

1. Time & Place
2. Pledge of Allegiance
3. Roll Call Members Present
4. Approval of Minutes for June 3, 2020 meeting
5. Register of Claims
6. Aubrey Crist, Attorney for Beasley & Gilkison
7. Salvation Army – Restroom Rehabilitation
8. Open Request for Bids to Purchase (3) 2020 or newer Bio-Diesel 39,000 GVW Chassis
9. Brian Stephens-Hotopp presenting Street Closing Request
10. Ted Baker
11. Audie Barber
12. Adjournment

BOARD OF PUBLIC WORKS AND SAFETY
CITY OF MUNCIE, STATE OF INDIANA
JUNE 10th, 2020 MINUTES

1. Board of Public Works and Safety, City of Muncie, State of Indiana, at 9:00 A.M. President Gregory called the meeting to order.

2. Pledge of Allegiance

3. **Roll Call Members Present:** Linda Gregory, Jerry Wise, Ted Baker

4. **Board of Works Minutes for June 3, 2020:** President Gregory entertained a motion. Ted Baker moved to approve minutes from the June 3rd meeting as printed. Jerry Wise provided the second. Motion passed by voice vote.

5. Register of Claims:

Trent Conway, City Controller commented there is nothing out of the ordinary, except I added an additional claim on page #14 for NAACP Summer Youth Employment Program and Meals. Some large utility bills and one semi-annual debt payment for the street department which is a lease of 5 snow plow trucks purchased in 2015.

Ted Baker noticed that 40% of claims were medical related and 4.5% was for unemployment claims.

Linda Gregory asked about claim on Page #5 General Fund 101-19-79673 Great American Financial Services for \$620.25. Trent explained that the city has financed the postage machine in my office. The controller's office adds postage to envelopes and we then charge each department for reimbursement.

Jerry Wise asked about page #13 for claim Hillcroft Services. Trent explained that the Street Department pays to have the main office areas cleaned each month.

President Gregory asked if there were any other questions or comments. Trent Conway, City Controller presented **Board of Works** Claims payment dated **6.12.20** there are **233 Records** for a **total amount \$238,188.32** President Gregory entertained a motion. Ted Baker moved to approve Board of Works claims as presented. Jerry Wise provided the second. Motion passed by voice vote.

Trent Conway, City Controller presented the **Board of Works EFTS** payment dated **5.31.20** there are **2 Records** for a total amount of **\$177.76** for **Star Financial Bank and First Merchants Trust Co. Inc.** No comments or questions for Trent Conway. President Gregory entertained a motion. Ted Baker moved to approve EFT claims as presented. Jerry Wise provided the second. Motion passed by voice vote.

Trent Conway, City Controller presented the **Board of Works EFT** payment dated **6.2.20** there is **1 Record** for a total amount of **\$2,769.60** for **Alternative Service Concepts.** No comments or questions for Trent Conway. President Gregory entertained a motion. Ted Baker moved to approve EFT claim as presented. Jerry Wise provided the second. Motion passed by voice vote.

Trent Conway, City Controller presented the **Board of Works EFT** payment dated **6.3.20** there are **2 Records** for a total amount of **\$100,305.42** for **IU Health Plans, and IU Health Workplace Services**. No comments or questions for Trent Conway. President Gregory entertained a motion. Ted Baker moved to approve EFT claims as presented. Jerry Wise provided the second. Motion passed by voice vote.

Trent Conway, City Controller resented the **Board of Works EFT** payment dated **5.26.20** there is **1 Record** for a total amount of **\$2,938.80** for **Muncie Meds/Canarx Serv Inc**. No comments or questions for Trent Conway. President Gregory entertained a motion. Ted Baker moved to approve EFT claim as presented. Jerry Wise provided the second. Motion passed by voice vote.

Trent Conway, City Controller presented the **Board of Works EFT** payment dated **5.26.20** there is **1 Record** for a total amount of **\$20.85** for **Indiana Department of Revenue**. No comments or questions for Trent Conway. President Gregory entertained a motion. Ted Baker moved to approve EFT claim as presented. Jerry Wise provided the second. Motion passed by voice vote.

