

# MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

HEARING OFFICER  
Scott A. Sterling



## AGENDA OFFICE OF ADMINISTRATIVE HEARINGS ASSEMBLY CHAMBERS 350 EAST DAHLIA AVENUE, PALMER

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APPEAL HEARING

9 A.M.

FRIDAY, JUNE 18, 2021

### I. CALL TO ORDER

### II. ITEMS OF BUSINESS

- A. Hearing – OAH Case No. 21-02 – Bid Protest Appeal of the Award of Contract No. 21-150B, Collins Construction, Appellant (*Order of agenda and timeframes are determined by the Hearing Officer*)
1. Presentation of Stipulations and Objections Regarding Exhibits. (*Each party through counsel shall be prepared to stipulate to use of exhibits or else be prepared to present objections to admission and use of the exhibits of the other parties*)
    - a. Raymond Royce, Attorney for Appellant
    - b. Mark Melchert, Attorney for Matanuska-Susitna Borough
    - c. Hickel Contracting, Inc., Successful Bidder
  2. Presentation of Testimony and Oral Argument - Brief Opening Statements by Counsel for Each Party (*10 minutes per party*)
    - a. Raymond Royce, Attorney for Appellant
    - b. Mark Melchert, Attorney for Matanuska-Susitna Borough
    - c. Hickel Contracting, Inc., Successful Bidder
  3. Appellant's Presentation of Case-in-Chief
    - a. Raymond Royce, Attorney for Appellant

4. Cross Examination (*10 minutes per party*)
  - a. Mark Melchert, Attorney for Matanuska-Susitna Borough
  - b. Hickel Contracting, Inc., Successful Bidder
5. Matanuska-Susitna Borough's Presentation of Case-in-Chief
  - a. Mark Melchert, Attorney for Matanuska-Susitna Borough
6. Cross Examination (*10 minutes per party*)
  - a. Raymond Royce, Attorney for Appellant
  - b. Roger Hickel Contracting, Inc., Successful Bidder
7. Successful Bidder's Presentation of Case-in-Chief
  - a. Roger Hickel Contracting, Inc.
8. Cross Examination (*10 minutes per party*)
  - a. Raymond Royce, Attorney for Appellant
  - b. Mark Melchert, Attorney for Appellant
9. Closing Arguments
  - a. Raymond Royce, Attorney for Appellant
  - b. Mark Melchert, Attorney for Matanuska-Susitna Borough
  - c. Hickel Contracting, Inc., Successful Bidder

**VII. POSSIBLE ORAL FINDING OR NOTICE TO TAKE UNDER ADVISEMENT PER MSB 3.08.342(J)**

- A. *Findings and decision.* The Administrative Hearing Officer's findings are limited to rejecting or upholding the award of the contract. If the Administrative Hearing Officer rejects the award of the contract, the matter shall be remanded to the Borough for further action. The Administrative Hearing Officer has the discretion to make an oral finding to uphold or reject the Borough's award of the contract at the conclusion of the hearing or to take the matter under advisement. If the Administrative Hearing Officer takes the matter under advisement, a written decision shall be issued within five calendar days of the hearing. If the Administrative Hearing Officer makes an oral finding at the conclusion of the hearing, the oral finding shall be supplemented with written findings within five calendar days of the hearing. The Administrative Hearing Officer shall support the decision through written findings of fact. The Administrative Hearing Officer shall provide the written decision to the Clerk. The Clerk shall serve the written decision on the parties in person or by mail within two business days after receiving the decision. The Clerk, in her or his discretion, may notify the parties by telephone prior to mailing the decision.

**VIII. ADJOURNMENT**