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Spencer Fane Team Obtains $2.1 Million Construction Contract

A Spencer Fane team co-led by Madeline Davis and Aaron Dean recently secured a $2.1 million public contract for a road and utility contractor in Pine Island, Minnesota.

Following a public bid opening, the city of Pine Island notified Alcon Excavating, Inc. (Alcon) that Alcon was the lowest, responsive, and responsible bidder for the 2026 Street Improvement Project in Pine Island. Days later, the city's consulting engineer notified Alcon that the city may not award the road project contract to Alcon for failing to submit a list of approved subcontractors with its bid form, even though Alcon had the capacity to self-perform the entire street improvement project.

In addition to notifying the city of the client's intentions to file a suit and seek a court injunction to stop contract award or contract performance by any other bidder, the Spencer Fane team provided city officials with a detailed bid award letter. Madeline – demonstrating the firm's fierce resolve to win and positive, external focus – drafted the entire document. It explained Minnesota competitive bidding statutes and the Minnesota Legislature's intentional limiting of public officials' discretion when awarding public contracts to prevent even the possibility of fraud, favoritism, and improvidence, while ensuring that taxpayers receive the benefit of the best bargain for construction services. The team team persuaded the city attorney and other city officials that the city's concerns were a matter of bidder responsibility, not bid responsiveness, which can be resolved after bid opening. The bid award letter also detailed the possible outcome for the city if Alcon was not awarded the project's contract, harnessing Madeline and Aaron's previous experience for a matter that resulted in $110,000 of legal fees to a contractor for violating Minnesota's competitive bidding laws and the court's orders.

As a result, City Council awarded the $2.1 million contract to Alcon on April 21, 2026, concluding the case within less than two weeks from start and preventing the contract award from going to a different bidder, thanks to Madeline Davis' prompt and diligent work. Aaron attended the City Council meeting to "seal the deal" and orally summarize Alcon's position, which resulted in a unanimous vote to award the contract to Alcon and a victory for both Alcon and Pine Island taxpayers.

Bid protest cases present unique challenges, as the contractor must walk a tightrope to exercise its rights and advise the public owner of the possibility of litigation while also explaining to a public owner that the bidder wants to perform the work. The Spencer Fane Minneapolis Construction Law is adept at helping clients find this balance, and the team has handled hundreds of bid disputes on public projects in the last 25 years. This latest outcome illustrates the speed of these cases and the depth of knowledge Spencer Fane attorneys utilize to guide government contractors when seeking public contract awards.