

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on July 3, 2024, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Murray Miller, Briana Micou, and Board Attorney Michael Schmidt present. The Board of Public Works Clerk, Theresa Heffner, presented the Board with a proposed agenda of items presented by the public and by City Staff.

AGENDA REVIEW SESSION ACTION ITEM

AWARD BID AND APPROVE CONTRACT – RACLIN MURPHY ENCORE CENTER – PROJECT NO. 123-056 (PR-00027076)

Mr. Patrick Sherman, Engineering, advised the Board that on June 11, 2024, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Sherman recommended that the Board award the contract to the lowest responsive and responsible bidder, Larson-Danielson Construction Company Inc., in the amount of \$15,202,000 (Base Bid Includes Allowances).

Attorney Schmidt advised that the City did receive an email from the legal counsel for Ziolkowski on this matter where they did notify us of their bid protest on this action item. He said he was not sure if the Board has been notified of this email, but I wanted you to know that this thing is percolating out there a bit before you make a decision on this item.

Mr. Miller asked if there has been any resolution to the bid protest email.

Attorney Schmidt advised that there has been some conversations with Ziolkowski's council that have been very friendly and professional, but they have been "agree to disagree" conversations.

President Maradik stated that based on review, it was her understanding that the low bid is the one (1) that is on the agenda.

Attorney Schmidt stated that he believes that the memo provided to the Board is an accurate assessment of where we stand as of today, we had two (2) bids, there was a low bid. We were asking the Board to award the low bid. Neither bid met the MWBE goals, so as required by our ordinance and our program plan, we then start with the lowest bid to determine if the low bid met the standards for a good-faith waiver. It has been determined by the City team that it is appropriate for a good-faith waiver in this particular instance.

Mr. Miller was concerned about the documents regarding the MWBE goals from the last meeting when we were going to award, but the item was tabled, that there were some changes to the goals where there were some subcontractors submitted into that. Now, this item is on the agenda to be awarded, the original documents are included where there were no goals.

Attorney Schmidt advised that the first step is to always look at the lowest bid, the lowest bid in this case was Larson Danielson, and they did not meet the MWBE goals. So, then we look to the next bid, which was Ziolkowski. They also were determined to have not met the MWBE goals. The issue with Larson Danielson is that they submitted a blank sheet for one (1) or both of their MWBE goals. Ziolkowski's issue is that they referenced non-minority firms in the category in their attempt to meet goals. Our program plan defines that we look at first tier contractors only when assessing and meeting the goals, so by that I mean that it is who is going to be the prime contractor and who is that prime contractor using as their first-tier subcontractor? Our program plan does not go into, nor does it define a process or recognize a process when it speaks to second or third-tier suppliers or subcontractors to those subcontractors.

Mr. Miller noted that when the item came up for approval at the last meeting, Larson Daniels submitted a different subcontractor in their bid, so he was not sure why they were allowed to change it. Then, because of the bid protest, things changed. He wondered how they got another list in there and now we are back to the original.

Attorney Schmidt advised that neither party was responsive. If you take the first step here, neither party was responsive on the actual goal supplemented in their Bids. City staff is then allowed to reach out to the contractors to figure out what steps they did or did not do in order to achieve a good-faith waiver. Upon doing that, Larson Danielson submitted additional

documentation as evidence of what they intended to do and who they intended to work with. It is that example where I talked about where they were using a subcontractor who is utilizing a minority supplier. So, they would be second-tier subcontractors, but we looked at what the guidance is in the program plan and the overall mission here, which is to increase participation. Those were some of steps that the team looked at in order to grant the good-faith waiver on this, at no point in time did either party meet the goals. Because they didn't need the goals we had to go to the outside factors which were to contact those firms to figure out what they did in order to qualify for the good-faith effort waiver. We're not replacing anything in the original bid documents. We are taking only what was submitted on that day when we opened up bids to determine whether or not they met the goals. Neither party met those goals.

