

Minutes
Board Meeting of October 6, 2009

THE BOARD OF SANITARY COMMISSIONERS met in the auditorium, first floor of City Hall in Muncie, Indiana.

Board members present were: Tom Bennington, Steven D. Murphy, and Teresa L. Ford.

Department managers and staff present were: Peter Drumm, Legal Counsel; Barbara Smith, District Administrator; Steve Ballman, Sewer Maintenance; John Anderson, Engineering; Tammy Branson, Sanitation.

Also present were: Tommy Loser, Indiana Films; Harold Dungan, HNTB Corporation; Jeff Brooks, Best Equipment; Terry Frost, Northern Equipment Company, New Castle, IN; Michael Denton, MSD Inspector for 18th & Macedonia Street Project.

Citizens present: Marla Whitaker, 405 North Pershing Dr, Muncie, IN 47305; Carolyn Evans, 821 South Beacon Street, Muncie, IN 47302.

Mr. Bennington called the meeting to order. Mr. Bennington noted for the record, the attendance of Sanitary Board members, Vice-President Steven Murphy, Secretary Teresa Ford, himself, Attorney Peter Drumm, and District Administrator Barbara Smith.

Mr. Bennington announced the first item of business as consideration of the minutes from the September 22nd Board meeting. Ms. Ford moved to approve the minutes as submitted for September 22, 2009. Mr. Murphy seconded. Mr. Bennington asked if there was any discussion. Mr. Bennington asked if there was any discussion from the public. There was none. The motion was approved (3-0).

Mr. Bennington announced consideration of the Register of Claims. Mr. Murphy moved to approve the Register of Claims in the amount of \$445,079.64, the SRF Claims in the amount of \$81,661.00, and the Stormwater Bond Claims in the amount of \$31,839.50. Ms. Ford seconded. Mr. Bennington asked if there was any discussion from the Board or the public. There was none. The motion was approved (3-0).

Under new business, Mr. Bennington said the award would be announced for the bid for Street Sweepers. Mr. Bennington said anyone who wished to speak should come forth to the podium and speak into the microphone, so their name and address could be recorded along with their comments. Steve Ballman, Superintendent, Sewer Maintenance department said two sets of bids were received. Mr. Ballman said after reviewing the bids, it was determined that the bid from Northern Equipment was non-responsive. Mr. Ballman said a questionnaire that was sent out with the specifications was not returned with the answers from Northern Equipment. Mr. Murphy asked who the other bidder

was. Mr. Ballman said the other bidder was Best Equipment. Mr. Ballman said Northern Equipment printed off their own set of specs and when comparing those specs to the specifications that were sent out and advertised, some discrepancies were found which were not explained by Northern Equipment. Mr. Ballman said one of the discrepancies was concerning the specifications of the hopper as well as the specifications on an engine along with discrepancies in the bid paperwork submitted by Northern Equipment. Mr. Murphy asked what the two bids were and what Mr. Ballman's recommendation was: Mr. Ballman said Northern Equipment bid \$188,758.00 and Best Equipment bid \$188,875.00 and Mr. Ballman's recommendation was for Best Equipment to be awarded the bid. Ms. Ford asked what the other bid was: Mr. Ballman said Northern Equipment bid \$148,500.00 for a non-stainless steel unit and was considered a non-responsive bid while Best Equipment bid \$209,275.00 for a new unit. Mr. Murphy asked Mr. Ballman if his recommendation was to take the bid of \$188,875.00 from Best Equipment because it matched the specifications. Mr. Ballman said the bid from Best Equipment was totally responsive and matched the District's specifications.

Ms. Ford asked if Mr. Drumm reviewed the bids. Mr. Drumm said he reviewed the bids. Mr. Drumm said he noticed that Northern Equipment's bid did not respond to the District's bid request at all and instead gave an explanation of their equipment based on what they wanted the District to know about their equipment rather than what the District wanted to know. Mr. Murphy said there was some question whether or not Northern Equipment's bid was for a fully stainless steel hopper which is what was specified with the bid and which Best Equipment indicated they would provide. Mr. Murphy said with respect to the engine, Northern Equipment did not match the specifications in regard to the rpm's. Mr. Murphy recommended the Board accept Mr. Ballman's recommendation and accept the bid for Best Equipment in the amount of \$188,875.00 for the Street Sweeper. Ms. Ford seconded. Mr. Bennington asked if there was any other discussion and if anyone from the public desired discussion. Terry Frost, Northern Equipment, said he wanted to say 'thank you' for the opportunity to be part of this process, Mr. Frost thanked Steve Ballman and Nancy Williams from Sewer Maintenance for being very accommodating to Northern Equipment Company. Mr. Frost said when Northern Equipment found out about the bid their company was very excited. Mr. Frost said Northern Equipment made a conscious effort to take big concessions on all three parts in order to get a price on a machine that would function and do the job, be built as close as possible to specifications, and save the City some money. Mr. Frost said this was the first and last time that he himself did not put together the bid packet. Mr. Frost asked if there were any questions that he could answer. Mr. Murphy said the Board appreciated the fact that Northern Equipment bid and hopes that Northern Equipment would bid again in the future. Mr. Murphy said it would help if the bid Northern Equipment submits matches the District's form, making it easier to compare. Mr. Murphy said the District appreciated the bid from Northern Equipment Company and would take their bids into consideration in the future. Mr. Bennington thanked Mr. Frost for his comments. Mr.

