

Charter Township of Port Huron Board

Regular Meeting Held Aug 19, 2024 at 7:00 P.M.

3800 Lapeer Road, Port Huron, MI 48060

MINUTES

ROUTINE BUSINESS:

The pledge of allegiance stated.

Roll Call: Trustees Dudas, Reno, Riehl, Treasurer Shonka, Clerk Davis, Supervisor Lewandowski

Absent: Livingston

Special Guests: Attorney Goldenbogen, Paul Bailey; UHY, DPW Superintendent Dan Duman, SCC Drain Commissioner; Wiley, SCC Sheriff Dept Capt. Pohl, PH Twp Fire Chief Persig, Residents

APPROVAL OF MINUTES:

Motion by Riehl, supported by Dudas, to approve the July 15, 2024 Regular Board meeting minutes.

Vote: All in favor

Result: Motion Carried

PUBLIC COMMENTS:

Chris Gordon-2615 Lewis Dr; Cedar tree on neighbor's property is blocking visibility of a fire hydrant and he would like a solution to having it trimmed or removed.

Dan Cross-2865 Beach Rd, 2863 Beach Rd has unaddressed blight issues.

Laura White-3333 W. Water hindered visibility at S. Charmwood, low hanging tree branches.

Dawn Falk-2583 Strawberry Ln- Fragmites are an issue at the parks, spoke to Kristen Lyons stated there is a Fragmites program to help control.

Carol Miller, Randolph St, no address given – requested financials (a.k.a. check registers) be posted for public viewing, opposes the summer office hours, doesn't like the volunteer form recently added to the website. Inquired as to the status of the Museum being open, and whether an inventory list exists. Stated if there isn't an inventory list then she'd like her donation returned.

UNFINISHED BUSINESS:

No Unfinished Business

NEW AGENDA ITEMS:

A. Attorney's Report:

Report given, no further discussion.

B. Engineer's Report:

Report given, no further discussion.

C. Sheriff's Report:

Report given by Cpt Pohl.

Resident spoke that lives near Chestnut St west of Jets Pizza and stated homeless is still an issue.

D. Approve Charter Township of Port Huron updated Procurement Policy:

Charter Township of Port Huron Procurement Policy (Adopted August 19, 2024)

Purpose: The Charter Township of Port Huron desires to reiterate and update its policy requiring competitive bidding and/or pricing procedures and providing exemptions which are necessary for the protection of public safety, health and welfare.

Additionally, the Charter Township of Port Huron desires to incorporate guidelines that meet or exceed the procurement requirements for purchases of goods, services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of a contract or purchase. All contracts or purchases funded with federal grant or loan funds must be procured in a manner that conforms with all applicable federal laws, policies, and standards, including, where applicable, those under the Uniform Guidance (2 C.F.R. Part 200), whether or not those laws, policies, and standards are expressly referenced in this policy.

Competitive Bidding and Competitive Quotes, Generally; Exceptions:

(a) The Township Board shall make all discretionary decisions concerning the solicitation, award, amendment, cancellation, and appeal of Township contracts and with regard to Township purchases.

(b) Except as otherwise provided in this Policy, the Township shall utilize competitive solicitation and bidding for all construction and improvement contracts and service contracts for which the Township anticipates a total obligation of Five Thousand (\$5,000.00) Dollars, or more, unless otherwise exempted pursuant to this Policy.

(c) Except as otherwise provided in this Policy, the solicitation of competitive quotes, without a formal bidding process, shall be required for all purchases of goods and equipment in excess of Five Thousand (\$5,000) dollars. For each proposed purchase, the Township shall secure a minimum of two quotes for consideration by the Township Board. For extraordinary purchases of goods and equipment, the Township Board may, in its discretion, require the solicitation of competitive bids, consistent with the bidding process set forth in this Policy.

(d) The competitive solicitation and bidding process shall require solicitation and receipt of sealed bids to be submitted to the Township pursuant to the schedule and instructions set forth in each contract or project. Deviations from the schedule and instructions shall be permitted in the sound discretion of the Township Board where it articulates reasons for such departure that advance the public safety, health and welfare of the People of the Charter Township of Port Huron.

