

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on February 22, 2024, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar (absent), 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.

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

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

City Attorney Jenna Throw was present to answer questions about item 8. A.:MOU – Teamsters Local Union No. 364.

Mr. Miller asked if this was in the negotiating. City Attorney Throw advised that it was discussed last year during the budget cycle and the Common Council approved some of these increases during the budget meetings. Once we saw what the Council was able to approve, there is one (1) that still needs to be cleaned up with Council that is going through the first reading on Monday and then the rest of the rates reflect the Teamster’s Agreement to what the Council passed in the budget cycle.

Mr. Gilot asked if the Board needs to approve subject to Common Council approval. City Attorney Throw advised that all but one (1) items have already been approved by the Common Council during the budget cycle. We just wanted to clean up the MOU and the Teamsters were also in agreement to establish the new wage table for equipment services going into negotiations this summer. She stated she believed it is Machinist five (5) that still needs to be heard by Council.

Attorney Schmidt advised that the Board can approve it on Tuesday, it just won’t be effective until the Council approves. City Attorney Throw advised that the Board of Public Works is the signatory to the MOU.

City Attorney Throw added that if Jeff Hudak was online he could confirm that these rates were increased to try to make them a little bit more competitive in the private sector.

AWARD BIDS AND APPROVE CONTRACTS

Senior Engineer Zach Hurst was present to advise the Board that item 3. A.: Demolition of 1000 W. Sample St. – Former Fun FX Building will be changed to Reject all Bids and Request to Re-advertise for the receipt of bids. The two (2) lowest bids did not meet the MBE and WBE goals. The third lowest bid does appear to be complete and responsive, however, it is a price differential of \$275,000, so he did not feel that we can move forward at that price.

Mr. Miller asked why Green Demolition did not meet the goals. Senior Engineer Hurst stated that Green Demolition made an error in their bid submission by counting a WBE as an MBE as well. The error was very out of character, they have been good about compliance, but a paperwork error that unfortunately cannot be navigated.

CHANGE ORDERS

Senior Engineer Hurst was present to answer questions regarding item 4. A.:430 Cottage Grove Ave. TIF Project for Miscellaneous Repairs. He explained that the city is partnering with a developer names Jordan Richardson, who runs Property Brothers. He is working to rehab a couple of duplexes here on the Northwest side. The scope of the work is basically reframing the front porch. As soon as they got the porch ripped off, they ran into some rotting wood with some gunshot holes, so just some unforeseen extra removal and replacement. In addition, there are some flat spots along the foundation where the water does not properly grade away, so a little more work is needed than anticipated.

Mr. Miller asked if the repairs were being paid for by the homeowner or the City. Senior Engineer Hurst stated the repairs are covered through a City TIF fund through the Redevelopment Commission. Generally, with these development agreements, the developer must invest around \$850,000 and the city is investing around \$150,000.

REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS

Senior Engineer Hurst was present to answer questions regarding item 6. C.: Drewry's Brewery Cleanup, Phase I – Outbuilding & Demolition Debris. He provided a PowerPoint presentation to show pictures of the work that will be involved in the demolition of the outbuildings. He advised that it will be challenging and dangerous for the laborers and operators to get in there and knock this stuff out. We want to make sure they can get it hauled out properly and make sure they have room to work.

Cynthia Simmons, Director of Diversity/Inclusion, asked if the site has always been asbestos free because one (1) of the public outcries was that they were afraid that asbestos was flying in the air and that they were not properly demolishing the site. Senior Engineer Hurst explained that asbestos has been the big concern there on the site and that is what the Environmental Protection Agency (EPA) came on site to do. They moved all the piles around and they had certified asbestos trained personnel out there, so everything was handled in accordance with state and federal regulations, but that is really why the EPA was out there specifically to clean up all that asbestos that has been intermingled everywhere. They attacked the asbestos in the construction debris piles and went into all the buildings, got into the walls, they took down any piping they could find, so any known environmental issue on this site was remediated by EPA and they just recently sent us a report outlining all the efforts that they had done there.

