

REGULAR MEETINGDECEMBER 21, 2021

The Regular Meeting of the Board of Public Works was convened at 9:31 a.m. on Tuesday, December 21, 2021, by Board President Elizabeth A. Maradik in the 13th Floor Conference Room of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana. The meeting was also streamed live to the public via Microsoft Teams. Acting Board Clerk Laura Hensley confirmed the presence of Board Members Elizabeth A. Maradik, Gary Gilot (virtually), Joseph Molnar, Murray Miller, and Board Attorney Clara McDaniels, with a roll call. Board Member Jordan Gathers was not in attendance. Ms. Maradik reminded virtual attendees to mute their microphones and turn off their cameras when not speaking, and to save their questions and comments for the Privilege of the Floor.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the minutes of the Regular Meeting of the Board held on December 14, 2021, were approved.

AWARD BID AND APPROVE CONTRACT – AIRPORT ANNEXATION AREA WATER MAIN EXTENSION – PROJECT NO. 120-026 (PR-00012426)

Mr. Jacob Klosinski, Engineering, advised the Board that on November 9, 2021, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Klosinski recommended that the Board award the contract to the lowest responsive and responsible bidder, G.E. Marshall, Inc., 1351 Joliet Rd., Valparaiso, IN 46385, in the amount of \$313,196.40. Therefore, Mr. Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – REINSTALLATION OF ST. JOSEPH HIGH SCHOOL FLASHING CROSSWALK SIGN FOUNDATIONS – PROJECT NO. 121-080 (PR-00013870)

Ms. Charlotte Brach, Engineering, advised the Board that on December 13, 2021, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Brach recommended that the Board award the contract to the lowest responsive and responsible quoter, Martell Electric, LLC, 4601 Cleveland Rd., South Bend, IN 46628, in the amount of \$2,378. Therefore, Mr. Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

APPROVE CHANGE ORDER NOS. 9-11, 13 – OLIVE STREET RECONSTRUCTION, PHASE I – PROJECT NO. 114-064 (PO-0009357)

Ms. Maradik advised that Ms. Leslie Biek, Engineering, has submitted Change Order Nos. 9-11, 13 on behalf of Indiana Department of Transportation, LaPorte District, and Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614. Change Order No. 9 indicates the contract amount be increased by \$82,411.00 with a total of (\$16,482.20 local). Change Order No. 10 indicates the contract amount be increased by \$85,989.90 with a total of (\$17,197.98 local). Change Order No. 11 indicates the contract amount be increased by \$65,780.00; Total (\$13,156.00 local). Change Order No. 13 indicates an increase of an additional forty-eight (48) days with a new completion date of December 31, 2021 for a new contract sum, including these Change Orders 9-11, 13, in the amount of \$234,180.90 (local share of \$46,836.18) with a new total with all of the change orders: \$3,792,762.43. Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the Change Orders was approved.

APPROVE CHANGE ORDER NO. 3 – BENDIX ESPORTS AREA – PROJECT NO. 119-106D (HOTEL MOTEL TAX FUND)

Ms. Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted Change Order No. 3 on behalf of Nelco Media, Inc., 505 Howard St., San Antonio, TX 78212, indicating the contract amount be increased by 10,891.40 with an additional twenty-one (21) days for a new contract sum, including this Change Order, in the amount of \$419,058.02 with a new completion date of July 2, 2021. Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the Change Order was approved.

APPROVE CHANGE ORDER NO. 1 – 100 S. MICHIGAN TREE GRATES – PROJECT NO. 121-037 (PO-0013007)

Ms. Maradik advised that Mr. Finnian Cavanaugh, Engineering, has submitted Change Order No. 1 on behalf of The Robert Henry Corporation, 404 S. Frances St., South Bend, IN 46617, indicating the contract amount be increased in an amount not to exceed \$2,200 for a modified contract sum, including this Change Order, in the amount of \$77,924. Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried, the Change Order was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – KIZER MANSION WINDOW REPAIR – PROJECT NO. 119-024R (PO-0000204)

Ms. Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of J.W. Wertz & Son, Inc., 1002 Kerr St., South Bend, IN 46601, for the above referenced project, indicating a final cost of \$197,800. Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the Project Completion Affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – LAUREL WOODS MAINTENANCE IMPROVEMENTS – PROJECT NO. 121-007R (PO-0011417)