President Maradik added that she thinks what Mr. Miller is talking about is yes, in the documentation for the bid for the last meeting, the M&W forms that are filled out for calculation for goals had additional information in it. Then what was submitted, but from what I'm hearing from Attorney Schmidt, it sounds like this might have been additional information that was gathered through conversation with the bidder with Larson Danielson after determining that nobody met the MBE or the WBE goals. Going back and talking to the lowest bidder and trying to understand how they went through their process to make sure they met the requirements for a good-faith waiver and because of that, this is just additional information that was provided to us based on the fact that they went through that process.

Mr. Miller added that the Board was being asked to award based on the new supplemental information.

Attorney Schmidt advised that it was the supporting documentation that the internal team did to grant the good-faith waiver.

Mr. Miller asked how it got in the file and asked why it didn't go out for rebid like the demolition of the FX project.

Project Manager Patrick Sherman noted that he would take the blame for the supplemental paperwork in the file adding we were getting supplemental information and we put it on the wrong sheet. That is why we tabled it at the last meeting.

President Maradik stated that she thought she remembered that they didn't provide the appropriate paperwork for the for the MBE and the WBE goals and there was this large discrepancy between the lowest bidder and then the next lowest that potentially did provide proper paperwork, and so we thought it would be prudent to rebid based on the large price differential between the pricing.

Mr. Gilot commented that he thought the bid protest may have been set off by the way our last agenda read that it was the \$15,202,000 plus the allowances, which was an error. Project Manager Sherman has acknowledged the error. Mr. Gilot stated Mr. Sherman is a good engineer, but he's human. He made a mistake and that may have fueled the fire on a very competitive bid. Both Larson Danielson and Ziolkowski are great construction firms who have done good projects for the City, and this was a really tight bid. With a \$15,000 difference on a \$15 million bid and both were within the engineer's estimate and the budget for the job. The decision was made to include all the allowances and make the full award. There's a clear lowest bidder here in Larson Danielson. I do have empathy for Ziolkowski, they came in a really close second. This is like a photo finish in a horse race and there will be more work where Ziolkowski will help build the City of South Bend, but they missed this one (1) as the lowest bidder and the low bidder did show good-faith on the MBE and WBE goals. He thought it was clear to award and respects the right of Ziolkowski to do a bid protest, particularly as they were doing that, there was confusion over the allowances, but hopefully they'll understand and withdraw given the explanations that we've heard today.

Therefore, VP 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.

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

RESOLUTIONS

Senior Planner Chris Dressel was present to discuss item 10. A.: A Resolution of the City of South Bend, Indiana Board of Public Works Establishing Review Criteria for Requests to Vacate Public Ways and Public Spaces. Mr. Dressel shared a short presentation with the board on how the new process would work. A summary of the current process vs the proposed Ordinance/process that was approved by the Common Council on May 28, 2024. It is requested that the board approve in July and that the effective date to be August 1, 2024.

Action	Current Ordinance	Proposed Ordinance	Responsible City Department
Pre-Filing Review and Engagement	No	Yes	Engineering and DCI
Established Review Criteria	No	Yes	Board of Public Works (BPW)
Review Fee (starts with filing)	No	Yes (\$300)	Engineering
Preparation of request materials	Relies on petitioner	Staff led	Engineering
BPW Recommendation Expiration	No	Yes (90 days)	Clerk's Office and Engineering
Post-filing verification	Inconsistent	Yes	Clerk's Office and Engineering
Notifies Entire Block	Inconsistent	Yes	Clerk's Office
Requires signatures from all adjacent property owners	No	Yes	Clerk's Office
Public hearing staff support	Inconsistent	Yes	Engineering and DCI
Notification of Result to Applicable City Departments	Inconsistent	Yes	Clerk's Office
Petitioner-Driven (not automated)	Yes	Yes	

Proposed Criteria

- Do any property owners currently access the alley?
- Do less than 50% of properties on the full block face have direct access to the street?
- Is there a future property development plan associated with this request?
- Is this the only midblock connection?
- Is the block length greater than 600'?
- Will the vacation result in a dead-end alley?
- Will vacating the alley allow for direct street access and interfere with a designated bike route?
- Will vacating the alley allow for direct access to the street in a manner that will not meet minimum engineering standards for traffic safety?
- Are there public or private utilities in the alley?

