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Council rejects rebid for airport terminal

BY DION LEFLER
The Wichita Eagle

The Wichita City Council decided Tuesday not to rebid a \$100 million airport terminal construction contract, despite assertions from a rejected bidder who claims the city is wasting more than \$2 million of public money and that the selection process was a "kangaroo court."

After nearly three hours of hearings and deliberations, the council voted 5-2 to deny

an appeal by a Wichita-based Dondlinger and Sons Construction and Indianapolis-based Hunt Construction Group, and to award the contract to a partnership of the Wichita-based Key and Detroit-based Walbridge construction companies. Acting as the Airport Authority, the council upheld earlier actions by the airport staff and the city Board of Bids.

Although the Dondlinger/Hunt partnership had the lower bid, about

\$99.4 million to Key/Walbridge's \$101.5 million, officials of the city-owned airport said the Dondlinger group had failed to comply with requirements that 7.11 percent of the work go to minority- or women-owned subcontracting firms.

The minority and female participation – or a good-faith effort to get it – is required for the airport to be eligible for federal grants to pay about 45 percent of the project's cost.

Dondlinger president Tom

Dondlinger said after the meeting that he was "extremely disappointed" by the decision.

A lawyer for his company had argued that Dondlinger and Hunt at the very least had met the "good faith" test in recruiting historically disadvantaged business enterprises, also known as DBEs.

City officials expect the case to go to court, and the council members spent a half-hour behind closed doors discussing the legal implications of

their upcoming decision.

Dondlinger did not rule out taking the battle to court.

"I'm disappointed with the council," he said. "We'll see where it goes from here."

Wyatt Hoch, a Wichita lawyer representing Dondlinger/Hunt, said that by awarding the project to the second-lowest bidder, "the authority wants to pay \$2.1 million more for the same scope of work."

The Dondlinger group had more than enough minority- and female-owned participation to

exceed the threshold for federal grant eligibility, he said.

But at the time the bids were opened in late February, three of the subcontractors were not certified as DBEs by the state Department of Transportation, so Dondlinger didn't get credit for their participation.

All the companies in question have since acquired certification as DBEs, Hoch said.

He argued that the federal

Please see **TERMINAL**, Page 6B



Mike Hutmacher/The Wichita Eagle

Gary Carty, left, and Tom Schwabauer with Sampson Construction Co. put siding on a house in July that had been one of 16 homes in Oaklawn the county condemned following a tornado that swept through the area in April.

No longer 'unsafe to occupy'

BY SARAH TUCKER
The Wichita Eagle

The 16 Oaklawn homes previously marked "unsafe to occupy" by Sedgwick County are being rebuilt.

The EF-3 tornado that struck the Oaklawn neighborhood on April 14 caused no severe injuries but affected 429 homes in the Wichita area, according to a damage assessment by the Midway Kansas Chapter of the American Red Cross in late April.

Jennifer Tafoya's house on East Idlewild was one of them. She began rebuilding immediately only to find out she needed a permit to build.

Then her home was marked "unsafe to occupy" because her roof was severely damaged after a tree fell on it. Still, she stayed in her home because her insurance company wouldn't pay for a hotel stay, she said.

"The roof looked wavy because of the beams," Tafoya said. "The county orange-tagged me."



Mike Hutmacher/The Wichita Eagle

Houses that were condemned in Oaklawn following a tornado last April are now being rebuilt after Sedgwick County rescinded its condemnations.

Orange tags allowed limited access to the buildings, while red tags prohibited entry.

Homeowners had 30 days to get their homes inspected or face demoli-

tion by the county.

"The houses were put on an abatement list," said Bud Lett, interim

Please see **OAKLAWN**, Page 6B

Voters group seeks city resolution on campaign finance

BY DION LEFLER
The Wichita Eagle

A coalition of voting-rights activists came to Wichita City Hall Tuesday asking the council to support a constitutional amendment to push corporate money out of politics.

About 30 residents – part of a new group called "We the People of Kansas" – stood up in the meeting to ask the council to pass a resolution supporting a proposed amendment to overturn the Citizens United decision.

In that 2010 decision, the U.S. Supreme Court ruled that corporations have the same free-speech rights as individual citizens, and that they could spend unlimited funds from company coffers to support favored candidates for office as long as they don't directly coordinate with the campaigns.

The decision has touched off an unprecedented influx of campaign spending by billionaires and business executives, whose identities are often hidden behind previously unknown political entities.

Jane Byrnes, a dietitian who spoke for We the People at the council meeting, said 280 cities and the U.S. Conference of Mayors have passed resolutions supporting action to overturn Citizens United.

The cities' actions, including anything Wichita might do, will have no direct or immediate bearing on changing the Supreme Court decision, but are a symbolic show of opposition to its provisions. Amending the federal Constitution would require two-thirds support in both houses of Congress and ratification by 38 states.

The local coalition opposing Citizens United includes rep-

resentatives from groups such as the League of Women Voters, Occupy Wichita and Public Citizen, the consumer group founded by Ralph Nader. On Flag Day, June 14, the group brought together about 150 local residents for an informational meeting on Citizens United and its impact, Byrnes said.

"We're concerned about the intrusion, corruption, of big money from unknown, out-of-area foreign donors," Byrnes said.

"We in Kansas are currently very vigilant about voter fraud – who can vote and who can't. But unknown entities and folks who cannot vote in our elections can purchase our elections when their money equals speech. Isn't that the biggest election fraud of all?" Byrnes said the group is nonpartisan and hopes to gain support across the political spectrum.

"If it appears partisan, that's due to powerful (national) messaging machines," she said. "Citizens all get it."

She said the Citizens United decision threatens Wichita's campaign finance code, which bans corporate money and sets limits on individual contributions in city races.

"Isn't that ideal?" Byrnes said. "But we assume that it's only a matter of time until the city of Wichita campaign finance limits are also – like the state of Montana's were last month – overturned."

The group appeared to have the support of at least one council member, Janet Miller.

"If no one has any objections, I'm willing to just chat briefly with each of my fellow council members and find out if there's interest in pursuing

Please see **FINANCE**, Page 3B

Gabel, Lindsey vie for GOP nomination in House District 96

BY BILL WILSON
The Wichita Eagle

It can be difficult to tell if Craig Gabel is running against Rick Lindsey or with him for the Republican nomination for Kansas House District 96.

There's little policy difference between the two men vying to oppose Democrat Brandon Whipple in the November general election. That's because Gabel, 52, who trains and educates candidates as part of his work as

president of Kansans for Liberty, never intended to run.

"I wasn't going to run," Gabel said. "My district had Phil Hermanson. I helped Phil Hermanson get elected and, you know, was solidly behind him, and then they moved him out of the district and it was wide open.

"And now, it looked like there was no one to run, so I went down and signed up. It was the right thing to do."

Indeed, Hermanson and Lindsey, 46, who works in private



Gabel



Lindsey

security, essentially swapped districts, with the incumbent Hermanson shifted from the 96th to the 98th and Lindsey shifted to the 96th from the



98th, where he had filed to run with Gabel's encouragement.

Almost half of the new District 96 is made up of residents from Districts 97 and 98.

Gabel, the owner of Mike's Steak House and Gabel Oil, paid off a little more than \$126,000 in taxes and penalties dating back nine years earlier this month. He is the chief spokesman for the local tea party movement and regularly comes before the City Council to protest business-development subsidies and condemnations of substandard homes.

He's had legal problems in the past, including police

Please see **DISTRICT 96**, Page 3B

Kansas House District 96



The Wichita Eagle

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