00
RIII Construction, Inc.	\$ 6,706,166.00
Joao & Bradley Construction Co., Inc.	\$ 7,389,147.00
DOLI Construction Corporation	\$ 8,907,345.00
Kinsley Construction, LLC	\$ 9,329,489.00
JVI Group, Inc.	\$ 9,755,393.50

The four lowest bids are below the estimated construction cost range of \$5.5 million to \$6 million that was developed during project design. The bid submitted by MDX Site is over \$1 million below the estimate range. Mr. Postick reported that the bidding documents provided by MDX Site are complete and without error, which classifies them as a responsive bidder. However, since the MDX bid was so much lower than the next bidder, Staff reached out to MDX to review the scope of work with them and to make sure that they were comfortable with their bid numbers. MDX is aware of the unique requirements of some of the work items and they are confident that they can perform the work necessary for this project.

Neither DTMA nor HRG have had any prior experience working with this contractor. The second lowest bidder, Ankiewicz, has just completed a project for DTMA and performed very well on that difficult project.

DTMA Staff and HRG have fully reviewed the bidding documents submitted by all bidders and have also reviewed in greater detail the references provided by the contractors. They also requested additional information on each bidder’s work experience, a list of recent projects including size and cost information, their recent company history, work crew availability, regulatory compliance, etc. HRG’s full report detailing their investigations on all the project bidders was provided to the Board prior to the meeting.

For the lowest bidder, MDX Site, DTMA and HRG Staff conducted interviews of subcontractors and suppliers who could likely work with MDX Site on this project. The Solicitor was asked to

perform a search and review of civil legal cases, either closed or active, to which MDX Site was a party. Mr. Dethlefs stated that according to Pennsylvania regulations, a bidder must be both responsive and responsible to be awarded a project. In some circumstances, it may be that the lowest bidder in price may not necessarily be a responsive and responsible bidder. The Solicitor provided the Board with an opinion for disqualification of bidders should the Board consider this option.

Within the last two weeks, MDX Site has begun work on a construction project for the Lower Swatara Township Municipal Authority, for which HRG is providing construction observation and oversight. Mike Hess from HRG was able to provide limited preliminary observations on MDX's work quality based on the few days that HRG was on site with the contractor. He noted a few items of concern such as stone being left in the roadway, a ditch not being properly benched for excavation, and an excavation site not being properly secured overnight.

Mr. Furlan noted that he had compared the bid line items for MDX with Ankiewicz. There were some areas where they differed significantly in their price, but he noted that MDX is a smaller company and that may be a reason why their overall price is so much lower. He also felt that based on the limited construction inspection performed by HRG in Lower Swatara and the items mentioned in the Solicitor's report, DTMA would not be able to conclude that MDX was not a responsible bidder and, therefore, could not be awarded the contract.

The Board expressed concerns about what would happen if the contractor started the project but then it became evident that they were not performing satisfactorily and had to be removed from the project.

Ms. Heffner-Means mentioned that all contractors need to be made aware of the complexities of this project, such as: 24/7 boring of the railroad crossing until completed; nighttime traffic control for the traffic on W. Chocolate Avenue in the middle of tourist season; the intricate work near the electrical duct banks that feed Hersheypark and what the monetary penalties would be if electric service was disrupted (not to mention the safety concerns with the park rides). She asked if these items could be reviewed again at the Preconstruction meeting so there aren't any misunderstandings by the contractor. M. Hess presented a proposed timeline for the project based on when the Notice of Award is given to the contractor. He noted that the PADOT Highway Occupancy Permit requires the work in Chocolate Avenue to be conducted between April and October of 2024 and needs to occur over night when traffic is lighter.

EXECUTIVE SESSION

At this time, the Board recessed into Executive Session at 3:55 p.m. to discuss legal matters with the Solicitor for this contract. They reconvened at 4:06 p.m.

The Board is cognizant of how the timing of this project will affect the tourist traffic in and around the downtown Hershey area. DTMA will make sure that the Township entities are apprised of the construction schedule. Mr. Postick also noted that the business entities and the residential

complex at the intersection of Ridge and Chocolate that will be directly impacted by the project have been contacted and are aware of the proposed construction timeframe.

The contractor provides their proposed timeline for the project, but it needs to be approved by DTMA. Suggestions can be made for adjusting the schedule due to the tourist activity and the timing of road closures. Ultimately, disrupting the traffic on Chocolate will need to occur at some point during the tourist season, but all efforts will be made to minimize the disruption.

The Board then discussed whether to award the bid to the low bidder (MDX Site), who has less experience with this magnitude of work, or reject the low bidder and award to the second lowest bidder (Ankiewicz). If the Board decides to reject the low bid and the low bidder would challenge this decision, then the project would not be able to move forward at all until this matter is resolved legally. This would cause a significant delay in the project timing and may require amendments to the approved permits from PADOT and Norfolk Southern. Also, the paving material may not be available at the time needed.

As far as the inexperience of MDX Site, Mr. Hess noted that HRG could provide additional construction inspection in those areas that are considered more critical to ensure the integrity of the work.

Resolution #2024-21 – Bid Award for Contract 2024-05 Ridge Road Drainage Improvements Project to the apparent lower bidder, MDX Site : This resolution was then approved on a motion by R. Furlan, seconded by R. Cerminara. The motion passed unanimously by voice vote.

IDIQ SANITARY SEWER AND STORM SEWER REPAIRS

DTMA Staff and HRG have essentially finalized two Work Orders, namely Work Order Nos. 2024-S6 and 2024-S7, for the replacement of two storm sewer culverts crossing Reese Avenue at the location of the new Hershey Company Project Milton. Both crossings will involve the installation of new elliptical storm sewers conveying stormwater from the Rte. 422 right-of-way to the Project Milton property.

Rogele, Inc. has been directed to provide final cost estimates for their work associated with these two Work Orders. DTMA estimates that each Work Order will have a construction cost of approximately \$26,000 to \$32,000.


A motion was made by M. Corado, seconded by R. Furlan, to approve the Work Order 2024-S6 and Work Order 2024-S7 for stormwater projects. The motion passed unanimously by voice vote.

PUBLIC COMMENT

There was no public comment at this time.

ADJOURNMENT

With no further business to come before the Board, R. Furlan made a motion to adjourn the May 6, 2024 public meeting at 4:22 p.m., seconded by R. Cerminara. The motion passed unanimously by voice vote.



(~~Assistant~~) Secretary