Mr. Gilot noted that there is a Home Rule where the stated has already defined what the criteria are, so it might make sense to put these as subordinate to the four (4) state criteria so they're giving you more local pragmatic specificity, but you are not changing state law, which you can't do with an ordinance or a Board resolution or cancel that one (1) with the other. These are great supplemental questions, but nobody should get the impression that they take the place of the four (4) statutory criteria.

Attorney Schmidt advised that City Attorney Jenna Throw has taken the lead in the legal department on this, so he will consult with her, but this item may be tabled until the second meeting in July.

Mr. Gilot asked if the fee was already set by the ordinance.

Mr. Dressel noted yes.

Mr. Gilot then asked if there would be a mechanism for relief of the fee in a poor petitioner so that they would have equitable rights to access alley vacations versus middle income or affluent neighborhoods where \$300 is not that big a difference.

Mr. Dressel stated that it had not been part of the conversation yet.

Mr. Gilot advised that they monitor for a year and if it has a chilling effect on any petitions going forward, you might attempt an ordinance cure on the fee.

VP Molnar added that once a street or alley is vacated, the City cannot get it back, so he was grateful that careful consideration is taking place. In the past, the City has vacated alleys that they now wish they hadn't.

President Maradik thanked Chris for his work on the improved process that will involve engaging with residents early in the process to ensure this is the best course of action.

Mr. Gilot asked what happens if a petitioner misses the ninety (90) day window to get it to the Common Council. He asked if they would be barred for some time or just start again with another fee.

Mr. Dressel stated that it would be handled on a case-by-case basis and would depend on whether the request had changed in any way from what was reviewed by the Board of Public Works.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Project Engineer Gemma Stanton was present to answer questions about item 11. G.: Ratify the Award of Request for Qualifications for Guaranteed Energy Savings Contract for WWTP Solar and Energy Upgrades per Common Council Resolution.

Ms. Stanton explained that she included a draft resolution which will ratify the recommendation of the review committee and authorize the Department of Public Works to negotiate an agreement with Veregy to develop the energy savings project scope and subsequently execute the Project Development Agreement which will come to the Board for approval at a later date. She added that there was a selection committee of six (6) people that helped review the proposals based on specific criteria. The next step will be to take it to the Common Council for approval to begin the contract negotiation.

Mr. Gilot asked if this was for the Century Center or for the Wastewater Treatment Plant. He noted that the memo said the Century Center

Ms. Stanton advised that it is for the Wastewater Treatment Plant.

Mr. Miller asked if this was for the contractor or if it was for design.

Ms. Stanton noted that it would be for both and that it will include MWBE goals with it.

Mr. Gilot noted that the approval seemed a bit out of order and asked legal if it could be done in this order. He added that guaranteed energy saving contracting authority is with the Common Council, not with the Board of works but by resolution. We get the Board of Public Works is authorized to act as the agent for the Common Council since we all do a lot of contract work and construction and the Common Council doesn't do that type of work, but I just question whether we can make an award before the Council delegates that authority in the Council.

Ms. Stanton stated that in the resolution it includes authorizing the Board retroactively to do this process.

Attorney Schmidt advised that it is not the most ideal order. He believes that as long as the Board knows they're recognizing that they are taking action that's going to be taken by Common Council and that nothing will be memorialized or officially executed until Common Council takes that action. He recommended prefacing this before a motion is taken on Tuesday.

OPENING OF PROPOSALS

Mr. Gilot inquired about the number of vendors that might be submitting a proposal for item 5. A.: Towing Services for South Bend Police Department and if there was a pre meeting.

Officer Aaron Knepper was present on the call to note that they reached out to several vendors and that they do expect three (3) of them to be submitting proposals.

