MAYOR’S REPORT TO THE ASSEMBLY

TO: Gary Knopp, Assembly President
    Kenai Peninsula Borough Assembly Members

FROM: Mike Navarre, Kenai Peninsula Borough Mayor

DATE: August 7, 2012

Assembly Requests/Response
None

Agreements and Contracts
a. Request for Waiver of Formal Bidding Procedures – Purchase of Commercial Mower from John Deere Mowers
b. Authorization to Award Contract for Skyview High School Canopy Construction to Peninsula Construction, Inc.
c. Authorization to Award Contract for Homer High School Track Renovation to Prosser-Dagg Construction
d. Authorization to Award Contract for Diamond Creek State Park Fuel Reduction Project to Paul’s Services
e. Authorization to Award Contract for RFP12-022 Emergency Operations Plan Annex Consultant to POWTEC, LLC
f. Authorization to Award Contract for RFP12-025 Adopt-A-Stream Video Production to Syntax Productions
g. Sole Source Contract for Nikiski Fire Department Firefighter Physicals with Redoubt Medical Clinic
h. Authorization to Award Contract for Finance/ Legal Departments Office Remodel
   George A. Navarre Administration Building to Polar North Construction, LLC
i. Authorization to Contract with Cooper Consulting for Central Emergency Services Firefighter Medical Exams
j. Authorization to Award Contract for ITB12-069 Shelter Supply Trailers to White Spruce Trailer Sales, Inc.
k. Authorization to Award Contract for Relocatable Classrooms 2012 to Endries Company
l. Request for Waiver of Formal Bidding Procedures to Purchase Firefighter Equipment to be Placed on Fire Apparatus to MES – Northwest
m. Authorization to Award Contract for RFP12-028 Local Hazard Mitigation Plan (LHMP) Annex to URS Alaska, LLC
n. Authorization to Award Contract for Borough Administrative Building Parking Lot Improvements to Property Improvements
o. Authorization to Award Contract for Kenai Elementary School Asbestos Abatement to Far North Services

Other
a. Litigation Status Report
MEMORANDUM

TO: Mike Navarre, Borough Mayor
THRU: Mark Fowler, Purchasing and Contracting Director
FROM: Dave Tressler, Director of Maintenance
DATE: 6/21/2012
RE: Request for Waiver of Formal Bidding Procedures - Purchase of Commercial Mower

Please consider this memorandum a request to waive the formal bidding procedures per KPB code 5.28.300. This waiver is for the purchase of a commercial-grade John Deere mower, to support the Maintenance Department’s landscaping efforts.

The Maintenance Department has identified a John Deere brand commercial-grade mower to replace aging equipment. Craig Taylor has exclusive distributorship of John Deere commercial-grade mowers within Alaska, and thus soliciting multiple quotes for a John Deere mower is impractical. Research into Kubota model mowers was conducted and the Kubota mower most similar to our specifications was larger in size, had a slightly less-powerful engine, and had a MSRP approximately $10,000 (including accessories) more than the MSRP for the John Deere model. To match the price of the John Deere with a Kubota, a significant decrease in horsepower would be realized.

The Maintenance Department notices a substantial value with using John Deere mowers: our auto-shop mechanics are highly-skilled maintaining and repairing them, our landscape employees are proficient in operating them, and replacement parts are readily available locally. This specific model of mower seems to fit a niche that competing manufacturers cannot.

By waiving formal bidding procedures, the Maintenance Department will be able to purchase the most efficient piece of equipment for their needs and receive it in time to be utilized during the 2012 landscaping season. The total delivered price for this mower, including the material collection system, is $17,268.30.

Funds for this mower are available in the Maintenance Department’s Fiscal Year 2013 budget, available in account number: 241.410.48311.

Mike Navarre, Borough Mayor

[Signature]

6/25/12  Date

Funds Verified
Acct. #: 241.41010.48311 - $17,268.30

Finance Department

By: [Signature]  Date: 6/30/12

KPB FINANCE ADMINISTRATION
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Kevin Lyon, Capital Projects Director
DATE: June 22, 2012
SUBJECT: Authorization to Award Contract for Skyview High School Canopy Construction

The Purchasing and Contracting Office formally solicited and received bids for Skyview High School Canopy Construction. Bid packets were released on May 30, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on May 30, 2012 and the Anchorage Daily News on May 30, and June 3, 2012.

