

MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 28th, 1983
6:00 P.M.

1 The meeting was called to order by the President of the Council,
2 Philip M. Salvaggio. All Council Members and Mayor Hart were present with
3 the exception of Councilman Callahan and Councilwoman Williams.
4

5 Council President Salvaggio stated the reason for this meeting was
6 for Receiving and Accepting of Bids: New Major Wastewater Transmission Line,
7 Slidell, Louisiana, E.P.A. Project No. C-220386-11, C & A Job No. 7908-4.
8 He then turned the meeting over to Councilman Van Sandt.
9

10 Councilman Van Sandt: "We have six bids and the low bid was Clement
11 Betspouey, Jr. & Co. at \$2,069,123.35. We also have a recommendation by the
12 Consulting Engineer to go with the low bid, and I would like at this point
13 move to accept the low bid".
14

15 Council President Salvaggio: "Moved by Councilman Van Sandt to accept
16 the low bid by Clement Betspouey, Jr. & Co. Seconded by Councilman Berault to
17 accept the bid of \$2,069,123.35. Councilman Martinez".
18

19 Councilman At Large Martinez: "I would like to explain in summary
20 possibly why I asked for a delay in the acceptance of the bids for the two
21 day period. Mr. Singletary I think qualified the position of wanting to abide
22 by the Council Rules that we had for a bid that size, it was not a question
23 of legality. During the discussion I never did bring that particular statement
24 up. I did not want the Council rules suspended and I felt that it should have
25 been under bids. The question of legality was not one that I raised. I feel"
26

27 Councilman At Large Singletary: "Can I just ask a question here, Joe?
28 What you raised was parliamentary procedure? Not legal?"
29

30 Councilman At Large Martinez: "Right. And I just want to allow in
31 particular the number two bidder to have all these questions answered rather
32 than go ahead and act and be party to the bid acceptance when there questions
33 in this particular gentlemen's mind. The question I want to ask is I really
34 don't want to know what is to be going on down the line, I want to know what
35 could happen if the bids were rejected. I want to know if the bids can be
36 rejected and readvertised, no change in specs. I just want to know like
37 yes or no can the bids be rejected."
38

39 Roy Cartier: "No change?"
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41 Councilman At Large Martinez: "No change."
42

43 Roy Cartier: "No. You have to have cause."
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45 Councilman At Large Martinez: "It can't be for possibly getting lower
46 bids that we would reject them? That is not just cause?"
47

48 Council President Salvaggio: "I believe that we can reject any bid
49 that comes in front of this council. If the Council so pleases to do, Mr.
50 Martinez."
51

52 Councilman At Large Martinez: "I'm not addressing the Chairman,
53 I'm addressing the Consulting Engineer."
54

55 Council President Salvaggio: "Well as the Chairman, I'm addressing
56 you, that I think this council can reject"
57

58 Councilman At Large Martinez: "Mr. Salvaggio, I have the floor and
59 I'm asking the question of the Consulting Engineer and the City Attorney."
60

61 Roy Cartier: "In answer to your question, Yes, you have the right
62 to reject each and all bids. Is that the question you asked? What is the
63 question you asked?"
64

65 Councilman At Large Martinez: "Yes, and readvertise."
66

67 Roy Cartier: "Yes, you have that right."
68

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1 Councilman At Large Martinez: "Now, I just want to, the night we
2 had the bids, did you say we could not reject them without substantial changes?"

3
4 Roy Cartier: "This is correct."

5
6 Councilman At Large Martinez: "You said we could not reject without
7 substantial changes?"

8
9 Roy Cartier: "You can reject them but you cannot go right out for bids
10 you have to make substantial changes."

11
12 Councilman At Large Martinez: "On this one here you are saying that
13 we have to make substantial changes. We can't reject to say that maybe we could
14 get a lower bidder?"

