

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on June 23, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (arrived at 10:47 a.m.), Murray Miller, and Board Attorney Clara McDaniels (virtual). 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.

#### REJECT BIDS AND QUOTATIONS

Murray Miller raised a question about item 6.A Northwest Elevated Storage Tank Improvements. Mr. Miller asked if the item would go to open market rather than out to be rebid. President Maradik noted that per the City's procurement policy, since no responsive bids were received, it can go to open market. Attorney Clara McDaniels advised that due to the time constraints of the project, the decision was made to go to open market rather than going out to rebid. President Maradik noted that nothing in the package would be changing.

Director of Purchasing Michael Schmidt also noted that this involved a timing issue that includes complexities in shutting down different sources of water that allows a contractor to get in to do the project; even though it is a difficult area to serve, the project still needs to be completed. Director Schmidt also added that the project was slightly over budget with the bids that came in, so this added another element to the rejection.

Engineer Rebecca Plantz explained that she went through the public solicitation for bids and received one bid that was nonresponsive in the responsible bidder ordinance and the MWBE goals. Due to rejecting all bids, Indiana Code 36-1-12-5 allows them to go to the open market as long as they send a written response explaining the rejection which she confirmed was written within the memo in the documents that were posted to the public.

Mr. Miller asked if the scope was going to change since it was over budget. Ms. Plantz said it would not change but going to the open market gives her an opportunity to reach out to companies to find out why they didn't bid on the project and get feedback. If feedback results in cost savings, then she would need to decide whether to change the scope and then rebid. She explained the project would begin in mid-September due to the demand of the summer. She also noted that there is a very tight window to complete the project because it can't be too cold and the City needs to supply water. If the project rolls into the spring, it becomes problematic because other stations will be going down for improvements and this tank is the only one that supplies that zone.

Attorney McDaniels noted that the MWBE goals will remain in place even if it goes to the open market or meets the good faith efforts waiver. Gary Gilot asked if when a bid is rejected for noncompliance for not meeting MWBE goals, there was a standardized letter detailing the process for meeting MWBE goals. Ms. Plantz stated that she cannot speak for her colleagues, but she does not send a letter. She explained that she does have conversations with companies that she works with frequently. Mr. Miller noted that the Office of Diversity and Inclusion was supposed to be sending a standardized letter to companies to help them meet the MWBE goals. Attorney McDaniels advised that she would follow up.

#### PUBLIC HEARING

Mr. Gilot asked about item 2.A. The Wastewater Treatment Plant Final Clarifiers 1, 2, and 3 improvements Preliminary Engineering Report and whether the Board is doing the public hearing for anything other than the State Revolving Fund Loan Application. Attorney McDaniels noted that this will not require any action from the Board, it is simply part of the loan process.

#### CHANGE ORDERS

Mr. Gilot asked about the twenty-one and a half percent (21.5%) increase for item 7 A. Ward Bakery Exterior Masonry Bid Package. He questioned why they didn't see the scope addition ahead of time. President Maradik noted that they may have done the change order for the fifteen and nine-tenths percent (15.9%) and then noticed the unforeseen increase which put them over the discretionary twenty percent (20%).











applicant must have plans to construct a new residential or neighborhood scaled multifamily residential structure within a qualifying zoning district.

## **Section 2: Property Qualifications**

Properties must meet the following qualifications:

- (i) Location:** Property must be located in areas zoned under the South Bend Zoning Ordinance as U1 Urban Neighborhood 1, U2 Urban Neighborhood 2, U3 Urban Neighborhood 3 as well as residential uses within UF Urban Flex and NC Neighborhood Center.
- (ii) Building Type:** The new infill construction must be for a residential development up to five (5) dwelling units. Infill development is construction on land that has been vacant, unused, or underutilized within current City limits where municipal water and sewer services are already available. The residential structure can be home owner occupied or rental. The policy also covers residential infill developments consisting of five (5) units or more, whether developed at one time or over a period of time, for infill residential housing units constructed by not-for-profit development companies or supported by low-income housing tax credits.
- (iii) Residential structure valuation:** To target the program for low and moderate income housing, applicants will have to show proof that their project meets certain thresholds:
  - The unit sale price must fall at or below the *Median Sale Price of Houses Sold for the Midwest Census Region (determined by the US Census Bureau and the US Department of Housing & Urban Development)*.
- (iv) Ineligible locations:** A greenfield site (i.e. land previously undeveloped), is not eligible for participation.

## **Section 3: Reimbursement Amount**

The City will reimburse the applicant up to \$20,000 for qualifying expenses. The property owner may be responsible for a portion of the project expenses and such cost share shall be outlined in the program application.

**Section 4: Qualified Expenses:** Funding for the replacement of new sewer laterals will be provided as reimbursement to applicants who meet all the qualifications of the program. Funding may be used towards the cost of the entire sewer lateral (from the main line to the residential structure). Qualifying costs for reimbursement include: labor and materials for the sewer lateral work, pavement restoration, sidewalks, curbs, and traffic control. Engineering and permitting costs are not eligible for reimbursement.

## **Section 5: Program Application**

Interested property owners will apply for the program prior to starting any construction on the sewer lateral. The application will be available on the City of South Bend's website and will be reviewed by City staff.

Once a completed application is submitted and approved by City staff, the applicant may begin work on their sewer lateral project. The work must be performed by private, bonded, licensed contractors and in accordance with the City's Standard Specifications. After completion of work, the applicant may seek reimbursement.

Construction work on the sewer lateral shall be completed no more than one year after approval of the application.

This resolution shall be in full force and effect as of the date of its adoption by the board.

Adopted at a meeting of the Board of Public Works of the City of South Bend, Indiana held on June 28, 2022.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik













EX00