CHANGE ORDERS

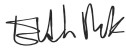
President Maradik noted a high percentage increase for item 9. C.: Liberty Tower TIF Project – Parking Garage. She added that it is over the twenty percent (20%) allowed in the state statute but is related to unforeseen removal and replacement of parking garage components. A detailed memo is included in the meeting file.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 11:16 a.m.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member



Briana Micou, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: July 23, 2024

REGULAR MEETING

JULY 9, 2024

The Regular Meeting of the Board of Public Works was convened at 9:32 a.m. on Tuesday, July 9, 2024, 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 President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Murray Miller, Briana Micou, and Board Attorney Michael Schmidt, with a roll call. President 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 VP Molnar, seconded by Mr. Miller and carried by roll call, the minutes for the Regular Meeting of the Board held on June 25, 2024, were approved.

OPENING OF BIDS – 2024 CURB AND SIDEWALK PROGRAM – PROJECT NO. 124-009 DIVISION 1-5 (PR-00033969, PR-00034020, PR-00034021, PR-00034022, PR-00034029)

This was the date set for receiving and opening sealed bids for the above referenced project. The Clerk tendered proof of publication of the Notice in the South Bend Tribune, which was found to be sufficient. The following Bids were opened and publicly read:

PREMIUM CONCRETE SERVICES

712 Richmond St.

Elkhart, IN 46516

rbecker@premiumservices.group

Bid was signed by Mr. Rob Becker

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Division 1	\$220,966.00
Division 2	\$252,169.00
Division 3	\$163,012.00
Division 4	\$73,451.00

Division 5	\$378,938.00
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SELGE CONSTRUCTION CO., INC.2833 South 11TH St.

Niles, MI 49120

aswinehart@selgeconstruction.com; jbutler@selgeconstruction.com

Bid was signed by Mr. Justin Butler

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Division 1	\$192,698.60
Division 2	\$200,780.20
Division 3	\$157,024.25
Division 4	\$75,002.30
Division 5	\$287,278.00

OWL CREEK CONSTRUCTION

6110 Nurrenbern Rd.

Evansville, IN 47712

owlcreekfarkin@gmail.com

Bid was signed by Ms. Joann Zeller

Non-Collusion, Non-Discrimination Affidavit Form was completed.

*Five percent (5%) Bid Bond was submitted.

One (1) of Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Division 1	\$210,759.60
Division 2	No Bid
Division 3	\$151,497.50
Division 4	\$59,973.75
Division 5	No Bid

*Attorney Schmidt asked for the Engineering team to double check that the Bid Bond was included.

MILESTONE CONTRACTORS, L.P.

24358 SR 23

South Bend, IN 46614

akrueger@milestonelp.com; dhilary@milestonelp.com

Bid was signed by Dustin P. Hilary

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Division 1	\$207,011.50
Division 2	\$246,100.00
Division 3	\$180,403.10
Division 4	\$107,139.60
Division 5	\$299,665.20

RIETH-RILEY CONSTRUCTION CO., INC.

25200 State Road 23

South Bend, IN 46614

ralvarado@rieth-riley.com; gvanparys@rieth-riley.com

Bid was signed by Mr. Ruben Alvarado

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.
 Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
 One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Division 1	\$196,497.46
Division 2	\$240,822.41
Division 3	\$161,144.49
Division 4	\$68,745.30
Division 5	\$291,583.49

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above bids were referred to Engineering for review and recommendation.

OPENING OF BIDS – 2024 SEWER AND MANHOLE REHABILITATION – PROJECT NO. 122-019 (PR-00033672)

This was the date set for receiving and opening sealed bids for the above referenced project. The Clerk tendered proof of publication of the Notice in the South Bend Tribune, which was found to be sufficient. The following bids were opened and publicly read:

VISU-SEWER, LLC

W230 N4855 Betker Dr.

Pewaukee, WI 53072

JoshR@visu-sewer.com; lisa@visu-sewer.com

Bid was signed by Mr. Keith M. Alexander

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID TOTAL: \$1,529,590.50

SAK CONSTRUCTION

864 Hoff Rd.

O'Fallon, MO 63366

info@sakon.com; mhirtz@sakon.com

Bid was signed by Mr. Boyd Hirtz

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID TOTAL: \$1,924,792.00

INSITUFORM TECHNOLOGIES USA, LLC

580 Goddard Ave.

Chesterfield, MO 63005

jferguson@azuria.com

Bid was signed by Ms. Ursula J. Youngblood

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID TOTAL: \$1,931,319.15

NATIONAL POWER RODDING CORP.