Ms. Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of Selge Construction Co., Inc., 2833 S. 11th St., Niles, MI 49120, for the above referenced project, indicating a final cost of \$125,142. Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the Project Completion Affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – LIBERTY TOWER EXTERIOR RENOVATIONS, PHASE II – PROJECT NO. 120-047 (PO-0005019)

Ms. Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of Slatile Roofing & Sheet Metal Co., Inc., 1703 S. Ironwood Dr., South Bend, IN 46613, for the above referenced project, indicating a final cost of \$121,100. Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the Project Completion Affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – O'BRIEN RECREATION CENTER – PROJECT NO. 118-091 (PO-0005039)

Ms. Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of R. Yoder Construction, Inc., 27453 County Road 150, Nappanee, IN 46550, for the above referenced project, indicating a final cost of \$471,163. Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the Project Completion Affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – SHERIDAN AND SAMPLE ST. SIGNAL IMPROVEMENTS – PROJECT NO. 116-127 (PO-0006099)

Ms. Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of Rieth-Riley Construction Co., Inc., 25200 State Road 23, South Bend, IN 46614, for the above referenced project, indicating a final cost of \$440,804.91. Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the Project Completion Affidavit was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – WATER WORKS UTILITY SERVICE LINE REPAIR PROGRAM – PROJECT NO. 122-022

In a memorandum to the Board, Ms. Leslie Biek, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – DUCTILE IRON PIPES, VALVE AND HYDRANTS – PROJECT NO. 122-023 (PR-00013912)

In a memorandum to the Board, Ms. Leslie Biek, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS –2021
COMMUNITY CROSSINGS PAVING, ROUND II– PROJECT NO. 121-052 (PR-00013986)

In a memorandum to the Board, Ms. Leslie Biek, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

ADOPT RESOLUTION NO. 39-2021 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS ACCEPTING THE TRANSFER OF A
CERTIFICATE OF DELINQUENT REAL ESTATE TAX SALE LIEN FROM THE BOARD
OF COMMISSIONERS OF ST. JOSEPH COUNTY, IN

Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the following Resolution was adopted by the Board of Public Works:

RESOLUTION NO. 39-2021

**A RESOLUTION OF
THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS
ACCEPTING THE TRANSFER OF A CERTIFICATE OF DELINQUENT REAL
ESTATE TAX SALE LIEN FROM
THE BOARD OF COMMISSIONERS OF ST. JOSEPH COUNTY, INDIANA**

WHEREAS, St. Joseph County, Indiana (the “County”) is the owner of a Certificate of Delinquent Real Estate Tax Sale (“Certificate”) lien against certain real property located within the City of South Bend (the “City”), which Certificate was obtained by the County pursuant to the tax sale process; and

WHEREAS, the care, custody, and control of County real estate is vested in the County’s Board of Commissioners (the “Commissioners”) pursuant to Indiana Code Section 36-2-3.5-4; and

WHEREAS, the City has requested that the County transfer the Certificate described in Exhibit A to the City of South Bend, Indiana, Board of Public Works (the “Board”); and

WHEREAS, the Board exists pursuant to Indiana Code Section 36-4-9-5 and holds real property owned by the City pursuant to Indiana Code Section 36-9-6-3; and

WHEREAS, the County is willing to transfer the Certificate to the Board upon payment of One Dollar (\$1.00) and the Board’s agreement to assume any recording and transfer costs associated with said transfer; and

WHEREAS, the Indiana Code Section 36-1-11-8 provides for the transfer of the Certificate between governmental entities by adoption of substantially equivalent resolutions; and

WHEREAS, on December 21, 2021, the Commissioners are adopting a resolution substantially equivalent to this resolution setting forth the terms and conditions of the transfer of the Certificate between the County and the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS AS FOLLOWS:

1. The Board hereby accepts the conveyance of the Certificate described in Exhibit A from the County in accordance with Indiana Code Section 36-1-11-8.
2. For and in consideration of the conveyance of the Certificate, the City shall pay to the County through the St. Joseph County Auditor, the sum of One Dollar (\$1.00), and the City shall assume all recording costs and transfer fees.
3. The Board authorizes Pamela Meyer of the City’s Department of Community Investment and/or Sandra Kennedy of the City’s Department of Law to perform and/or cause the performance of any action required by Indiana Code Sections 6-1.1-24-9(d) and 6-1.1-25-1 *et seq.* to secure the Tax Title Deed, as well as to execute any other document necessary to affect the Board’s acceptance of the conveyance.