The project consists of constructing a 36' by 50' piling supported canopy located at Skyview High School, 46188 Sterling Highway, Soldotna, Alaska. Foundation is to be 12' steel pilings. The canopy structure is to be parallel chord trusses bearing on steel beams with a wood deck and built-up roof. Metal siding will be used for the exterior finish.

On the due date of June 14, 2012 four (4) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of $221,150.00 was submitted by Peninsula Construction, Inc., Kenai, AK.

Your approval for this bid award is hereby requested. Funding for this project is in account number 400.71180.12CAN.49101.

Mike Navarre, Mayor

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT #400.71180.12CAN.49101 ($221,150.00)

BY: DATE: 6/25/12

JUN 22 2012
KPB
FINANCE ADMINISTRATION
KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING

BID TAB FOR: ITB12-070 Skyview High School Canopy Construction

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
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</thead>
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<tr>
<td>Holden Company</td>
<td>$233,547.00</td>
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<td>Endries Company</td>
<td>$245,000.00</td>
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<td>Dan Sterchi Construction</td>
<td>Withdrawn</td>
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<tr>
<td>Peninsula Construction</td>
<td>$221,150.00</td>
</tr>
</tbody>
</table>

DUE DATE: June 14, 2012 @ 2:00 PM

KPB OFFICIAL: Mark Fowler, Purchasing & Contracting Director
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Kevin Lyon, Capital Projects Director
DATE: July 26, 2012
SUBJECT: Authorization to Award Contract for Homer High School Track Renovation


The project consists of demolition and reconstruction of an 8-lane asphalt track and storm drain system with a new rubberized surface.

On the due date of June 20, 2012 two (2) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of $1,018,665.99 submitted by Prosser-Dagg Construction of Palmer, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 400.72010.12TRC.49101.

Mike Navarre, Mayor

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT #.400.72010.12TRC.49101 ($1,018,665.99)
BY: DATE: 6/26/12

FINANCE ADMINISTRATION

JUN 26 2012
<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>ADDITIVE ALT 1 (long/triple jump)</th>
<th>ADDITIVE ALT 2 (blue track)</th>
<th>ADDITIVE ALT 3 (exterior curb)</th>
<th>ADDITIVE ALT 4 (shot put)</th>
<th>TOTAL EXTENDED BID PRICE</th>
</tr>
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<tbody>
<tr>
<td>Jay-Brant General Contractors</td>
<td>$1,062,131.00</td>
<td>$11,785.00</td>
<td>$28,115.00</td>
<td>$53,442.00</td>
<td>$5,463.00</td>
<td>$1,160,936.00</td>
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<tr>
<td>Prosser-Dagg Construction</td>
<td>$1,018,665.99</td>
<td>$43,725.93</td>
<td>$27,520.59</td>
<td>$57,541.10</td>
<td>$3,859.65</td>
<td>$1,151,313.26</td>
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DUE DATE: June 20, 2012 @ 2:00 PM

KPB OFFICIAL: Mark Fowler, Purchasing & Contracting Director
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
THRU: Max Best, Planning Director
FROM: Michael Fastabend, SBB Program Coordinator
DATE: June 27, 2012

SUBJECT: Authorization to Award Contract for Diamond Creek State Park Fuel Reduction Project

The Purchasing and Contracting Office formally solicited and received bids for the Diamond Creek State Park Fuel Reduction Project. Bid packets were released and the Invitation to Bid was advertised in the Peninsula Clarion and Homer News on June 7, 2012.

The project consists of cutting, limbing and decking of spruce bark beetle killed and windthrown hazard trees.

On the due date of June 21, 2012 four bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of $65,000.00 was submitted by Paul’s Services.

Your approval for this bid award is hereby requested. Funding for this project is in account number 262.21320.09BT1.4311. A copy of the bid tabulation is attached.