Mr. Gilot commented that a legacy Studebaker building with environmental issues and hazards for demolition remediation and so on, the bigger demolition contractors have three (3) way clamping buckets and they have those dinosaur looking things that chew the building apart and so it is much more mechanized and less risk to do. Senior Engineer Hurst noted that he is hoping so. It may necessitate somebody with the right equipment because it is a dangerous situation out there.

Paula Sours asked to be included in the notification when the City is ready to begin the advertising process.

RESOLUTIONS

Aaron Knepper was present to answer questions about item 7. A.: Asset disposal for Twenty-two (22) Shotguns and Eleven (11) Handguns.

Mr. Gilot sought clarification by asking if the guns would be put on the street. Aaron Knepper responded that these guns are not going for general sales, they are being traded to Keisler's place. They will be sold only to other police agencies or military agencies. They will not be going to citizens at all and then the SBPD gets a credit through their agency.

CHANGE ORDERS

Mr. Miller asked if the third-party testing was left out of the specifications by the architects for item 4.C: Fire Station No.8 Replacement.

Senior Engineer Hurst noted yes, we have a couple architecture issues on this one and we are keeping track of those as we go along.

INDUSTRIAL WASTEWATER DISCHARGE PERMITS

Mr. Gilot asked about item 11. A.: Messer, LLC and whether hydrogen sulfide should be added to the permit so that it can be monitored. Board Clerk Heffner reached out the Serena Lozano-Shane after the meeting to get a response to Mr. Gilot's question. She responded with:

“To answer [Mr. Gilot's] question, we have the authority to monitor any of our Industrial Users for H₂S levels according to Permit Part IV (A) (2) (o). Specific prohibitions. No permittee shall introduce or cause to be introduced certain pollutants, substances, or wastewater into any public sewers or directly or indirectly into the POTW. Those pollutants, substances or wastewater prohibited by this subsection shall not be processed or stored in such a manner that they could be discharged to the POTW. The following described pollutants are expressly prohibited: Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.”


PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:55 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: March 12, 2024

REGULAR MEETING

FEBRUARY 27, 2024

The Regular Meeting of the Board of Public Works was convened at 9:29 a.m. on Tuesday, February 27, 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. Board Clerk Theresa Heffner 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 Agenda Review Session and Regular Meetings of the Board held on February 8, and February 13, 2024, were approved.

OPENING OF BIDS – WASTEWATER CNG COMPRESSOR UPGRADE – PROJECT NO.

119-109R (PR-00027076)

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:

KOONTZ-WAGNER SERVICES

3801 Voorde Dr., Suite B
South Bend, IN 46628
bscott@kwservices.com

- Bid was signed by Mr. Anthony J. Maloney, III
- 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:

Base Bid Total	\$1,545,000.00
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Alternate #1 Total	\$78,388.84
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Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above bids were referred to Public Works for review and recommendation.

OPENING OF BIDS – WASTEWATER TREATMENT PLANT DEGRIT BUILDING YARD PIPING REPLACEMENT – PROJECT NO. 123-031A (PR-00030459)

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:

HRP CONSTRUCTION, INC.

5777 Cleveland Road
South Bend, IN 46624

jeredb@hrpconstruction.com; cindyv@hrpconstruction.com

Bid was signed by Mr. Matthew D. Cain

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.

BASE BID TOTAL: 479,000.00

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

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – DEMOLITION OF 1000 W. SAMPLE ST. - FORMER FUN FX BUILDING – PROJECT NO. 123-014 (PR-00030442)

In a memorandum to the Board, Mr. Zach Hurst, Engineering, requested permission to reject all bids for the above referenced project due to bidders being non-responsive and requests to re-advertise. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

After the vote, Mr. Gilot asked if all the bidders were non-responsive on the WMBE goals. Dairus Lipsey, Contract Compliance Administrator for the Office of Diversity and Inclusion, noted that the two (2) lowest bids were non-responsive while the other bid exceeded the budget.

President Maradik noted that there was a difference of \$275,000 between the second and third bids.

