

**Appendix 1: Summary of LBE Bid Award Appeals August 2009 thru December 2010**

Appeal Hearing Date	Official Notice	Appellant Lowest Bidder	Appellant Bid Amount	Firm Location of Appellant #1	Justification For Appeal	Winning Contractor (LBE)	LBE Bid Amount	Location of Winning Contractor	\$ Difference Between LBE and Low Bid
10/5/2009	124/2009	Underground Pipeline Inc.	\$ 231,645.00	New Berlin, WI	MJ Construction does not own property within the City of Milwaukee and has not paid any real estate taxes to the City.	MJ Construction	\$ 234,996.50	Milwaukee, WI	\$ 3,351.50
10/5/2009	126/2009	American Sewer Services	\$ 1,169,798.60	Rubicon, WI	MJ Construction does not own property within the City of Milwaukee and has not paid any real estate taxes to the City. Awarding the contract to MJ Construction is in violation of <b>Wis. Admin. Code § NR 162.09(2)</b> , which prohibits earning an unfair and/or unreasonable profit.	MJ Construction	\$ 1,192,072.20	Milwaukee, WI	\$ 22,273.60
					The LBE preference is also in violation of Wis. Stat. § 281.58(8)(e).				
1/13/2010	142/2009	American Sewer Services	\$ 538,222.00	Rubicon, WI	A lawsuit challenging the legality of the local bid preference ordinance is still pending	MJ Construction	\$ 547,633.00	Milwaukee, WI	\$ 9,411.00
					The local bid preference ordinance has allowed MJ Construction to monopolize the work at a much higher profit margin than would otherwise be possible.				
2/10/2010	10-1/2010.	American Sewer Services	\$ 349,175.00	Rubicon, WI	Wisconsin law requires competitive bids awarded to the lowest responsible bidder.	MJ Construction	\$ 354,931.20	Milwaukee, WI	\$ 5,756.20
					City Ordinance 365 does not govern this bid.				
					A monopoly situation has been created and has resulted in unfair profits to one specific firm.				
4/19/2010	18-1/2010	D.C. Burbach	\$ 497,143.07	Waukesha, WI	They submitted the low bid	Stark Asphalt	\$ 506,820.23	Milwaukee, WI	\$ 9,677.16
8/6/2010	105-2/2010	United Sewer and Water	\$ 150,012.00	Menomonee Falls, WI	Since the project is funded with Federal monies, <b>Federal Regulations 40 CFR 31.36(c)(2)</b> prohibits the use of local geographical preferences in the evaluation of bids.	MJ Construction	\$ 155,369.00	Milwaukee, WI	\$ 5,357.00
									<b>\$ 55,826.46</b>

Note\*: All 6 appeals were denied.

Ref: LBE/LBE Appeals Aug.2009 thru Dec2010 FINAL(3).xls