

MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY

VALPARAISO, INDIANA

AUGUST 26, 2010

The Board of Public Works & Safety of Valparaiso, Indiana met August 26, 2010, at 10:00 a.m. in City Hall. Present were members Mayor Jon Costas, Bill Oeding, Chuck Williams and Clerk-Treasurer Sharon Swihart. Mayor Costas called the meeting to order and led the Pledge of Allegiance.

Chuck Williams moved that the minutes of the August 12, 2010 meetings be approved as presented, seconded by Mayor Costas and so approved. Bill Oeding moved that the claims be approved for payment subject to appropriation balances, seconded by Mayor Costas and so approved.

BID OPENINGS FOR LAPORTE AVENUE LIGHTING PROJECT

Tim Burkman presented the bids to be opened for the Laporte Avenue Lighting Project. The bids were opened and taken under advisement until the September 9, 2010 meeting. Bidders were Midwestern Electric \$249,258.50, Circle R Electric \$318,693.35, Giesler Electric \$269,320.70, Michiana Contracting \$239,976.80 and TGB Unlimited \$214,334.50. These are all base bid amounts. Bill Oeding moved to accept the bids as submitted, seconded by Mayor Costas and so approved.

EASEMENT ACQUISITION OFFER AND ACCEPTANCE

Tim Burkman requested approval of the easement acquisition offer and acceptance of the easement from Jefferson Investments, LLC at 54 College Avenue for the VU to Downtown Pathway Project. Mayor Costas moved to approve, seconded by Bill Oeding and so approved.

FIREWORKS DISPLAY VHS HOME FOOTBALL GAMES

Permission was requested for fireworks displays to be held at VHS home football games contingent upon all other State and Local requirements being met. This is approved by Chief Nondorf. Game dates are 9/3/10, 9/17/10, 9/24/10 and 10/8/10. Mayor Costas moved to approve, seconded by Bill Oeding and so approved.

HEALTH INSURANCE RENEWAL

Gary Fischer presented the contract for renewal of the health insurance and recommended that the present carrier be retained even with a 6.05% increase. American National Insurance is the excess loss carrier and EBC is the 3rd party insurance. Mayor Costas moved to approve, seconded by Chuck Williams and so approved.

CENTRAL PARK PLAZA AMPHITHEATER COMPLEX BID AWARD

John Seibert requested approval of the contract for the Central Park Plaza Amphitheater. Thirteen contractors submitted bids. The lowest and responsive bidder was Gariup Construction with a bid of \$847,700.00. Mayor Costas moved to approve, seconded by Bill Oeding and so approved.

CITY HALL EXTERIOR BID AWARD

Don McGinley requested approval of the contract for the City Hall Exterior renovations and site improvements. The lowest and responsive bidder was Gariup Construction with a bid of \$219,600.00. The work should be completed by November 15. Mayor Costas moved to approve, seconded by Bill Oeding and so approved.

INDOT CHANGE ORDERS ON VARIOUS PROJECTS

Don McGinley requested approval of change orders with INDOT. The first one is \$910.00 dollar increase for resurfacing .Mayor Costas moved to approve, seconded by Bill Oeding and so approved.

Don McGinley requested approval of five more change orders and also stated we do have additional money in our account. Mayor Costas moved to approve, seconded by Chuck Williams and so approved.

CITIZEN REQUESTS

1. Approval is requested for use of golf carts on the City streets for festival set-up and during the festival Friday and Saturday September 10th and 11th, 2010.
2. Approval is requested for street closure for the Valparaiso Brew Fest from 8 p.m. Friday October 1st through Saturday October 2nd at 7 p.m.
3. Approval is requested for the 2010 Popcorn Panic Race to be held on Saturday September 11, 2010 starting at 7 a.m.

Mayor Costas moved to approve, seconded by Bill Oeding and so approved.

TRANSIT BROCHURE AND POSTERS

Tyler Kent requested approval of the poster for the free rides poster by Miller Light Brewing Company. He also requested approval of the coupon for Dash service for a \$2.50 discount. Mayor Costas moved to approve, seconded by Bill Oeding and so approved.

McDONALD TRANSIT PROTEST

Attorney Hollenbeck explained the process of the protest. McDonald Transit filed a protest and an amended protest with the transportation recommendation committee and staff that recommended Ride Right be granted the new contract for the V-Line. The committee voted to affirm the original selection it had recommended, Ride Right. McDonald Transit then asked for their appeal to be heard in front of the Board of Works.

Attorney Logan representing McDonald Transit presented his protest to the Board. This is governed by federal regulations. Attorney Logan questioned the integrity and ethics of MTM which is the parent company of Ride Right, about not disclosing a settlement between MTM and the state of Missouri. Attorney Logan also questioned the performance of record of Ride Right. Attorney Logan questioned whether or not Ride Right had a fixed route service at present and why a cost analysis was not provided.

McDonald Transit requests the protest be granted and rebid the contract.

Tyler Kent presented the cost savings analysis by changing services. Tyler Kent also discussed issues that had occurred with McDonald Transit such as fuel invoices not being paid on time and accruing late fees, charging fuel for their company car on the City's account, drivers not collecting fares, upkeep of buses not being done in a timely manner and fares not being deposited in the bank in a timely manner per state statute.

Attorney Ethan Lowe presented a summary of events concerning Ride Right. After reviewing the FTA regulations Attorney Lowe could not find anything that would require Ride Right to disclose the settlement between MTM and the state of Missouri. Also after reviewing the federal debarment list, neither MTM nor Ride Right is listed on it. Ride Right is also providing transit service in the states of Florida and Ohio. The evaluation committee and staff reviewed and confirmed all proposals multiple times before making their recommendation. The committee also reviewed the protest and took it into consideration and it did not impact their decision in any way to recommend Ride Right to operate the V-Line. Attorney Lowe also stated that the state of Missouri has signed another contract with MTM to provide services.

Ryan Landers submitted answers to problems that Tyler Kent addressed to the board in writing.

Tyler Kent stated that the members of the recommendation committee were Bill Oeding, Janet Cypra, Tim Brown (Executive Director of the RBA), Stu Summers, Allen Hammond and Angie Hayes (2 members from NIRPC) and himself. There were four proposals total. There were an additional two weeks taken to look at all proposals.

Bill Oeding stated all companies that submitted proposals were interviewed.

Patrick McNiff of Ride Right also gave examples of fixed route service provided by the company and his experience in transportation.

Mayor Costas moved to affirm the recommendation of the committee and the contract with Ride Right, seconded by Bill Oeding and so approved.

There was no further business and the meeting was adjourned.

An Executive Session was held immediately following the meeting pursuant to IC 5-14-1.5-6.1 (b)(1).