(e) Exceptions; No competitive bidding and/or securing of competitive quotes shall be required in the following circumstances:

i. Procurement of goods or services is necessary for the imminent protection of public health or safety or to mitigate an imminent threat to public health or safety, as determined by the Township Supervisor and, when practical, the Township Board.

ii. Procurement of goods or services is for emergency repair or construction caused by unforeseen circumstances when the repair or construction is necessary to protect life or property.

iii. Procurement of goods or services is in response to a declared state of emergency or state of disaster under the Emergency Management Act, MCL § 30.401 to 30.421.

- iv.* Procurement of goods or services is in response to a declared "state of energy emergency" under MCL §10.81 to 10.89.
- v.* Change orders, additions or extensions to existing contracts where the Township determines that such action is reasonably necessary to meet the principal objectives of the original contract to be performed.
- vi.* Renewals of insurance contracts or other contracts where the Township makes one or more of the following determinations:
 - (a.) That renewal will assure that goods or services will be made available which otherwise reasonably may be unavailable at a reasonable cost.
 - (b.) Where a renewal will provide for a long-term cost savings or for services which otherwise are unavailable through competitive bidding.
 - (c.) Where a renewal will provide goods or services at a reasonable cost and avoid inconvenience and cost.
- vii.* Contracts with utilities.
- viii.* Procurement of goods or services is under a cooperative purchasing agreement with the federal government, the State of Michigan, or pursuant to an inter-governmental agreement or arrangement of one or more public entities for which another policy applies to the purchase of goods and services necessary at fair and reasonable prices using, where practicable, a competitive procurement method.
- ix.* When acquiring proprietary services, equipment, or information available from a single source, such as a software license agreement.
- x.* The value of the procurement is less than \$5,000.00, and the Township Board has established policies or procedures to ensure that goods or services with a value of less than \$5,000.00 are purchased by the Township at fair and reasonable prices.

Competitive Bidding, Procedure

- (a) Where required by this Policy, Competitive Bidding for Township contracts shall proceed as follows:
 - i. Invitation of Bids.* For each contract or project requiring competitive bidding, an invitation to bid shall be prepared and published in a newspaper of general circulation in St. Clair County and/or a trade publication of the industry used for publishing bids associated with the goods or service solicited, or otherwise circulated to known potential bidders. The invitation shall include a general description of the items to be purchased or service to be performed, information regarding access to bid specifications, the date and hour for submission of bids to the Township or its designated agent, and the time and place for opening of bids, along with other pertinent information as determined necessary by the Township. Notice shall be published at least five (5) days preceding the last day for receipt of bid proposals.
 - ii. Specifications for Bids.* The request for bid form shall provide the following information as appropriate:
 - (a.) Description of item to be purchased or sold.
 - (b.) Commencement date or delivery date.

- (c.) Termination date or completion date.
- (d.) Required bidder's qualifications.
- (e.) Warranties required.
- (f.) References required.
- (g.) Performance bonds or insurance required.
- (h.) Whether alternative quotes are permitted, and if so, terms and conditions.
- (i.) Assignment of responsibility for permit fees or any other incidental costs.
- (j.) Deadline to submit bids.
- (k.) Address to which bids are to be submitted.
- (l.) Date, time and place bids will be opened.
- (m.) All requests for bids shall include a statement that the Charter Township of Port Huron Board of Trustees reserves the right to accept or reject any or all bids, to waive any errors in the bid process or bid procedures and to accept any bid deemed to be in the best interest of the Township, including bids that are not for the lowest price.

iii. Bid Deposits. The Township may require a bid deposit. Unsuccessful bidders shall be entitled to a return of the deposit. Any successful bidder who has failed to enter into a contract within the (10) days after award and notice shall forfeit the bid deposit and the bid shall be deemed withdrawn.

iv. Bid Opening Procedure. The following procedure shall be followed:

- (a.) Sealed Bids: Bids packages shall be submitted sealed as set forth in the public notice and identified on the envelope. The date and hour of receipt shall be recorded on the bid.
- (b.) Bid Opening: Bids packages shall be opened in public at the time and place stated in the public notice.
- (c.) Bid Tabulation: Bids shall be tabulated following opening and the results shall be posted for public inspection and made available upon request to interested bidders.

v. Rejection of Bids. The Township Board reserves the right to reject any and all bids in the Board's sole discretion.

vi. Bidder in Default to Township. The Township shall not accept or award the bid of any person, firm, or corporation who is known to be in default on the payment of taxes, licenses, or other monies due to the Township, or is in violation of Township Ordinances or has outstanding issued violations unsatisfied, or who is known to be an officer, partner, shareholder, or director of any person, firm or corporation who is similarly in default or in violation of ordinances, unless deemed to be in the best interest of the Township.