Mike Navarre, Mayor

RECEIVED
JUN 2 7 2012
KPB
FINANCE ADMINISTRATION

FINANCE DEPARTMENT
FUNDS VERIFIED
ACT # 2B 21320.09BT1.43011 $65,000

BY: DATE: 6/27/12

Mike Navarre, Mayor
KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING

BID TAB FOR: ITB12-072 Diamond Creek State Park Fuel Reduction Project

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
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<tbody>
<tr>
<td>Property Improvements</td>
<td>$66,500.00</td>
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<tr>
<td>Arno Construction</td>
<td>$94,400.00</td>
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<tr>
<td>D. Koch Pro. Tree Service</td>
<td>$68,500.00</td>
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<tr>
<td>Paul's Service</td>
<td>$65,000.00</td>
</tr>
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</table>

DUE DATE: June 21, 2012 @ 2:00 PM

KPB OFFICIAL: Mark Fowler, Purchasing & Contracting Director
KENAI PENINSULA BOROUGH
Purchasing & Contracting
144 North Binkley Street • Soldotna, Alaska 99669-7520
Phone (907) 714-2260 • Fax (907) 714-2373
www.borough.kenai.ak.us/purchasing

MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Eric Mohrmann, OEM Director
DATE: June 8, 2012
SUBJECT: Authorization to Award Contract for RFP12-022 Emergency Operations Plan Annex Consultant

The Purchasing and Contracting Office formally solicited and received proposals for the Emergency Operations Plan Annex Consultant. Proposal packets were released on April 26, 2012 and the Request for Proposal was advertised in the Peninsula Clarion on April 26, 2012.

The project consists of providing consulting services for the development of functional annexes to the Borough's Emergency Operations Plan.

On the due date of May 23, 2012 three (3) proposals were received and ranked by a review committee as follows:

<table>
<thead>
<tr>
<th>FIRM</th>
<th>TOTAL SCORE</th>
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<tbody>
<tr>
<td>POWTEC</td>
<td>280</td>
</tr>
<tr>
<td>A Better Emergency Organizational Quality Assoc.</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td>117</td>
</tr>
</tbody>
</table>

The highest ranking proposal, which includes a cost factor, was submitted by POWTEC, LLC with a lump sum cost proposal of $37,970.00. The proposal review committee recommends award of a contract to POWTEC, LLC of Anchorage, Alaska. Your approval for this award is hereby requested.

Funding for this project is in account number 271.11250.34067.43011.

Mike Navarre, Mayor

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT #271.11250.34067.43011 - $37,970.00
BY: DATE: 6/15/12
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Tom Dearlove, Coastal District Coordinator
DATE: June 29, 2012

SUBJECT: Authorization to Award Contract for RFP12-025 Adopt-A-Stream Video Production

The Purchasing and Contracting Office formally solicited and received proposals for the Adopt-A-Stream Video Production. Proposal packets were released on April 30, 2012 and the Request for Proposal was advertised in the Peninsula Clarion, Anchorage Daily News, Homer Tribune and Seward Phoenix Log on April 30, 2012.

The project consists of providing creative development, scripting, production and post-production for the delivery of a radio and television public service announcement.

On the due date of May 30, 2012 seven (7) proposals were received and ranked by a review committee as follows:

<table>
<thead>
<tr>
<th>FIRM</th>
<th>TOTAL SCORE</th>
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<tbody>
<tr>
<td>Syntax Productions</td>
<td>449.5</td>
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<tr>
<td>North by Northwest</td>
<td>429.5</td>
</tr>
<tr>
<td>Brazos Film</td>
<td>303.8</td>
</tr>
<tr>
<td>A2F Pictures</td>
<td>264.6</td>
</tr>
<tr>
<td>PS89 Productions</td>
<td>259.7</td>
</tr>
<tr>
<td>Giant Interactive</td>
<td>259.6</td>
</tr>
<tr>
<td>Top Knot Films</td>
<td>237.8</td>
</tr>
</tbody>
</table>

The highest ranking proposal, which includes a cost factor, was submitted by Syntax Productions with a lump sum cost proposal of $18,925.00. The proposal review committee recommends award of a contract to Syntax Productions of Anchorage, Alaska. Your approval for this award is hereby requested.

Funding for this project is in account number 271.21135.20121.43011.
TO: Mayor Mike Navarre
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Chief James Baisden, Nikiski Fire Department
SUBJECT: Sole Source for Redoubt Medical Clinic (Firefighter Physicals)
DATE: July, 3, 2012

I am writing to request permission for a sole source provider for our department from Redoubt Medical Clinic, 11472 Kenai Spur, Highway, Ste. 2, Kenai, Alaska. By contract, we are required to provide each firefighter a bi-annual physical. Redoubt Medical has proven they provide a timely physical with close proximity to our fire stations. This enables personnel to respond to any major emergency which reduces the department’s overtime costs.