4. This Resolution will be in full force and effect upon its adoption by the Board.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on December 21, 2021 held in person at 1308 County City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601 and electronically as authorized by the Governor's Executive Order 20-09, as subsequently renewed.

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS
s/ Elizabeth A. Maradik
s/ Gary A. Gilot
s/ Jordan V. Gathers
s/ Joseph R. Molnar
s/ Murray L. Miller

ATTEST:
s/Laura Hensley, Acting Clerk

APPROVAL OF AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

The following Agreements/Contracts/Proposals/Addenda were submitted to the Board for approval:

| Type | Business | Description | Amount/ Funding | Motion/ Second |
|---|---------------------------------------|--|--|-------------------|
| Amendment No. 2 to Owner-Engineer Agreement | Black and Veatch Corporation | Additional and Out of Scope Engineering, Construction, Administrative Services for Wastewater Treatment Plant Electrical Improvements, Project No. 117-132 | Increased \$6,895; New Total \$665,599 (PO-0000128) | Molnar/Miller |
| Professional Services Agreement | Pinnacle Engineering, Inc. | Provide Engineering Services for RIN Generation Third Party Engineering Review 40 CFR 80.1450(b)(2) for CNG Fuel Station at Wastewater Treatment Plant | NTE \$4,700 (PR-00013782) | Molnar/Miller |
| LPA Consulting Contract | HWC Engineering | Inspection Contract for Olive Reconstruction, Phase II, Project No. 114-064; Federally Funded and Inspection will be Reimbursed at 80% | \$122,364.10 (PR-00013568) | Molnar/Miller |
| Amendment No. 1 to Owner-Engineer Agreement | Christopher B. Burke Engineering, LLC | Provide As Needed, On Call Support to Implement Impervious Cover-Based Stormwater Utility | NTE \$23,010.76 (Hourly) (PO-0000355) | Molnar/Miller |
| Professional Services Agreement | RATIO Architects, LLC | Preliminary Design Services at Morris Performing Arts Center Expansion | \$670,000 (PR-00013839) | Molnar/Miller |
| Professional Services Agreement | Brite Electric, Inc. | City Electrical Services Contract for Various Departments | \$98/hr. Non-Emergency; \$138/hr. Emergency Hourly Rate 4 p.m. to 12:00 a.m. Monday- | Molnar/Miller |

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|---|---|--|---|---------------|
| | | | Friday, All-Day Saturday; \$172/hr. Sunday & Holidays 12:00 a.m. to 7:00 a.m. Monday-Friday, All-Day; Two (2) Years (Department Maintenance Budgets) | |
| Professional Services Agreement | Jones Petrie Rafinski Corporation | Design Services for Player Facilities Improvements Mandated by MLB at Coveleski Stadium | \$81,750 (PR-00013879) | Molnar/Miller |
| License Agreement | University of Notre Dame du Lac | Long Term Use of Right-of-Way Through, Under and Adjacent to Niles Ave. between Vacated Sorin St. and Corby Ave. for Installation and Maintenance of Electricity Lines Related to Hydroelectric Facility | N/A | Molnar/Miller |
| Professional Services Agreement | McCormick Engineering | 2022 On-Call Design Services for Miscellaneous Stormwater Infrastructure Improvements, Project No. 122-016 | NTE \$119,660 (Hourly) (PR-00013820) | Molnar/Miller |
| Amendment No. 1 to Contract | Lawson-Fisher Associates | Additional Work Manhour Justification Due to Construction Delays for Bendix Drive Lathrop Indiana Toll Road, (DES#1400634) | Increase \$16,526; New Total \$511,026 (PO-0000401) | Molnar/Miller |
| Professional Services Agreement | United Consulting | Design Services for Northwest Elevated Storage Tank Rehabilitation, Project No. 122-018 | NTE \$98,400 (Hourly) (PR-00013849) | Molnar/Miller |
| Agreement | Teamsters Local Union No. 364 | Collective Bargaining Agreement Covering 2022-2024 | N/A | Molnar/Miller |
| Amendment No. 3 to Beck's Lake Project Consulting Agreement | Richard T. Brown, Independent Contractor, Veritas LLC | Extension of Engagement through December of 2022 | \$160,000 (Professional Services EPA) | Molnar/Miller |