- 6. Aubrey Crist, Attorney for Beasley & Gilkison:** Aubrey came forward to explain from her understanding there was some confusion of how the whole purchasing process works, so I want go over a few things with you today. The Board of Works covers public purchasing and public works projects different areas of the Indiana Code and our City Ordinances covers different types of projects. So in order to know which area is a lot to look at, you first have to figure out what kind of project it is. If it is a public work it deals with construction, reconstruction, renovations or any alterations that deals with public buildings or any other structure that is paid for out the public funds. When it comes to public purchase that covers the acquisitions for use by municipality of any property which includes equipment, goods, materials and services. Title 36 of the municipal code covers several different areas, for example it covers qualifications of bidders for construction contracts, it covers utility relocations or any kind of federal bond exchange programs and things like that. When it comes to Title 5 it covers public works, public purchases.

One of other issues that I saw in the last week's meeting there was some confusion on terminology, it is important to use the right words when your dealing with all this because each word means something different I know they sound kind of similar. So the purchasing agency according to our public ordinances is the Board of Public Works the Purchase Director to our local ordinances is an appointed individual who acts as the purchasing agent for any office, branch, council and department for the City. Now when we get to quotes verses bids and what that is. Board overview of what a quote is it provides fixed price for the project such as a specific time frame if that quote is excepted the vendor is required to complete the work as detailed. A bid is much more detailed it is often time used a political subdivision is looking for vendors to complete a specific project or fulfill a purchase of before.

According to our ordinances and also under Title 5 of the Indiana Code it lays out what types of method we are supposed to use depending upon the amount of the purchase. If the purchase is under **\$5,000** the purchase method is just whatever policy is in place for that department. For goods and supplies between **\$5,000** to **\$20,000** it is purchased by the department head pursuant to municipal ordinance. Between **\$20,000** and **\$150,000** we use the invitation to quote method and anything over **\$150,000** we use the competitive bid method.

Example: The purchasing agent may purchase supplies by inviting quotes from at least three persons known to deal in aligns or classes of supplies or goods that is going to be purchased. That individual must mail an invitation to quote at least seven days before the time fixed for receiving those quotes. If the purchasing agent reviews this as satisfactory quote the purchasing agent shall award a contract to the lowest and responsible and most responsive offer per each line or class as required.

When it comes to competitive bidding usually these are in a sealed envelope that way it prevents the contents from being revealed just to enhance any fair competitions. When it comes to the notice provisions you will look at Title V and there are two specific statutes that you will look at for that one is Indiana Code 5-3-1-2 and the other one is 5-3-1-4 both of those cover the all the notice requirements when it comes to bidding. When it comes to the bids they must be unconditionally accepted without any alterations or corrections as provided in sections 11 through 13 of Indiana Code 5-22-7 obviously if things come up later after being accepted we do a change order, so this covers all the competitive bidding process works.

President Gregory not taking any comments at this time we will proceed with unfinished business.

7. Salvation Army - Restroom Rehabilitation: Brian Stephens-Hotopp, City Engineer reported that this goes back to the February 26th meeting where we received pricing for the salvation army project. At that time the only vendor was Pridemark Construction. So an additional effort was made to make sure that the pricing was within line on the market and on the document provided is an estimate by Homes by Karen who is another vendor. Pridemark Construction submitted a quote in the amount of \$14,200.00 for structural repairs and restoration of repair of the men's restroom at Salvation Army. Brian recommended the board to accept quote from Pridemark Construction and enter into agreement. President Gregory entertained a motion. Ted Baker moved to accept quote from Pridemark Construction as recommended by the City Engineer. Jerry Wise provided the second. Motion passed by voice vote.

8. Acceptance of Bid to Purchase (3) 2020 or newer Bio-Diesel 39,000 GVW Chassis: Brian Stephens-Hotopp, City Engineer submitted letter dated June 10, 2020 to Board of Public Works board members. "Please use this letter as my review and recommendation for the award of the bidding for three (3) new snow plows to the City's Street Department fleet. This purchase was publicly bid in accordance with all state purchasing guidelines. There were four companies that submitted a bid, summarized as follows:

*All prices are adjusted to include the required plow and bid installation that is required for each new chassis.