2500 W. Arthington St.

Chicago, IL 60612

acamarena@nationalpowerrodding.com; ruprecht@nationalpowerrodding.com

Bid was signed by Mr. William T. Kreidler

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID TOTAL: \$4,262,790.00

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above bids were referred to Engineering for review and recommendation.

OPENING OF QUOTATIONS – STUDEBAKER MUSEUM SKYLIGHT REPLACEMENT – PROJECT NO. 124-019 (PR-00034498)

President Maradik advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

No Quotes Submitted

OPENING OF QUOTATIONS – APPROVE CONTRACT – SEWER REPAIR - BENDIX AND WESTMOOR INTERSECTION – PROJECT NO. 124-045 (PR-00034555)

President Maradik advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

SELGE CONSTRUCTION CO., INC.

2833 South 11TH St.

Niles, MI 49120

aswinehart@selgeconstruction.com

Quotation was signed by Mr. Justin Butler

Non-Collusion, Non-Discrimination Affidavit Form was completed.

\$5,000.00 Bid Bond was submitted.

Zero (0) of Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

QUOTE:

Base Quote	\$161,520.00
Alternate #1	\$42,000.00
Base Quote Plus Alternate Total	\$203,520.00

Attorney Schmidt stated that contrary to the agenda noting this item as an open and award item, this quotation would not be awarded in the same meeting so that the quotation could be thoroughly reviewed by staff. There may be M/WBE goals associated with this quote as well as this quote may exceed the quotation threshold. Board member Gilot asked if this was an emergency situation and Director of Public Works, Eric Horvath stated that it was not. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above quotations were referred to Engineering for review and recommendation.

OPENING OF QUOTATIONS – 2024 MICROSURFACING – PROJECT NO. 124-049 (PR-00034558)

President Maradik advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

NATIONAL PAVEMENT MAINTENANCE

1928 N. Campbell Ave.

Indianapolis, IN 46218

gnewman12345@gmail.com

Quotation was submitted by Mr. Garry Newman

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

QUOTE:

Base Quote	\$99,896.00
Alternate #1	\$11,625.00
Base Quote Plus Alternate Total	\$111,521.00

ASPHALT RESTORATION SERVICES LLC

PO Box 2484

South Bend, IN 46680

andrea.brown2@comcast.net

Quotation was submitted by Mr. Sean Evans

Non-Collusion, Non-Discrimination Affidavit Form was completed.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were submitted.

QUOTE:

Base Quote	\$100,804.65
Alternate #1	\$6,000.00
Base Quote Plus Alternate Total	\$106,804.65

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above quotations were referred to Engineering for review and recommendation.

OPENING OF PROPOSALS – TOWING SERVICES FOR SOUTH BEND POLICE DEPARTMENT – (No Cost to City)

Sergeant Aaron Knepper, South Bend Police Department, advised that this was the date set for the receiving and opening of sealed proposals for the above referenced project. President Maradik stated the Proposals will be reviewed and scored based on a matrix system, by a team made up of City representatives. Board Attorney Michael Schmidt read the names of the following companies submitting proposals:

ASAP TOWING & RECOVERY

*SUBMITTED ONLINE AND SUBMITTED A HARDCOPY

1906 S. Olive St.

South Bend, IN 46613

Becki.baddersasaptowing@yahoo.com

Proposal was signed by Ms. Rebecca Badders

BIG BULLDOG TOWING

3700 S. Gertrude St.

South Bend, IN 46614

bigbulldogtowing@gmail.com

Proposal was signed by Ms. Brooklyn Nelson

HAMILTON'S TOWING

1733 S. Michigan St.

South Bend, IN 46613

Froggyauto14@gmail.com

Proposal was signed by Mr. Steven Hensley

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above proposals were referred to the review team for review and recommendation.