If you have any questions, please call me at 776-6401. Nikiski Fire Department would like to input a purchase request for $14,000 for the department’s physicals for F.Y. 2012-2013 upon your approval.

:tc

Mike Navarre, Mayor

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT # 206,51110.43014
BY: DATE: 7/3/12

RECEIVED
JUL 03 2012
FINANCE ADMINISTRATION
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Kevin Lyon, Capital Projects Director
DATE: July 6, 2012
SUBJECT: Authorization to Award Contract for Finance / Legal Departments Office Remodel George A. Navarre Administration Building

The Purchasing and Contracting Office formally solicited and received bids for the Finance / Legal Departments Office Remodel George A. Navarre Administration Building. Bid packets were released on June 15, 2012 and the Invitation to Bid was advertised in Peninsula Clarion on June 15, 2012.

The project consists of replacement of carpeting in Finance and Legal departments, partition modifications and painting and remodeling lower floor restrooms to meet ADA compliance.

On the due date of June 28, 2012 three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of $63,990.00 was submitted by Polar North Construction, LLC of Soldotna, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number project account number 407.19010.1040A.49101 and 407.19010.12ADA.49101.

Mike Navarre, Mayor

7/10/12

Date

FINANCE DEPARTMENT
FUNDS VERIFIED
ACCT # 407.19010.1040A.49101 ($33,290.00) and
# 407.19010.12ADA.49101 ($30,700.00)

BY: DATE: 7/6/12
**KENAI PENINSULA BOROUGH**
**PURCHASING & CONTRACTING**

**BID TAB FOR: ITB12-073 Finance/Legal Department Office Remodel**

<table>
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<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
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<tr>
<td>Arneson Builders</td>
<td>$87,527.00</td>
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<tr>
<td>DBR Construction</td>
<td>$81,212.00</td>
</tr>
<tr>
<td>Polar North Construction</td>
<td>$63,990.00</td>
</tr>
</tbody>
</table>

**DUE DATE:** June 28, 2012 @ 2:00 PM

**KPB OFFICIAL:**
Mark Fowler, Purchasing & Contracting Director
TO: Mike Navarre, Borough Mayor

THRU: Mark Fowler, Contract & Purchasing Director

FROM: Chris Mokracek, Fire Chief

DATE: July 3, 2012

SUBJECT: Authorization to contract with Cooper Consulting for Firefighter Medical Exams

CES would like to maintain our current relationship with Dr. Cooper with the continuation of medical exams. Dr. Cooper has conducted medical exams on CES firefighter for over 10 years. He maintains complete medical records in compliance with 29 CFR 1910.1020. Computerized records and hard files are maintained at our Mackey Lake Station, as well as an examination room. This enables on-duty personnel to be examined without causing overtime and available in the service area.

With the onset of the H1N1 pandemic and the daily threat of infectious disease exposure it is important for our personnel, as well as administrators, to have one-on-one contact without having to schedule an appointment through a conventional doctor’s office, and at no additional cost.

Dr. Cooper will sub-contract to a Physicians Assistant (PA) specializing in Occupational Medicine. This will contain cost while maintaining physician oversight.

His exams are in compliance with OSHA 1910.134: Respirator Medical Evaluation and NFPA 1582: Standard on Medical Requirements for Fire Fighters. The medical exams consist of the following:

- Physical Examination
- Laboratory Analysis
- Vision Evaluation
- Pulmonary Evaluation
- Cancer Screening
- Immunizations
Cardiovascular (treadmill) evaluations are conducted through Peninsula Internal Medicine. These are conducted on new employees and annually for employees over 45 years of age. Hearing evaluations are done annually through Peninsula Hearing Services.

We will be conducting approximately 37 physicals annually (career & on-call) at $466 per physical, not to exceed $17,500.00. CES has budgeted $58,840.00 towards physicals, this includes new hire chest x-rays, treadmills, hearing tests and lab work.

Funds are available in FY2013 Budget – Physical Exams 211.51610.43014.

Approved: [Signature] Yes: [Signature] No: [Signature] Date: 7/10/12
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Eric Mohrmann, Director – Emergency Management
DATE: July 9, 2012
SUBJECT: Authorization to Award Contract for ITB12-069 Shelter Supply Trailers

The Purchasing and Contracting Office formally solicited and received bids for the purchase of two (2) shelter supply trailers. Bid packets were released on June 1, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on June 1, 2012.