Prior to the vote for the Professional Services Agreement with Brite Electric, Inc., Mr. Miller asked the Board if the question from the last meeting about whether this was a true Professional Services Agreement had been investigated or not. Attorney McDaniels confirmed that under the revised purchasing policy, it fits under the category of being a Services Agreement and the revised policy does not distinguish between professional and regular services. She added that the services under this agreement fall under under Indiana Code Section 5-22 versus public works. Attorney McDaniels added that this agreement is for regular, routine repair services, and it does comply with the Indiana Code requirements and that it being labeled as a professional services

agreement does not make a difference with regard to the City’s revised Procurement Policy. President Maradik agreed that this agreement complies with the City’s Procurement Policy and is consistent with Indiana Code.

Mr. Gilot commented that there was an email exchange with Central Services Manager, Adam Parsons that explained he did invite multiple firms to submit a specification sheet for comparing their qualifications and experiences prior to the selection of this one firm (Brite Electric, Inc.) for the agreement. Mr. Gilot clarified that at the last meeting he had been under the impression that this was a sole-source selection, but that was not the case as many vendors were invited to submit proposals. He mentioned that he was not sure whether that should have been done through the Board versus in the manager’s own office, but he would defer that back to the City’s legal team for administering procurement. Attorney McDaniels confirmed that multiple firms were invited for proposals. She added that this was not a contract per Indiana law or the City’s Procurement Policy that needed to come through the Board of Public Works to solicit contractor’s proposals.

Lastly, President Maradik thanked Attorney McDaniels for the clarification and asked Mr. Parsons to add a memo to the file to note his process of soliciting from multiple vendors as she did not recall seeing one attached to the file.

APPROVE/DENY TRAFFIC CONTROL DEVICES

Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the following traffic control device request was approved:

NEW INSTALLATION:

LOCATIONS:

REMARKS:

Handicapped Accessible Parking Space Sign
1122 N. Brookfield St.
1637 N. Brookfield St.
All Criteria Met

REMOVAL:

LOCATION:

REMARKS:

Handicapped Accessible Parking Space Sign
1114 Washington Ave.
All Criteria Met

RATIFY APPROVAL AND/OR RELEASE CONTRACTOR, EXCAVATION, AND OCCUPANCY BONDS

The Division of Engineering Permit Department recommended that the following bonds be ratified pursuant to Resolution 100-2000 and/or released as follows:

| Business | Bond Type | Approved/ Released | Effective Date |
|------------------------|------------|-----------------------|----------------|
| Windstream KDL, LLC | Contractor | Approved | 12/15/2021 |
| Windstream KDL, LLC | Excavation | Approved | 12/15/2021 |
| Concrete Ideas | Occupancy | Released | 01/27/2022 |
| Peerless-Midwest, Inc. | Occupancy | Approved | 12/13/2021 |

Mr. Molnar made a motion that the bond’s approval and/or release as outlined above be ratified. Mr. Miller seconded the motion, which carried by roll call.

RATIFY PREAPPROVED CLAIMS PAYMENTS

Mr. Molnar stated the Board received notices of the following preapproved claim payments from the City’s Department of Administration and Finance:

| Name | Date | Amount of Claim |
|--|------------|-----------------|
| City of South Bend Claims GBLN-28067, GBLN-28068 | 12/14/2021 | \$895,579.16 |
| City of South Bend Claims GBLN-28310, GBLN-28408, GBLN-28635 | 12/16/2021 | \$3,175,307.55 |

Each claim is fully supported by an invoice; the person receiving the goods or services has approved the claims; and the claims have been filed with the City Fiscal Officer and certified for accuracy. Therefore, upon a motion by Mr. Molnar, seconded by Mr. Miller, and carried by roll call, the Board ratified the preapproved claims payments.

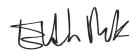
PRIVILEGE OF THE FLOOR

President Elizabeth Maradik acknowledged that this was the last Board meeting of 2021 and wished everyone a good holiday season.

ADJOURNMENT

There being no further business to come before the Board, Ms. Maradik adjourned the meeting at 9:51 a.m.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Gary A. Gilot, Member



Joseph R. Molnar, Member



Jordan V. Gathers, Member



Murray L. Miller, Member



Attest: Clerk

Date: January 11, 2022