AWARD BID AND APPROVE CONTRACT – WASTEWATER TREATMENT PLANT CNG COMPRESSOR UPGRADE – PROJECT NO. 119-109R (PR-00027076)

Mr. Jacob Klosinski, Engineering, advised the Board that on June 11, 2024, 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, Koontz Wagner Services, LLC, in the amount of \$1,545,000 (Base Bid). Therefore, VP 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 – DEMOLITION OF KELLY'S PUB – PROJECT NO. 124-033 (PR-00034189)

Mr. Zach Hurst, Engineering, advised the Board that on June 25, 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Hurst recommended that the Board award the contract to the lowest responsive and responsible quoter, Indiana Earth, Inc., in the amount of \$48,725. Therefore, VP 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.

AWARD QUOTATION AND APPROVE CONTRACT – TREE LAWN/SIDEWALK REPAIR-HOWARD PARK (PR-00034306)

Ms. Rebecca Maenhout, Venues Parks & Arts, advised the Board that on June 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Maenhout recommended that the Board award the contract to the lowest responsive and responsible quoter, The Robert Henry Corporation, in the amount of \$5,360. Therefore, VP 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.

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – CSO 22 CONTROL VALVE REPLACEMENT – PROJECT NO. 123-032 (PR-00033373)

In a memorandum to the Board, Mr. Jacob Klosinski, Engineering, requested permission to reject all bids for the above-referenced project due to bids exceeding the available budget. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – EAST BANK TRAIL OVER LEETPER AVE. DECK REPLACEMENT INCLUDING TITLE SHEET – PROJECT NO. 124-008 (PR-00033344)

In a memorandum to the Board, Ms. Chana Roschyk, Engineering, requested permission to table this action. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was tabled.

APPROVE CHANGE ORDER NO. 1 (FINAL) – CITY OF SOUTH BEND WAYFINDING SIGNAGE PROGRAM, PHASE III - PROJECT NO. 123-013 (PO-0029007)

President Maradik advised that Ms. Leslie Biek, Engineering, has submitted change order number 1 (Final) on behalf of Geograph Industries, indicating the contract amount be increased by \$1,199 for a new contract sum, including this change order, in the amount of \$187,234. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 2 – LASALLE PARK IMPROVEMENTS – PROJECT NO. 121-015 (PO-0024048)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted change order number 2 on behalf of HRP Construction, indicating the contract amount be increased by \$33,043 with an additional thirty-eight (38) days for a new contract sum, including this change order, in the amount of \$2,508,882.62 with a new completion date of July 15, 2024. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 – LIBERTY TOWER TIF PROJECT - PARKING GARAGE – PROJECT NO. 123-054R (PO-0029080)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 1 on behalf of RAM Construction, indicating the contract amount be increased by \$398,738.75 for a new contract sum, including this change order, in the amount of \$1,568,958.75. President Maradik noted for the record that this change order was above the 20% allowed due to unforeseen conditions and an addition to the scope of the work explained in the memo from the Engineer. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

ADOPT RESOLUTION NO. 19-2024 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ESTABLISHING REVIEW CRITERIA FOR REQUESTS TO VACATE PUBLIC WAYS AND PUBLIC PLACES

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

RESOLUTION NO. 19-2024**A RESOLUTION OF THE SOUTH BEND BOARD OF PUBLIC WORKS
ESTABLISHING REVIEW CRITERIA FOR REQUESTS TO VACATE PUBLIC WAYS
AND PUBLIC PLACES**

WHEREAS, pursuant to Chapter 18, Article 5, of the South Bend Municipal Code, the procedures are defined for vacating all or part of a City street, alley, or other public place or way.

WHEREAS, the South Bend Board of Public Works (the “City”), Indiana reviews and recommends all vacating all or part of a City street, alley, or other public place or way.

WHEREAS, on May 28, 2024, the South Bend Common Council passed an ordinance amending these procedures in response to challenges identified in the administration of this process by the Common Council, the Clerk’s Office, and City employees.

WHEREAS, the amended procedures also provide for “the city “to establish clear evaluation criteria to guide review of vacation requests.