Bennington asked for a vote of the Board members in favor of awarding the bid to Best Equipment in the amount of \$188,875.00. The motion was approved (3-0).

Mr. Bennington announced the next item of business, to award the bid of Project 5-2009 SA, for 20th and Grant Street. John Anderson, Engineering Director, recommended the Board award the contract for Project 5-2009 SA, 20th and Grant Street to Rhino Trucking & Excavating, Incorporated in the amount of \$76,774.00. Mr. Anderson said this was the low responsive bid. Mr. Anderson said the Engineering Department worked with Rhino Trucking & Excavating on a lot of smaller projects and had been very pleased with them. Mr. Anderson said Mr. Drumm asked for Rhino's bid packet and everything looked in order. Mr. Murphy asked how many bids were received for the Project. Mr. Anderson said 11 or 12 bids were received. Mr. Murphy moved to award the bid for Project 5-2009 SA to Rhino Trucking & Excavating, Incorporated. Ms. Ford seconded. Mr. Bennington asked if there was any discussion. Mr. Bennington asked if there was any discussion from the public. There was none. The motion was approved (3-0).

Mr. Bennington announced consideration of Change Order Number 1 for the 18th and Macedonia Street Project. Mr. Anderson said the intersection of 18th and Macedonia at the property of the Village Pantry needed some repairs made to their drive after some relocation work, which resulted in some of their asphalt being ripped out. Michael Denton, 2404 West Barcelona Drive, Muncie, IN, project representative for the District on this Project, said the decision was made that there would have been a conflict with the installation of 54" pipe and AT & T relocated the ductwork further to the south so that the pipe could be installed correctly. Mr. Denton said this resulted in a monetary change in the amount of \$3,530.00. Mr. Murphy moved to approve Change Order Number 1 for the 18th and Macedonia Street Project. Ms. Ford seconded. Mr. Bennington asked if there was any discussion. Mr. Bennington asked if there was any discussion from the public. There was none. The motion was approved (3-0).

Mr. Bennington announced consideration of the Declaration of an Emergency for portions of Madison Street. Mr. Anderson said Sewer Maintenance had recently done some cleaning and televising of the combination sewer lines that run down the middle of the street. Mr. Anderson said there was some damage to the pipes and in the interest of public safety, he was asking for this portion of Madison Street to be declared an emergency – from Gilbert south to Kirby. Mr. Anderson said there was also a portion from 24th to 25th Street that also needs repairs from a previous televising. Mr. Bennington asked if this was a detriment to public safety. Mr. Anderson said in his opinion it was. Ms. Ford asked if Mr. Anderson had an estimate of the cost of the repairs. Mr. Anderson said the cost was still being determined. Mr. Murphy asked Mr. Anderson if he had a couple of entities in mind for this project. Mr. Anderson said he would typically utilize the standard contractors that the District works with for small jobs. Mr. Murphy asked Mr. Anderson to name those contractors. Mr. Anderson named the following: J. W. Construction, Schneider General Contractor, Rhino Trucking &

Excavating, J. G. Case Construction, Tom Bailey's Excavating, York Construction & Excavating, Culy Construction & Excavating, Yarberry Land Services, Barber Contracting, Harvey Construction Company, Carver Construction, D & L Excavating, Gary Davis Excavating, 3-D Company, Inc., and RCM Excavating. Mr. Murphy asked Mr. Anderson if all of those companies would be invited to submit a bid. Mr. Anderson said that was correct. Mr. Murphy moved to declare an emergency for portions of Madison Street as indicated. Ms. Ford seconded. Mr. Bennington asked if there was any discussion. Mr. Bennington asked if there was any discussion from the public. There was none. The motion was approved (3-0).

Mr. Bennington asked if there was anyone from the public who would like to address the Board. There were no comments.

Mr. Bennington adjourned the meeting at 5:53 pm. Mr. Bennington announced the next Board meeting as October 20, 2009 at 5:30 pm.

Respectfully Submitted,

Dana Young, Utility Billing

Approved by the Board of Sanitary Commissioners
Muncie Sanitary District

Tom Bennington, President

Steven D. Murphy, Vice President

Teresa L. Ford, Secretary