On the due date of June 20, 2012 two (2) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of $25,622.00 was submitted by White Spruce Trailer Sales, Inc., of North Pole Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 271.11250.SHSP3.48310.

Date

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT
# 271.11250.SHSP3.48310

RECEIVED
JUL. 10 2012

KPB
FINANCE ADMINISTRATION
**KRNAL PENINSULA BOROUGH**  
Purchasing & Contracting

**BID TAB FOR: ITB12-069 Shelter Supply Trailers**

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>Unit Price</th>
<th>Total Extended Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Spruce Trailers</td>
<td>$11,939.00</td>
<td>$23,878.00</td>
</tr>
<tr>
<td>TrailerCraft</td>
<td>$17,500.00</td>
<td>$35,000.00</td>
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</tbody>
</table>

**DUE DATE:** June 20, 2012 @ 2:00 PM

**KPB OFFICIAL:**  
Mark Fowler, Purchasing & Contracting Director
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Pat Malone, Project Manager/Interim Director
DATE: July 12, 2012
SUBJECT: Authorization to Award Contract for Relocatable Classrooms 2012

The Purchasing and Contracting Office formally solicited and received bids for the "Relocatable Classrooms 2012" project. Bid packets were released on June 18, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on June 18, 2012.

The project consists of relocating one (1) Relocatable Classroom from Skyview High School in Soldotna, Alaska to Razdolna School in Razdolna, Alaska.

On the due date of June 28, 2012, One (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of $65,600.00 was submitted by Endries Company, 35280 Rockwood Drive, Soldotna, AK 99669.

Your approval for this bid award is hereby requested. Funding for this project is in account numbers 400.78010.12851.43780 and 400.78010.12PTB.43780.

Approved:

Mike Navarre, Mayor

Date

FINANCE DEPARTMENT
FUNDS VERIFIED

Acct #400.78010.12851.43780 - $22,486.53
Acct #400.78010.12PTB.43780 - $43,113.47

By: DATE: 7/16/12
MEMORANDUM

TO: Mike Navarre, Borough Mayor
THRU: Mark Fowler, Purchasing Director
FROM: James Baisden, Fire Chief
SUBJECT: Request for Waiver of Formal Bidding Procedures to Purchase Firefighter Equipment to be placed on Fire Apparatus
DATE: July 17, 2012

The Nikiski Fire Department has an Insurance Service Office (ISO) inspection scheduled for August 15th, 2012. After completing a pre-inspection equipment check list sent from ISO, the department will need to purchase additional equipment for our apparatus in order to receive the maximum points during the August inspection.

The request for quotes went out to four vendors that are typically used for this type of service. The department is requesting that a contract be awarded to MES – Northwest. MES provided the lowest quote of the four vendors. We feel that if the department went out for formal solicitation, these vendors listed below would still be the only ones to provide a bid.

This memo is a request that a "Waiver of Formal Bidding Procedures," per KPB Code 5.28.300, be considered.

MES – Northwest $16,027.00
Chief Supply $17,249.33
L.N. Curtis $18,185.00
Darley $18,592.65

Your approval for this bid waiver is hereby requested. Funding for this project is in 206.51110.48760

Approved: Mike Navarre
Kenai Peninsula Borough Mayor

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT # 206.51110.48760 $16027.00

Date: 7/20/12

RECEIVED
JUL 18 2012
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
       John Mohorich, River Center
FROM: Dan Mahalak, River Center
DATE: July 23, 2012

SUBJECT: Authorization to Award Contract for RFP12-028 Local Hazard Mitigation Plan (LHMP) Annex

The Purchasing and Contracting Office formally solicited and received proposals for the Local Hazard Mitigation Plan (LHMP) Annex. Proposal packets were released on June 4, 2012 and the Request for Proposal was advertised in the Peninsula Clarion on June 3, 2012.

The project consists of developing a comprehensive evaluation of flood risk (physical, economic and social), that will improve upon previous assessments that focused predominately on flood hazards. In addition to assessing present day risks, the study will consider the potential impacts of climate change and how that may evolve the risk over time. The study will utilize the HAZUS-MH MR4 flood module or similar current HAZUS-MH version in accordance with section 3.0 (scope of work) in the above mentioned RFP for a Local Hazard Mitigation Plan Annex and the resultant proposal submitted by URS Alaska.