- 1) Stoops Freightliner - \$339,747
- 2) Selling International - \$380,022
- 3) General Truck Sales - \$392,691.21
- 4) McMahon Truck Center (three different chassis options were provided) - \$407,778; \$412,530; \$420,006

It is my recommendation that the City proceed with the purchase of the three trucks by awarding the purchase to **Stoops Freightliner** as the manufacturer.

Best Regards, Brian Stephens-Hotopp

President Gregory asked the City Engineer if the bid specifications specify Freightliner as the brand name. Brian explained that there were some components that were specified and during the question & answer process with the vendors there was several or equal allowed. We wanted to make sure we not limiting just a Cummins engine or something like that so we tried to make sure we not brand specific. There were some things that may have fallen more in line with a specific vendor but through the question and answer process we tried to make sure that everyone was aware of things that we were ok with and as equal on with things we were not. For example, tire size we wanted to make sure we had the right tire diameter and some the vendors suggesting a different tire diameter and that was not something were not wanting to accept.

President Gregory made a recommendation in the future that our request for quotes in our bid process not be as specific to a brand name, if we could make the specifications more generic and think it would allow us to be more transparent and perhaps encourage more bidding. I know that I talked to one vendor prior to the bid submission and he was not eager to participate because of the that brand specific bid designation. I want make it a fair process particularly for local vendors as opposed to those that are few miles away.

President Gregory entertained a motion. Ted Baker moved to accept bid from Stoops Freightliner as recommended. Jerry Wise provided the second. Motion passed by voice vote.

9. Brian Stephens-Hotopp presenting Street Closing Request: Brian reported that Ball State University is doing some demolition work as part of that process there is a desire to close part of McKinley Avenue south of Bethel Avenue at the round-a-about south to Petty/Neely intersection beginning June 17, 2020 thru June 24, 2020. President Gregory entertained a motion. Ted Baker moved to approve closing McKinley Avenue as presented. Jerry Wise provided the second. Motion passed by voice vote.

10. Ted Baker – commented that he appreciated the openness with the bidding process and quoting process that the Attorney did for us today. There is not a one of us up here that doesn't want to make sure we do this right and be transparent. I speaking for myself as a member of the Board of Works but not necessarily for the Board of Works. For my perspective the three members of the board of works take this responsibility seriously and we were appointed by the Mayor and we serve at the pleasure of the Mayor and the citizens of Muncie and we care about the business of the City and we want to make sure it done legal and ethical for the good of Muncie. It is our desire to welcome public input and challenge us, it is all part of the process to make our City better. For those who attend our meeting every week I just want to say thank you for caring. Caring enough about our community, caring enough about the process. We want to make sure all comments are made is done in a constructive and respectful manner, because we welcome what you have to say it is not a combative type of thing and I think that is important for us to know and to hear. Because I really believe in the process of hearing what people have to say, I think it is neat that we are all wanting a better Muncie and I don't think there is a person in this room that doesn't want that. I am very proud of what is happening in our community and the direction the city is headed but there would not be one of us in this room that there is a lot of work that still needs to be done. We really welcome input.

11. Audie Barber came to the podium with a couple of questions one is when the bids go out and one comes in at Ninety-Eight Thousand dollars and next closest bid comes in a One Hundred Sixty-Three Thousand dollars would that be considered a bid or a quote. Three weeks ago the quotes were rejected knowing that some of them was under \$100,000 and some were above \$150,000 does the bid process start completely over or do you just go out and get quotes like you did and would that be legal since you guys brought an attorney in. I direct this to you guys but I would like to get a response from her.

President Gregory explained why the four quotes were rejected if you recall is that two quotes were incomplete but it was the agency requiring that set of quotes deemed that the collection of quotes were not complete. So all four quotes were rejected and Gretchen asked for the four companies that submitted first set of quotes to resubmit quotes for asbestos removal for Red Carpet Inn.

Change orders will come back to the Board of Works and we will be answering those questions. The anticipation of a change order would be that asbestos found and was not originally identified as part of bid process thus requiring a change order because there was more to be dealt with and that would have happened regardless.

President Gregory reported we will deal with change order when and if they occur.

12. Adjournment: There being no further business President Gregory adjourned meeting at 9:36 a.m.

We will meet next Wednesday, June 17, 2020.

Board of Public Works and Safety

Linda Gregory, President

Jerry Wise, Vice-President

Ted Baker, Secretary

Linda Hayes, Recording Secretary