Disqualified bidders shall be provided notice of disqualification at least seven (7) days prior to the date for last receipt for bids.

vii. Award of Contract. The Township Board shall have the authority to award contracts deemed by the Township Board to be in the best interest of the Township. As a general policy, contracts shall be awarded to the lowest responsible bidder. In addition to price, in determining the lowest responsible bidder, the Township Board shall consider:

- (a.) The ability, capacity, and skill of the bidder to perform the contract or provide the service.

- (b.) Whether the bidder can perform the contract or provide the service promptly within the time specified without delay, interference, or any claim for additional compensation.
- (c.) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
- (d.) Quality of performance in previous contracts and services.
- (e.) Continuity of performance and previous experience with the Township.
- (f.) The previous and existing compliance by the bidder with laws and ordinances relating to contract or service.
- (g.) The sufficiency of financial resources and ability of bidder to perform the contract or provide the service.
- (h.) The quality, availability and adaptability of supplies or contractual services to the particular use of service required.
- (i.) The ability of the bidder to provide future maintenance and service for the use or service of the contract.
- (j.) The number and scope of conditions attached to the bid.
- (k.) The duration of a previous contractual relationship with the Township, timeliness, and quality in contract administration and issue resolution.
- (l.) Other reasonable issues as determined to exist by the Township Board.

viii. **Award to Other Than Lowest Cost Bidder.** When an award is not given to the lowest cost bidder, the Township Board shall indicate reasons for awarding the contract elsewhere.

ix. **Local Vendor Preference.** In all contracts where legally permitted, where bids of a substantially similar amount are received, the Township may elect to award to a local bidder who is either a resident of the Township or has substantial business facilities located within the Township or otherwise performs a substantial amount of business within the Township and/or St. Clair County.

x. **Performance Bonds.** The Township Board shall have authority to require a performance bond in an amount reasonably necessary to protect the best interest of the Township.

Competitive Bidding, Federally Funded Projects

In addition to the procedures set forth herein, generally, when federal funds are being used in whole or in part to pay for the cost of the contract, the following shall apply:

(a) All contracts funded with federal grant or loan funds must be procured in a manner that conforms with all applicable federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200), unless exempted or exceptions apply as set forth in applicable federal law. Any contrary provisions in this Policy that conflict with such applicable federal law shall be ignored in such cases.

(b) The Township shall, to the extent required by law, take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible in compliance with the standards set forth in 2 C.F.R. Part 200.321, including requiring prime contractors to comply with those same steps.

(c) The Township shall, to the extent required by law in all contracts exceeding the value of \$10,000, and without compromising satisfactory levels of competition, consistent with 2 C.F.R.

Part 200.322, comply with section 6002 of the Solid Waste Disposal Act "Buy-Recycled" program as set forth in the guidelines found at 40 C.F.R. Part 247.

(d) The Township shall, to the extent required by law, perform an appropriate cost or price analysis in connection with every procurement in excess of the Simplified Acquisition Threshold as established from time-to-time by the Code of Federal Acquisition Regulation set forth in 48 C.F.R. Subpart 2.1 and in accordance with 41 U.S.C. §1908.

If there is no price competition in a specific bidding process without specific exception, the Township shall negotiate profit as a separate element of the price of the contract or project and in all cases where a cost analysis is otherwise performed, consistent with the directives set forth in 2 C.F.R. Part 200.322(b).

(e) The Township shall comply with any Financial Reporting required by the federal awarding agency as set forth in the applicable federal award or funding agreement, consistent with 2 C.F.R. Part 200.327.

Certification:

Motion to adopt the Charter Township of Port Huron Procurement Policy by Riehl supported by Reno.

Roll Call Vote: Ayes: Riehl, Reno, Dudas, Shonka, Davis, Lewandowski

Nays: None

Absent: Livingston

Supervisor declared the Charter Township of Port Huron Procurement Policy adopted

I hereby certify that the foregoing constitutes a true and complete copy of the policy adopted by the Board of Trustees of the Charter Township of Port Huron, County of St. Clair, Michigan at a regular meeting held on August 19, 2024, and that said meeting was conducted and public notice was given in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes were kept and will be or have been made available as required by said act.