APPROVE CHANGE ORDER NO. 1 – 430 COTTAGE GROVE AVE. TIF PROJECT - MISC. REPAIRS – PROJECT NO. 123-062G (PO-0027981)

President. Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 1 on behalf of TRCC LLC, indicating the contract amount be increased by \$8,210 for a new contract sum, including this change order, in the amount of \$38,810. 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 – VPA SPLASHPAD RENOVATIONS – PROJECT NO. 123-044 (PO-0026735)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted change order number 1 on behalf of Premium Concrete Services Inc., indicating the contract amount be increased by \$13,459.50 for a new contract sum, including this change order, in the amount of \$482,435. 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 – FIRE STATION NO. 8 REPLACEMENT – PROJECT NO. 122-034 (PO-0026318)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 2 on behalf of R Yoder Construction, indicating the contract amount be increased by \$101,833 for a new contract sum, including this change order, in the amount of \$3,882,440.37. 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 – 2023 TRAFFIC CALMING – PROJECT NO. 122-014C (PO-23430, 23429, 23419, 23411, 23428, 23427)

President Maradik advised that Ms. Charlotte Brach, Engineering, has submitted change order number 2 on behalf of Selge Construction Co., Inc., indicating the contract amount be increased by \$268,013.46 with an additional one hundred eighty-six (186) days for a new contract sum, including this change order, in the amount of \$2,078,240.31 with a new completion date of May 1, 2024. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – CENTURY CENTER SKYWAY RESTROOM UPGRADE – PROJECT NO. 123-042 (PO-0024694)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of Larson-Danielson Construction Co., Inc., for the above referenced project, indicating a final cost of \$171,056. Upon a motion made by VP 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 AND TITLE SHEET – IRELAND ROAD & IRONWOOD DRIVE INTERSECTION IMPROVEMENTS – PROJECT NO. 123-050 (PR-00031353)

In a memorandum to the Board, Mr. Scott Kreeger, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – 2024 COMMUNITY CROSSINGS – PROJECT NO. 124-006 (PR-00031357)

In a memorandum to the Board, Mr. Scott Kreeger, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – DREWRY'S BREWERY CLEANUP, PHASE I - OUTBUILDING & DEMOLITION DEBRIS – PROJECT NO. 119-031C (PR-00030871)

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

ADOPT RESOLUTION NO. 07-2024 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS APPROVING THE TRADE-IN OF CITY-OWNED PROPERTY ON PROPERTY OF SIMILAR NATURE

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. 07-2024
A RESOLUTION OF THE SOUTH BEND BOARD OF PUBLIC WORKS
APPROVING THE TRADE-IN OF CITY-OWNED PROPERTY ON PROPERTY
OF SIMILAR NATURE**

WHEREAS, it has been determined by the Board of Public Works of the City of South Bend that the following described property is unfit for the purpose for which it was intended and should traded-in for property of a similar nature:

TWENTY (20) REMINGTON SHOTGUNS
EIGHT (8) SMITH & WESSON HANDGUNS
THREE (3) SIG SAUER HANDGUNS

WHEREAS, I.C. 36-1-11-9 authorized the Board of Public Works to trade in or exchange City-owned property for partial or full reduction in the purchase price of property of similar nature.

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

1. The following described property shall be traded-in for property of a similar nature and shall be removed from the inventory of the City of South Bend:

Twenty (20) Remington 870 Marine Magnums
Eight (8) Smith & Wesson M&P 2.0s
Three (3) Sig Sauer P229s

ADOPTED this 27 Day of FEBRUARY 2024.

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/ Brena N. Micou

ATTEST:

s/ Theresa Heffner, 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
Memorandum of Understanding	Teamsters Local Union No. 364	Agreement between the City for Increased Wage Rates in the Equipment Services Work Group	N/A	VP Molnar / Mr. Miller
Amendment No. 1 to Owner-Engineer Agreement	DLZ Indiana, LLC	Design Services for Renovations at Byer's Softball Complex Project No. 123-072	\$288,850; New Adjusted Total \$353,850 (PO-0027427)	VP Molnar / Mr. Miller
Professional Services Agreement	Alliance Architects, Inc.	Design Services for Skylight Replacement at Studebaker National Museum Project No. 124-019	NTE \$5,000 (Hourly) (PR-00031337)	VP Molnar / Mr. Miller
Amendment No. 1 to Owner-Engineer Agreement	HWC Engineering, Inc.	Design Services for Traffic Calming and Connectivity to Rum Village at Walker Field Park Project No. 123-058	\$212,500; New Adjusted Total \$304,000 (PO-0026221)	VP Molnar / Mr. Miller
Deed of Dedication	City of South Bend	Plat Correcting the Right-of-Way along Fellows St. and Dean Johnson Blvd.	N/A	VP Molnar / Mr. Miller
Deed of Dedication	City of South Bend	Plat Correcting the Right-of-Way along Calvert St. West of New Energy	N/A	VP Molnar / Mr. Miller
Amendment No. 1 to Owner-Engineer Agreement	Jones Petrie Rafinski Corp.	Additional Engineering Services for Wayfinding Signage Program, Phase III Project No. 123-013	\$3,200; New Adjusted Total \$13,200 (PO-0020823)	VP Molnar / Mr. Miller

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
LAZ Parking Midwest, LLC	Public Parking Facility - Renewal		1228 N. Eddy St.	VP Molnar / Mr. Miller *
Smart Parking Inc.	Public Parking Facility - Renewal		133 N. Main St.	VP Molnar / Mr. Miller *
Memorial Hospital of South Bend/Beacon Health System	Public Parking Facility - Renewal		707 N. Michigan St. (Bartlett), 621 Memorial Dr. (Lafayette), 100 W. Navarre St. (Navarre)	VP Molnar / Mr. Miller *
HGR Group Inc.	Long Term Occupancy Permit - 30 Yard Dumpster Occupying Parking Lane	February 21, 2024 through April 21, 2025	213 W. Washington St.	VP Molnar / Mr. Miller

*Subject to updated signage.

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:

REMOVAL: Handicapped Accessible Parking Space Sign
 LOCATION: 1318 N. Huey St.
 REMARKS: All Criteria Met

DENIED INSTALLATION: Handicapped Accessible Parking Space Sign
 LOCATION: 1116 N. Kaley St.
 REMARKS: All Criteria Met

APPROVE RENEWAL OF INDUSTRIAL WASTEWATER DISCHARGE PERMIT(S)

In a Memorandum to the Board, Ms. Serena Lozano-Shane, Division of Wastewater, submitted the following wastewater discharge permit(s) for renewal and recommended approval:

Messer, LLC, 3809 West Calvert St.

There being no further discussion, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the wastewater discharge permit(s) was approved.

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 GBLN-703058, GBLN-73059, GBLN-73068	02/05/2024	\$4,986,113.05
City of South Bend Claims GBLN-72758	02/06/2024	\$1,628,348.34
City of South Bend Claims GBLN-73142	02/13/2024	\$1,763,389.08

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

Scott Calentine with an office at 3570 Blackthorn Ct., South Bend, IN 46628, spoke to the Board about his concerns with the Fire Station 8 project on Twyckenham Drive. He noted that he works with several contractors in many different trades in the community. Through conversations with the different trades and with people at the Building Department, he believes there have been up to three (3) contractors on the project that are not registered with the City. He

has concerns on how the responsible bidder ordinance is being looked into when the bids are awarded. Recently he saw a change order come through for up to \$100,000 and in the original bid, he believes the contractor left some things out which made him question what the change order was for. Being a public bid, he thinks that the bidder should have to bid everything in the package and not leave things out to add in as a change order later. He questioned to the Board to determine who in the Engineering Department or the Board of Public Works is researching these contractors and the second and third tier subcontractors to ensure they are following the policies that the Common Council and the Mayor put in place.

President Maradik stated that for the responsible bidder ordinance, the MWBE goals are done through Public Works with the Office of Diversity and Inclusion as a part of the review of the bids. The contractors that are onsite are reviewed by Public Works and part of reviewing the bids and working with the contractor on who their subs are. She referred Mr. Calentine to the Engineer that works on the project for any additional follow ups.

Scott Calentine added that his concern is that the contractors are awarded the work through the general contractor and are being vetted through e-verification, certified payroll, apprenticeship programs, and all of the language on the RBO is in place.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 9:49 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: March 12, 2024