15
16 Roy Cartier: "To my knowledge, you can't, Joe. You can reject them.
17 That is your right to reject them. You cannot reject them and turn right around
18 and start advertising immediately to try to get lower bidders. You can make
19 substantial changes and then these changes have to be approved and then you can
20 readvertised and go out for more bids."

21
22 Councilman At Large Martinez: "Okay, I need to know this because this
23 question was asked of me."

24
25 Roy Cartier: "From my understanding, and this is telling you the way
26 I understand it."

27
28 Mayor Hart: "These are qualified bidders, right? The bidders qualified.
29 If they did not qualify you could rebid."

30
31 Council President Salvaggio: "If you don't mind me taking the floor,
32 Mr. Martinez, I have Mr. Dearing..."

33
34 Councilman At Large Martinez: "I am not finished, Mr. Salvaggio, if
35 you will allow me this time..."

36
37 Council President Salvaggio: "I have an answer for your question."

38
39 Councilman At Large Martinez: "I'm not asking you or Mr. Dearing."

40
41 Council President Salvaggio: "Well do you want an answer to your question
42 or don't you, Mr. Martinez?"

43
44 Councilman At Large Martinez: "I, wish you would respect I have the floor."

45
46 Council President Salvaggio: "I wish you would respect this seat."

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48 Councilman At Large Martinez: "I have the floor."

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50 Council President Salvaggio: "I am trying to get you an answer to your question
51 Mr. Martinez."

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53 Councilman At Large Martinez: "You are overriding my authority to ask a
54 question."

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56 Council President Salvaggio: "I'm not overriding, I am trying to get your
57 answer."

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59 Councilman At Large Martinez: "I want you to site parliamentary procedure
60 why you are going to take the floor away when I am..."

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62 Council President Salvaggio: "I am not trying to take the floor away
63 from you, I am trying to get you an answer to your question."

64
65 Councilman At Large Martinez: "I'll get to you, after I ask the City
66 Attorney."

67
68 Council President Salvaggio: "Oh good, next time I recognize you, you'll

1 be recognized."

2
3 Councilman At Large Martinez: "Whatever you think you have the power
4 to do, Mr. Salvaggio, you proceed."

5
6 Council President Salvaggio: "You proceed right now."

7
8 Councilman At Large Martinez: "I will. I gona ask the City Attorney
9 the same question."

10
11 City Attorney: "Under state law, you can reject any and all bids and
12 readvertise. I talked to Mr. Cartier about this and he tells me that because it
13 is a federal project, you can't do that. I do not have an answer for you one
14 way or the other."

15
16 Councilman At Large Martinez: "Okay. Now, I'll yield, but I am not
17 giving the floor away until I ask question number 2. I yield to Mr. Singletary."

18
19 Councilman At Large Singletary: "I was just going to ask you, Joe, if
20 you know if lots of time when we run our ads we say we reserve the right to
21 reject any and all bids. Did we say that in this ad?"

22
23 City Attorney: "I don't know, Mr. Cartier does not have a copy
24 of the ad with him."

25
26 Mayor Hart: "Bob Smith has gone to his office to get his copy of
27 the bid."

28
29 Councilman At Large Martinez: "I just wanted to simply ask..."

30
31 Roy Cartier: "There are two set of specifications available at
32 City Hall and I just did not bring mine with me. But they are available
33 at City Hall and the advertisement for bids are a part of the specifications."

34
35 Councilman At Large Martinez: "Okay, I have one other question that
36 I would like to ask the Consulting Engineer. If, understand these are possibilities
37 so I will know where I stand when I vote, If the bids are rejected and readvertised
38 would this jeopardize the project?"

39
40 Roy Cartier: "In my opinion, it would jeopardize federal funding."

41
42 Councilman At Large Martinez: "It could?"

43
44 Roy Cartier: "Yes"

45
46 Councilman At Large Martinez: "Because of the time factor?"

47
48 Roy Cartier: "Because of not having put enough projects out for bid in
49 a timely manner. This is 1980 funding allocations that have not been used up
50 yet. It could jeopardize the federal grant that we are trying to get."