On the due date of June 26, 2012 four (4) proposals were received and ranked by a review committee as follows:

<table>
<thead>
<tr>
<th>FIRM</th>
<th>TOTAL SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>URS Alaska</td>
<td>288</td>
</tr>
<tr>
<td>Tetra Tech</td>
<td>266</td>
</tr>
<tr>
<td>EMFusion</td>
<td>248</td>
</tr>
<tr>
<td>Greenhome &amp; O'Mara</td>
<td>212</td>
</tr>
</tbody>
</table>

The highest ranking proposal, which includes a cost factor, was submitted by URS Alaska, LLC with a lump sum cost proposal of $199,680.00. The proposal review committee recommends award of a contract to URS Alaska, LLC, of Anchorage, Alaska. Your approval for this award is hereby requested.

Funding for this project is in account number 271.21212.18432.43011.

Mike Navarre, Mayor

RECEIVED

JUL 23 2012
MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Kevin Lyon, Capital Projects Director
DATE: July 23, 2012

SUBJECT: Authorization to Award Contract for Borough Administrative Building Parking Lot Improvements

The Purchasing and Contracting Office formally solicited and received bids for the Borough Administrative Building Parking Lot Improvements. Bid packets were released on June 28, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on June 28, 2012.

The project consists of excavation of storm water retention and drainage ditches, adjustments to existing storm water collection system, minor parking lot expansion, seeding, removal of existing parking pattern, painting and signage for new traffic pattern.

On the due date of July 12, 2012 two (2) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of $34,950.00 was submitted by Property Improvements, Fritz Creek, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 407.19010.84073.49101.

Mike Navarre, Mayor

Date

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT # 407.19010.84073.49101 ($34,950.00)

BY: DATE: 7/20/12
KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING

BID TAB FOR: ITB12-078 Borough Administration Building Parking Lot Improvements

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<thead>
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<th>CONTRACTOR</th>
<th>BASE BID</th>
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<td>Alaska RoadBuilders</td>
<td>$38,841.00</td>
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<tr>
<td>Property Improvements</td>
<td>$34,950.00</td>
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</table>

DUE DATE: July 12, 2012 @ 2:00 PM

KPB OFFICIAL: Mark Fowler, Purchasing & Contracting Director
TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Director
FROM: Pat Malone, Project Manager/Interim Maintenance Director
DATE: July 24, 2012
SUBJECT: Authorization to Award Contract for Kenai Elementary School Asbestos Abatement

The Purchasing and Contracting Office formally solicited and received bids for the "Kenai Elementary School Asbestos Abatement" project. Bid packets were released on July 3, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on July 3, 2012.

The project at Kenai Elementary School, Kenai, Alaska, consists of providing all labor, materials and equipment to abate all identified asbestos-containing thermal-systems insulation (TSI) materials from the boiler room (room 77), rooms 24A, 61 and 66, as well as the utilidor tunnel that runs beneath the Alternative High School wing of the facility.

On the due date of July 17, 2012, three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of $89,724.00 was submitted by Far North Services, PO Box 210483, Anchorage, AK 99521.

Your approval for this bid award is hereby requested. Funding for this project is in account numbers 400.78050.13756.43780.

Approved:

Mike Navarre, Mayor

Date: 7/25/12

FINANCE DEPARTMENT
FUNDS VERIFIED
Acct #400.78050.13756.43780 - $89,724.00

BY: DATE: 7/24/12

RECEIVED
JUL 24 2012

KPB
FINANCE ADMINISTRATION
KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING

BID TAB FOR: ITB13-001 Kenai Elementary School Asbestos Abatement

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
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<td>Far North Services</td>
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<td>Absolute Services</td>
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<td>Central Environmental</td>
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DUE DATE: July 17, 2012 @ 2:00 PM

KPB OFFICIAL: [Signature]
Mark Fowler, Purchasing & Contracting Director
MEMORANDUM

TO:       Gary Knopp, Assembly President
Joe Arness, President, Board of Education
Members, Kenai Peninsula Borough Assembly
Members, Kenai Peninsula Borough School District Board of Education

THRU:    Mike Navarre, Borough Mayor

FROM:    Colette Thompson, Borough Attorney

COPY:    Risk Management Committee
        Julie Cisco, Risk Manager

DATE:     July 18, 2012

SUBJECT: Litigation Status Report

Following is a summary of the major lawsuits in which the borough and school district are involved. This list does not include the real property tax foreclosures and numerous standard tax collection cases pursued by the borough.