WHEREAS, the amended procedures will also provide for clear timelines within which property owners must proceed to filing an ordinance for a property vacation following review by the Board of Public Works, as well as ensuring post-filing review by City staff to check for any changes after Board of Public Works review.

WHEREAS, the amended procedure is necessary for the effective, efficient administration of the City’s property vacation process and in the best interest of the City and its residents.

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

1. That the following criteria be used to evaluate vacating all or part of a City street, alley, or other public place or way.
 - Do any property owners currently access the alley?
 - Do less than 50% of properties on the full block face have direct access to the street?
 - Is there a future property development plan associated with this request?
 - Is this the only midblock connection?
 - Is the block length greater than 600’?
 - Will the vacation result in a dead-end alley?
 - Will vacating the alley allow for direct street access and interfere with a designated bike route?
 - Will vacating the alley allow for direct access to the street in a manner that will not meet minimum engineering standards for traffic safety?
 - Are there public or private utilities in the alley?
2. That this resolution shall be in full force and effect upon its adoption

ADOPTED at the meeting of the South Bend Board of Public Works held on July 9, 2024, South Bend, Indiana 46601

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS
s/ Elizabeth A. Maradik
s/ Joseph R. Molnar
s/ Gary A. Gilot
s/ Murray L. Miller
s/ Brenna N. Micou

ATTEST:

s/ Laura Hensley, Acting Clerk

Attorney Schmidt commented that to address concerns from the Agenda Review Session, from a legal perspective he advised the Board to approve this Resolution. We are not usurping any of the statutory authority that is defined through the Indiana Legislature. He also mentioned that internal teams review is the process that gives them more flexibility to speak with those seeking an alley vacation and all things are still going to go ultimately to the Council to make the decision.

He stated this would give the Board of Public Works clearer evidence as to whether or not the recommendation is in favor or against the proposed alley vacation. He thanked Mr. Chris Dressel for his presentation and work on this project.

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
Agreement Authorizing Public Property Entry	American Environmental Corporation	Authorizing Entry at Alleyway between 1125 Mishawaka Ave. and 1141 Mishawaka Ave. for Drilling Purposes	N/A	Molnar/Miller
Final Recommendation of Acceptance – Indiana Department of Transportation & Milestone Contractors	Indiana Department of Transportation & Milestone Contractors	Report of Contract Final Inspection and Recommendation for Acceptance for Coal Line Trail, Phase IIB Project No. 122-035	\$3,508,535.51 (PO-0025244)	Molnar/Miller
Real Property Transfer Agreement	Northeast Neighborhood Revitalization Organization Inc.	City Transferring Ownership of 839 South Bend Ave. to Use as a Small Pocket Park Space Maintained by the Organization	N/A	Molnar/Miller <small>*VP Molnar noted the agenda should have stated the Northeast Neighborhood, not the Northwest</small>
Amendment No. 8 to Owner-Engineer Agreement	SmithGroup Inc.	Additional Design Services for Seitz Park Renovation Including Gintz Dr. and Stephenson Mills Parking Lot Project No. 117-093	\$53,949; New Adjusted Total \$1,344,405 (PO-0006606)	Molnar/Miller
Amendment No. 2 to Owner-Engineer Agreement	Troyer Group	Additional Design Services for LaSalle Park Neighborhood Improvements Project No. 121-015	\$3,000; New Adjusted Total \$47,500 (PR-00034497)	Molnar/Miller
Amendment No. 2 to Professional Services Agreement	Arcadis US Inc.	Develop Engineering Plans for Hydraulic Improvements at the Wastewater Treatment Plant, Upsizing Secondary Clarifier and Primary Effluent Channel Expansion Project No. 119-069	\$130,220 (PO-0000413)	Molnar/Miller
Guaranteed Energy Savings Contract	Veregy LLC	Ratify the Award of Request for Qualifications for Guaranteed Energy Savings Contract for WWTP Solar and Energy Upgrades per Common Council Resolution No. Project No. 124-015	Highest Scoring Contractor	Molnar/Miller
Amendment No. 1 to	WDi Architecture,	Adding Nuclear Testing to Determine Amount of	\$4,600; New Adjusted Total	Molnar/Miller