51
52 Councilman At Large Martinez: "Okay. I would like to explain my
53 position as to why I am asking this particular question. We have rejected bids
54 before many times for reasons less minor that what we are looking at here, and
55 in the past we have come back with lower bids and I am looking at it with an
56 eye, not to revise the plans that possibly Mr. Smith wants to change, we are
57 not discussing that whatsoever. But the plans that you recommend are what
58 we are talking about. No more, no less. That if we reject and readvertise
59 with no change can we do it? And number 2 if bids are rejected and readvertised
60 would this jeopardize the project. Thats the only two questions that I tried
61 to ask here tonight and that I was able to ask and that on one we do not know
62 how it was advertised."

63
64 Roy Cartier: " The owner reserves the right to waive any informality
65 or to reject all bids with E.P.A. concurrence."

66
67 Councilman At Large Singletary: "I didn't understand it, did you say
68 we waive the right to reject?"

1 Roy Cartier: "The owner reserves the right to waive any informality
2 or to reject all bids with E.P.A. concurrence."
3

4 Councilman At Large Martinez: "So if we reject them, it would be
5 subject to their ratification? If that would happen. They may go with the
6 rejection and readvertise or they may not. It could be taken out of our
7 hands here. I would like those answers entered into the Council's minutes
8 as you transcribe them tomorrow. And I am doing this to clear the air
9 so that when we accept if this is the wish of the Council and I have a feeling
10 that they are going to accept it that once they accept it all questions have
11 been answered this project has been stalled several times for various reasons
12 and I don't want to be party to any stall if possible of parliamentary procedure
13 or parliamentary challenge. The number one bidder called me today and I fought
14 so he was able to review the bids. He was aware that he had two days and I
15 don't see him at the meeting. So I want to make sure that no questions after
16 because of parliamentary procedure. I want to know the questions we asked
17 here today. I want to move to reject and readvertise I wanted to know if
18 that was possible without jeopardizing the project. I needed to know this
19 stuff.
20

21 Mayor Hart: " Joe, who do you mean, the number one bidder?"
22

23 Councilman At Large Martinez: "I am sorry, Mr. Mayor, this meeting.
24 The number two bidder not at this meeting. So I want to make sure that any
25 challenge that he had or possibly might have he would have an opportunity
26 to appear. I want to know the clarification that we had to accept the bid.
27 I know of no instance where you have to accept the bids. Now I am not familiar
28 with the federal policies of accepting or rejecting of bids. Obviously they
29 have some faults. I need to know that. This is going to be a case when we
30 get bids up here that I am going to be forced to act upon that bid that night.
31 And I need to know that. There is no feelings on my part of anything being
32 out of order at any point I just want to make it easy on the person who had
33 an interest in it as I would do for any other person that may come before
34 the Council in front of me and want that information. As far as anybody else
35 giving their input, my questions have been answered as far as the City Attorney
36 is concerned and Mr. Cartier."
37

38 Council President Salvaggio: "Councilman Van Sandt would like to
39 call the question."
40

41 Councilman At Large Martinez: "I yield the floor."
42

43 Council President Salvaggio: "Question has been called by Councilman
44 Van Sandt. A motion on the floor by Councilman Van Sandt, seconded by Councilman
45 Berault that we accept the low bid of Clement Betpouey, Jr. & Co. in the amount
46 of \$2,069,123.35."
47

48 Councilman Barthelemy: "Point of clarification! Are we voting on
49 the question or the motion?"
50

51 Council President Salvaggio: "Vote on the question first."
52

53 Councilman At Large Martinez: "I am assuming no one has any questions,
54 if they have no questions I am going to vote for the question."
55

56 Council President Salvaggio: "We vote on the question. Council ready
57 to vote. Record. Seven to zero. Mr. Berault."
58