1. **Alliance of Concerned Taxpayers, Inc. v. KPB.** Case No. 3KN-06-1129 CI / S-13596 and S-13883. The Alliance of Concerned Taxpayers, Inc. ("ACT") sued the borough for alleged violations of two initiatives: 1) limiting the sales tax to 2 percent and requiring 60 percent voter approval to increase it; and 2) requiring 60 percent voter approval before spending more than $1 million on a capital improvement project. Final Judgment was entered July 30, 2009, in favor of the borough on both issues. ACT appealed that decision to the Alaska Supreme Court. The superior court awarded attorney fees to the borough on the sales tax issue but declined to award attorney fees to the borough on the capital improvement issue because it held ACT qualified as a public interest litigant on that issue. The borough appealed the public interest litigant finding. On April 6, 2012, the Alaska Supreme Court issued a decision ruling in favor of the borough on all issues. It concluded the 3 percent sales tax was legally enacted, that requiring voter approval to construct a capital improvement is an impermissible infringement on the assembly’s exclusive control over the budget, and ruled that ACT was not a public interest litigant. The court ruled on all issues and awarded the borough $750 in...
attorneys’ fees. The borough has now filed a motion in superior court to reduce attorneys’ fees to judgment which is pending the court’s signature.

2. **Kahtnu Ventures LLC. v. State of Alaska Dept. of Health and Social Services, Central Peninsula General Hospital, Inc. and Kenai Peninsula Borough.** Case No. 3AN-11-12713CI. Kahtnu Ventures LLC, a group of local surgeons, filed an application for a certificate of need that would enable them to open an ambulatory surgery center in Kenai. They included the Kenai Peninsula Borough as part of the relief requested was to prevent construction of the fourth operating room at Central Peninsula Hospital. The borough and CPGH, Inc. have been dismissed from the lawsuit.

3. **Price v. Kenai Peninsula Borough and Johni Blankenship, Clerk.** Case No. 3KN-11-404 CI / S-14713. James Price sued the borough for its rejection of referendum petition no. 2010-01. This petition requested a borough-wide vote to repeal ordinance 2008-28, which allowed the cities in the borough to opt out of the seasonal sales tax exemption. The petition was rejected because it constituted local and special legislation and directly conflicted with AS 29.45.700 delegating to the assembly the authority to allow the city to tax sources that the borough does not. Both parties filed motions for summary judgment, oppositions, and replies thereto. Oral argument was held before the superior court on November 8, 2011. The court ruled in the borough’s favor that the referendum constituted local and special legislation and did not reach the issue of whether it directly conflicted with a state statute. Final judgment was issued on March 21, 2012. Price has appealed that judgment to the supreme court and his opening brief is due July 25, 2011.

4. **Reekie v. KPB, KPBSD, et al.** Case no. 3AN-11-12440 CI. Justin Reekie, Raymond Reekie and Shawn Leigh Reekie filed suit against the borough, the school district, the American Legion, Department of Alaska, Inc. and numerous other entities and individuals for damages allegedly sustained by Justin during baseball batting practice held at Homer High School on or about March 24, 2010. Plaintiffs’ motion to amend their complaint to add more parties was granted and discovery is in process.

5. **State v. Offshore Systems-Kenai.** Case No. 3KN-08-453 CI/ S-13994. The State sued OSK to enjoin it from blocking public access to the beach across property now owned by OSK. The borough filed a motion to intervene in this case, which the court granted. All parties have filed motions for summary judgment and the court denied the state’s motion for a preliminary judgment that would have allowed beach access. A two-week trial was completed and post-trial motion work is finished. The Court issued a final judgment in the borough’s and state’s favor and the borough was awarded costs and attorney fees as it was designated a prevailing party. However, OSK has appealed to the Alaska Supreme Court and was granted a stay of award of costs and attorney’s fees pending resolution by the Supreme Court. Briefing is complete, oral argument was held October 21, 2011, and we are awaiting a decision from the Alaska Supreme Court.