

January 19, 2023

Ms. Nanette Cook, Council Chair  
City of Lafayette

Dear Ms. Cook:

Based on our review of documents initially provided by the City's Administration and subsequent record submission from our correspondence on November 11, 2022, we have the following matters that need further clarification. The matters are either in the form of questions or additional records requests and are as follows:

**1) Lake Farm Detention Project.**

- a. Please provide request for proposal data.
- b. What was Rigid Constructors role in this project since JC Construction was the low bidder? Was there a separate RFP for this portion of this contract where approximately \$837,000 was expended?
- c. Provide a copy of invoice for payment made to Rigid Constructors on June 30, 2021, for \$18,525.

**2) Bayou Vermillion Flood Control Project.**

- a. Provide a copy of the contract for services for McBade Engineers and Consultants. Additionally, provide copies of invoices supporting disbursements made under this contract.
- b. Request and provide a list of subcontractors used by Rigid Constructors for this project.
- c. Provide a copy of invoices from Rigid Constructors for payments made on July 29, 2022, for \$7,036,713.10, February 4, 2022, for \$9,405.00 and \$199,595.00.
- d. Provide documentation that supports compliance with construction management at risk provisions for contract amendments nos. 2 and 3 with Rigid Constructors.
  - i. Identify the authority under which the "guaranteed maximum price," once fixed by the process set forth in La. R.S. 38:2225.2.4(G), can subsequently be increased by an amendment to the contract.
  - ii. Identify the factual basis for these amendments, *e.g.*, design changes, unanticipated costs, *etc.*
  - iii. Explain the purpose of provision 2 related to contractor's fee for subcontracted work of 4.5%. See attached for reference.
  - iv. Were increases in the costs contemplated by provision 2 a basis for approval of the amendments to the contract?
- e. Provide detailed documentation for the scoring decisions made on the Bayou Vermillion Flood Control Project. Scoring tabulation is attached for reference.

**3) Public Bid Law and use of emergency ordinance provisions.**

- a. Attachment B represents payments made to vendors under emergency ordinances CO-077-2021 and CO-078-2021. This schedule was provided by the City. Items (i) and (ii) below relate to the payments listed in this attachment.
  - i. Identify each contract involving excavation of soil or similar “dirt work” issued by the City which was not issued in strict compliance with the Public Bid Law. For each such contract, identify the reason why the Public Bid Law was not followed.
  - ii. For each contract which the City maintains was not mandatory to satisfy the requirements of the Public Bid Law because the contract falls under the emergency provisions of La. R.S. 38:2212(P), please provide all documentation required by La. R.S. 38:2212(P), including without limitation (i) the written determination and findings justifying each such contract as a response to a declared emergency, and (ii) the record describing the work to be performed; the name and address of each offeror quoting; the performance time and terms of each offer; and, if quotations lower than the accepted quotation were received, the reasons for their rejection.
- b. What was the City’s process for monitoring of contract performance relative to hauling and excavating that was paid on a cubic yard basis?
  - i. For reference, see Bates 2445 – 2456

**4) As needed excavation and disposal.**

- a. Was the Spoil bank Removal bid separately from the “as needed excavation and disposal” contract? Or was this a change order? Information provided on Bates 3506 contains bid terminology, however, it appears this was paid under Contract No. 500-21-124, the “as needed excavation and disposal contract”
  - i. If this was bid separately, please provide documentation for all bid solicitation and responses received.
  - ii. If this was not bid separately, provide the reasoning.
- b. If not provided with item 4(a) above, provide supporting documentation and any correspondence with Rigid Constructors concerning Change Orders 1 and 2 under Contract No. 500-21-124 for \$359,950 and \$3,689,800, respectively. See Bates 2891.
- c. If not provided with items 4(a) or 4(b) above, provide any correspondence regarding the 74,680 cubic yards quantity excavated on Bates 2891, which is more than the 70,995 cubic yards in the pay application noted as contracted quantity.

**5) Fund 127.**

- a. How will the expenditure shortfall of \$29.9 million be funded? Provide a list of resources and funding sources.
- b. Provide a general ledger detail of account 89000-0000 Capital Outlay with a balance reported of \$48,838,395.87.
- c. The financial statement is attached for reference.

- d. What is the status of the state grant award of \$26.6 million? The statement reflects a balance received of \$18.8 million. Will the remaining amount of \$7.8 million be funded by the State of Louisiana?

6) **Budgetary authority.**

- a. Certain expenditures were listed as authorized in certain Council ordinances. The attached schedule depicts expenditures made prior to ordinances being approved. Explain how these amounts were budgeted.

7) **Duhon Road Site.**

- a. Did the City provide or fund government work or services on property privately owned?
  - i. See attached maps.

8) **Police dignitary compensation.**

- a. The data requested has not been provided at this time. As a result, we have not reviewed this matter. Provide an approximate date when such information will be available for inspection.
- b. For the following officers, please provide payroll journals showing compensation, time records and purpose for the period 2020 to 2022.
  - i. Sergeant Todd Borel
  - ii. Corporal Marion Borel
  - iii. Sergeant Chris Lewis
  - iv. Sergeant Patrick Pattum
  - v. Sergeant Ron Clark
- c. In addition to the payroll related items requested for 8b, please provide records related to the three officers use of vehicles, to include:
  - i. Mileage driven related to dignitary detail during 2020 to 2022.
  - ii. Maintenance expenditures on these vehicles for 2020 to 2022.
  - iii. Fuel records for vehicles used during 2020 to 2022.

As discussed in previous correspondence, please submit to the City as an official request in your capacity as a Council member rather than as a public records request in your capacity as a private citizen.

If you have any questions for concerns, please contact me.

Sincerely,

Faulk & Winkler, LLC

Tommy J. LeJeune, CPA

Enclosures