59 Councilman Berault: " Now that we have taken action, may I make a
60 few remarks?"
61

62 Council President Salvaggio: "Let's vote on the motion. Motion by
63 Councilman Van Sandt, seconded by Councilman Berault to accept the bid of
64 \$2,069,123.35 by Clement Betpouey, Jr. and Company. Council ready to vote.
65 Record. Seven to zero. Mr. Berault."
66

67 Councilman Berault: "Mr. Chairman, my comments are more general
68 in nature and doesn't I guess really relate to the discussion at hand

1 in the sense that we have already taken action on it, but I would just like to
2 make a few comments. I think as a body that I can, let me back out of that, and
3 first of all say I can understand Councilman Martinez's concern about proceeding
4 on a cautious basis okay. But I have a little problem with what we are doing
5 for this simple reason that if we rehash all those bids that come before this
6 council then in fact I think we are voiding the public bid process. And I would
7 ask why have a public bid process if we are going to everytime we have questions
8 about the second lowest bidder, have another meeting. I don't believe that
9 we have ever granted a contract to an organization and not have the second lowest
10 bidder say well I could modify that and come in with a lower bid. That is
11 just the way the system works and if we are going to bother that system that is
12 the way that it goes. I really feel that on the recommendation of the Mayor, City
13 Engineer and of the engineer on this project that we were prepared to go ahead
14 with the low bid and other than changing the work elements, which I don't think
15 you want to do to save money, I don't see why we had to have a second meeting.
16 That is just my own comments and I feel like we in essence by having this delay
17 in some way try to circumvent the public bid process and I don't want to be part
18 of that."

19
20 Councilman At Large Martinez: "I think earlier statements made that clear,
21 but I'm just relying on the history of accepting bids, rejecting them, and so on.
22 Lots of time we save the City money and I would be willing to do so again if
23 it is challenged. Anytime someone asks a question about it in that vain I would
24 do whatever necessary."

25
26 Councilman At Large Singletary: "Did you say that you feel that by having
27 this meeting you feel we were trying, this council, was trying to circumvent?"

28
29 Councilman Berault: "Yes, I did."

30
31 Councilman At Large Singletary: "But you voted to have this meeting."

32
33 Councilman Berault: "I did vote to have the meeting because I had no
34 alternative. Obviously was the fact that the Council wasn't prepared to bite
35 the bullet at the last meeting and to vote on the recommendation of the City
36 Engineer. I was prepared at the last meeting to vote for the acceptance of the
37 low bid at that time as I did tonight. I don't think we did one thing to
38 improve the situation, the contract, the amount of the bid, the work order, the
39 work elements or anything. There was not one constructive thing done between
40 our Tuesday night meeting and tonight to mandate our having a second meeting to
41 rehash what we took action on tonight. That is my feeling perhaps it is different
42 from yours, but I certainly hope you respect that as my feeling."

43
44 Councilman At Large Martinez: "May I ask you one question, Mr. Berault.
45 Were you aware that a copy of the bid format was not at City Hall today?"

46
47 Councilman Berault: "A copy of the bid format was not in City Hall
48 today?"

49
50 Councilman At Large Martinez: "Were you aware of that?"

51
52 Councilman Berault: "Well let me ask you this, do you think that is a
53 reason to void the bid?"

54
55 Councilman At Large Martinez: "I voted my feelings."

56
57 Councilman Berault: "Is that a reason to void the bid?"

58
59 Council President Salvaggio: "I think, I think, Mr. Washington please.
60 I would just like to add one comment with saving money. Time is money, and money
61 is time and you have to figure out the time element you saving for the amount of
62 money you're saving and its not just dollars written done. It is also the time
63 element to get the projects accomplished. And this is what we are trying to do
64 accomplish projects. Meeting adjourned."

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Gerri G. Ingrao
Gerri G. Ingrao
Clerk of the Council

Philip M. Salvaggio
Philip M. Salvaggio
Councilman, District F
President of the Council