Owner-Engineer Agreement	Inc.	Saturated Insulation for SBFDF Central Fire Station Roof Replacement Project No. 124-032	\$49,800 (PO-0031387)	
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APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
March for Jesus	Street Closure for Special Event	August 17, 2024; 9:30 a.m. to 12:30 p.m.	Brief Crossings at Intersections; Eddy St., S. Greenlawn Ave., Southwood Ave., S. 20 th . St., Northside Blvd., S. Logan St., S. Ironwood Dr., Southwood Ave., S. 20 th . St., E. South St., E. Mishawaka Ave.	Molnar/Miller
McGee Birthday Bash	Street Closure for Special Event	July 20, 2024; 3:00 p.m. to 9:00 p.m.	Thomas St. between McPherson St. & Napier St.	Molnar/Miller
Westside BBQ & Craft Festival	Street Closure for Special Event	July 28, 2024; 8:00 a.m. to 7:00 p.m.	Prast Blvd. between Bendix & Ardmore	Molnar/Miller

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT - 702 CHAPIN ST.

President Maradik stated an application for an encroachment and revocable permit has been received from North Central Indiana Food Bank for the purpose of allowing the installation of a sign located in right-of-way to be placed in the right-of-way at 702 Chapin St. subject to vacation of right-of-way containing the signage. The encroachment shall remain in the right of way until the time as the Board of Public Works of the City of South Bend shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and same flow of traffic. President Maradik noted the vacation process was a process separate from the encroachment application. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the encroachment and revocable permit was approved.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE 1ST EAST/WEST ALLEY, SOUTH OF PRAIRIE BETWEEN GLEN ST. & NORTH/SOUTH ALLEY

President Maradik indicated that Mr. Robert Gundeck, has submitted a request to vacate the above referenced alley. President Maradik advised the Board is in receipt of favorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does meet the criteria of I.C. 36-7-3-13. Therefore, VP Molnar made a motion recommending approval of the request for vacation. Mr. Miller seconded the motion which carried by roll call. President Maradik made a note for the record that the applicant needs to be aware that depending on the property situation, an approved vacation by Council does not necessarily mean the applicant would receive the whole alley width to extend their backyard, and the applicant may only receive half of it with the neighboring property receiving the other half.

APPROVE/DENY TRAFFIC CONTROL DEVICES

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

NEW INSTALLATION: Handicapped Accessible Parking Space Sign
 LOCATION: 525 ½ Cushing Street
 REMARKS: 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
Five Star Concrete & Construction LLC	Contractor	Released	05/31/2024
Frickson Construction Services	Contractor	Approved	07/01/2024
Frickson Construction Services	Contractor	Released	06/20/2024
GTO Masonry LLC	Contractor	Released	06/25/2024
Knoebel Construction, Inc.	Contractor	Released	06/21/2024
American Environmental Corp.	Excavation	Approved	06/26/2024
Stantec Consulting Services Inc.	Excavation	Approved	06/06/2024
American Environmental Corp.	Occupancy	Approved	06/26/2024
Five Star Concrete & Construction LLC	Occupancy	Released	05/31/2024
Frickson Construction Services	Occupancy	Approved	07/01/2024
Lafayette Parentco LLC	Occupancy	Released	07/09/2024
Stantec Consulting Services Inc.	Occupancy	Approved	06/06/2024

VP 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

VP 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 GLBN-81486, GBLN-81522, GBLN-81753	06/10/2024	\$212,352.14
City of South Bend Claims GLBN-82086	06/18/2024	\$4,446,437.94
City of South Bend Claims GLBN-81754, GBLN-82262, GBLN-82290	06/21/2024	\$757,808.25

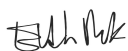
Each claim is fully supported by an invoice; the person receiving the goods or services has approved the claims; and the claims have been filed with the City Fiscal Officer and certified for accuracy. Therefore, upon a motion by VP Molnar, seconded by Mr. Miller, and carried by roll call, the Board ratified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

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:11 a.m.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member



Briana Micou, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: July 23, 2024