Benita Davis, Township Clerk

Roll Call Vote: Ayes: Riehl, Reno, Dudas, Shonka Davis, Lewandowski

Nays: None

Absent: Livingston

Result: Motion Carried

E. Fire Chiefs Report:

Report given by Fire Chief Persig.

1. Approve purchase of HME SF22 Custom Pumper with aided equipment:
Motion by Riehl, supported by Reno to approve purchase of HME SF22 Custom Pumper with aided equipment in the amount of \$688,624.62.

Roll Call Vote: Ayes: Riehl, Reno, Dudas, Shonka Davis, Lewandowski

Nays: None

Absent: Livingston

Result: Motion Carried

F. Auditors Report:

Report given, no further discussion.

G. Approve purchase of Caterpillar Backhoe for DPW Department from Michigan CAT:

Motion by Riehl supported by Dudas to approve the purchase of Caterpillar Backhoe for DPW Department from Michigan CAT in the amount of \$159,754.52

Roll Call Vote: Ayes: Riehl, Dudas, Reno, Shonka Davis, Lewandowski
Nays: None
Absent: Livingston

Result: Motion Carried

H. Approve Water St Booster Water Pump Repair by Kennedy Industries:

Motion by Dudas supported by Reno to approve Water St Booster Water Pump Repair by Kennedy Industries in the amount of \$12,545.00

Vote: All in favor

Result: Motion Carried

I. Approve Pickleball Court resurfacing by Goddard Sport Surfaces:

Motion by Dudas supported by Reno to approve Pickleball Court resurfacing by Goddard Sport Surfaces in the amount of \$20,500.00.

Vote: All in favor

Result: Motion Carried

J. Approve Stocks Creek Drain Maintenance cost estimate with St Clair County Drain Commission:

Motion by Riehl supported by Dudas to approve Stocks Creek Drain Maintenance cost estimate with St Clair County Drain Commission approximate cost of \$65,500.00

Roll Call Vote: Ayes: Riehl, Dudas, Reno, Shonka Davis, Lewandowski
Nays: None

Absent: Livingston

Result: Motion Carried

K. Approve St Clair County Parks and Recreation Commission 2024 request for Local Millage Distribution:

Motion by Reno supported by Riehl to approve St Clair County Parks and Recreation Commission 2024 request for Local Millage Distribution net revenue of \$56,849.00.

Vote: All in favor

Result: Motion Carried

L. Approve quote from DB Painting to pain the schoolhouse, township, hall and the fire station:

Motion by Dudas supported by Davis to approve the quote for from DB Painting to paint the schoolhouse, township, hall and the fire station in the amount of \$6,775.00

Vote: All in favor

Result: Motion Carried

M. Approve Quote from D&M Lawn, Landscaping and Tree Service to cut dead trees in cemetery:

Motion by Riehl supported by Dudas to approve Quote from D&M Lawn, Landscaping and Tree Service to cut dead trees in cemetery in the amount of \$5,250.00 per day for three days.

Vote: All in favor

Result: Motion Carried

N. Approve work orders as presented from St Clair County Road Commission:

Motion by Dudas supported by Reno to approve work orders as presented from St Clair County Road Commission. Tree removal Atkins Rd. R.O.W. \$3100.00, Chloride various roads \$5704.93, mowing local roads \$4500.00

APPROVAL OF BILLS:

Motion by Shonka supported by Davis to approve payment of Prepaid bills:

Amount: \$756,877.43

Check #: 54108-54288

Roll Call Vote: Ayes: Shonka, Davis, Riehl, Reno, Dudas, Lewandowski
Nays: None

Absent: Livingston

Result: Motion Carried

Motion by Shonka supported by Reno to approve payment of current bills:

Amount: \$1,431,906.66

Check #s: 54289-54359

Roll Call Vote: Ayes: Shonka, Reno, Dudas, Riehl, Davis, Lewandowski

Nays: None

Absent: Livingston

Result: Motion Carried

BOARD CORRESPONDENCE:

Reno said the Planning Commission storage container matter will be discussed at an upcoming public hearing.

The upcoming vacancy of the Rite-Aid building discussed -suggested use was to reach out to Aldi Food Stores

Supervisor Lewandowski is working with the EDA and will have property at Dove Rd and Michigan Rd assessed so it's ready for potential buyers.

ADJOURNMENT:

Motion by Riehl supported by Dudas to adjourn at 8:30 p.m.

Vote: All in favor

Result: Motion Carried

Robert G. Lewandowski, Jr., Supervisor

Benita E. Davis, Clerk