

The Agenda Review Session of the Board of Public Works was convened at 10:34 a.m. on April 21, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (virtual), Murray Miller, and Board Attorney Clara McDaniels (virtual) present. Board of Public Works Clerk, Theresa Heffner, presented the Board with a proposed agenda of items presented by the public and by City Staff.

Board members discussed the following item(s) from the agenda.

#### OPENING OF QUOTATIONS

Engineer Finnian Cavanaugh was present to answer questions about item 2.A., 2022 Tree and Stump Removal. He noted for the record that at the upcoming Regular Meeting, there will be a quote opening and a quote award for the project. The work will be done by the City's curb and sidewalk crew.

#### AWARD BIDS AND APPROVE CONTRACTS

Project Engineer Rebecca Plantz was present to answer questions about item 3.A., North Water Treatment Plant Improvements. Ms. Plantz explained the timeline for the project that began back in 2019. When no bids were received during the bid opening on November 23, 2021, the project went to the open market. Bowen and Kokosing provided bids that were in the millions of dollars with Bowen providing the lowest bid. Gary Gilot noted the volatile market related to pricing. Attorney McDaniels advised that even though the contract is in the millions of dollars, all legal aspects were followed stating that there are no monetary limits on open-market contracts. Mr. Gilot asked the Board members to think about whether they would like to see all the contractors questioned at a pre-bid meeting to receive feedback, to amend the plans and specs, and to try bidding again when the project is over a certain amount of money.

Murray Miller asked about how the waivers were issued for Minority and Women-owned Business Enterprise (MWBE) goals that were not met. Ms. Plantz clarified that some of the goals were met and some were not, and for the ones that were not met, a good faith effort was met. Director of Public Works Eric Horvath noted that when a waiver is issued, it should be documented why the waiver was provided. Larry King from the Office of Diversity and Inclusion (ODI) explained that he can assist in providing recommendations to bidders to meet MWBE goals. Mr. Gilot advised that during the competitive bid process one bidder cannot be favored over another so recommendations for meeting MWBE goals should be shared with all bidders equally via an issued addendum.

VP Molnar asked about the timing for completion. Ms. Plantz explained that the work will begin this spring and will finish up in the fall because the vessels cannot be down during the summer.

#### AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

VP Molnar asked about item 7.C. the contract cancellation with Vic Butcher Construction. President Maradik stated that they went out of business or were nonresponsive. VP Molnar asked how this would affect the development agreement. President Maradik explained that the remainder of the project would be requoted. City Engineer Kara Boyles clarified that the development agreement expired.

#### REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS

Mr. Gilot inquired about the scope for item 5.A. Northwest Elevated Storage Tank Improvements. City Engineer Kara Boyles explained that the scope involves interior coating, cathodic protection, swing check valves, altitude valves, and other related improvements.

#### CHANGE ORDERS

President Maradik asked about item 4.B. School Zone Flashing Beacons Installation noting that the percent of the increase is just over thirty-six percent (36%) which is above the twenty percent (20%) threshold. President Maradik noted that even though it is a state-funded project, she wanted to be sure that from a procurement policy and legal standpoint that there wouldn't be any challenges or issues related to that kind of increase since there was no unforeseen condition. City Engineer Boyles explained that the project is one hundred percent (100%) funded by MACOG and that the change order is the result of removing the flashing beacons in order to come within the estimate of funding, but the bid came in lower than the estimate so the Beacons were put back into the project.













Name	Date	Amount of Claim
City of South Bend Claims GBLN-34315, GBLN-34617	04/07/2022	\$409,814.21

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 Joseph Molnar, seconded by Murray Miller, and carried by roll call, the Board ratified the preapproved claims payments.

#### PRIVILEGE OF THE FLOOR

Gary Gilot asked whether the policy on virtual attendance could be revised to apply the two consecutive meeting virtual attendance limitation only to Regular Meetings where board action is taken and not to the Agenda Review Sessions. Attorney McDaniels agreed to research the issue.

#### ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 9:54 a.m.

#### BOARD OF PUBLIC WORKS