



## MINUTES OF EXECUTIVE SESSION

October 12, 2018

An Executive Session was held by the Board on October 12, 2018 at the NICTD offices at 33 East Highway 12, Chesterton, Indiana. The following Board members were present:

Michael Repay  
Mark Catanzarite  
Mark Yagelski

Kevin Kelly  
Andrew Kostielney  
David Pranckus

Connie Gramarossa  
Jim Biggs

Pursuant to the Notice of the Executive Session as posted and disclosed pursuant to Indiana law, the Board discussed the following:

1. Initiation of litigation, pending litigation, and litigation that has been threatened specifically in writing pursuant to I.C. § 5-14-1.5-6.1(b)(2)(B); and
2. The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties pursuant to I.C. § 5-14-1.5-6.1(b)(2)(D)

The governing body by approving these minutes certifies that no subject matter was discussed in the Executive Session other than the subject matter contained in the public notice and referred to above.

These Minutes dated the 30th day of November, 2018.

Respectfully submitted,

  
\_\_\_\_\_  
Mark Yagelski, Secretary

APPROVED:

  
\_\_\_\_\_  
Michael Repay, Chairman



**NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT  
BOARD MEETING**

**October 12, 2018**

**Northern Indiana Commuter Transportation District**

**33 East U.S. Highway 12**

**Chesterton, IN 46304-3514**

**Public Session – 10:30 a.m. (CST)**

**BOARD MEMBERS PRESENT:**

Michael Repay  
Mark Catanzarite  
Mark Yagelski

Kevin Kelly  
Andrew Kostielney  
David Prancus

Connie Gramarossa  
Jim Biggs

**OTHERS PRESENT:**

Pascal Luciano-STV Inc  
Brian Jones-INDOT  
Kristen Pixley-BLN  
Connor Nolan-HWL/NICTD

Gary Fisk-DLZ  
Ethan Price-DLZ  
Mark Fuhrman-HDR

**STAFF PRESENT:**

Michael Noland  
Chuck Lukmann, Esq.  
Anthony Siegmund  
Kelly Wenger

Christine Dearing  
Bill O'Dea  
Chris Beck  
Nathan Schmidt

Michael Rowe  
Justice Anderson  
Nicole Barker

## **CALL TO ORDER**

Michael Repay called the meeting to order.

## **PUBLIC COMMENT**

None.

## **PROCUREMENT RECOMMENDATIONS (Purchasing Packet Attached)**

Tony Siegmund, NICTD's Purchasing Manager, presented three bid recommendations to the board. The purchasing items are included in the Recommendations that follow. The Board's vote was requested at the end of each Recommendation.

Chuck Lukmann, NICTD Counsel, introduced Resolution 18-07 authorizing the procurement of Project Administration and Real Estate Services for the West Lake and Double Track Rail Projects and Phase II-Program Management for the West Lake Project (collectively known as the "Rail Projects"). This resolution includes approval of all three procurement recommendations presented at this meeting.

The first item was a bid for Project Administration Services for West Lake and Double Track. The Staff is requesting that the Board grant the President the authority to issue contracts with HDR, Lakeshore Engineering, and Gannett Fleming for Project Administration Services at his discretion, subject to RDA and IFA approval, and when appropriate based on the progress of these projects. These contracts will be utilized when assistance is needed from their skill set and performed on a task order basis over the six-year execution of these projects.

Upon a motion by Mark Yagelski, seconded by Connie Gramarossa, the board unanimously approved the procurement recommendation for Project Administration Services for West Lake and Double Track.

The second item was a bid for Real Estate Services. The Staff is requesting that the Board grant the President the authority issue contracts, subject to RDA and IFA approval, for a not to exceed amount of Eight Million, Six Hundred Eighty Three Thousand, Six Hundred Fifty Nine Dollars and 00/100 (\$8,683,65900) for West Lake Real Estate Services and Seven Million, Six Hundred Sixty Six Thousand, Nine Hundred Twenty Eight Dollars and 00/100 (\$7,666,92800) for Double Track Real Estate Services when appropriate based on the progress of these projects. Upon a motion by Jim Mr. Biggs, seconded by Mark Catanzarite, discussion ensued.

Mr. Kelly questioned NICTD's original estimate. Mr. Noland noted the original estimate of approximately thirteen million (\$13,000,000), the negotiation involved, and the outcome as presented.

Motion passed unanimously.

The third item was a bid for Phase II - Program Management for West Lake. The Staff is requesting that the Board grant the President the authority to issue a contract, subject to RDA and IFA approval, for a not to exceed amount of Eleven Million, Three Hundred Sixty Two Thousand, Two Hundred Fifty Three Dollars and 00/100 (\$11,362,253.00) for Phase II -

Program Management for West Lake at his discretion. Upon a motion by Mr. Catanzarite, seconded by Andrew Kostielney, the board unanimously approved the procurement recommendation for a pantograph rebuild.

Upon a motion by Mr. Catanzarite, seconded by Mr. Kostielney, the board unanimously approved Resolution 18-07.

#### **GOVERNANCE RATIFICATION**

Mr. Lukmann introduced Resolution 18-08 ratifying the Governance Agreement related to the construction, financing, maintenance, operation, and development of certain rail projects. Upon a motion by Mr. Biggs, seconded by Mr. Kelly, the board unanimously approved Resolution 18-07.

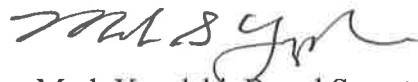
#### **OTHER BUSINESS**

None.

#### **ADJOURNMENT**

The next meeting is scheduled for November 30, 2018. Mr. Kostielney made a motion to adjourn. The motion was seconded by Mr. Biggs. The motion passed unanimously.

Respectfully submitted,



Mark Yagelski, Board Secretary

## PROCUREMENT RECOMMENDATIONS

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### **Proposals:**

- **Project Administration Services**
- **Real Estate Services**
- **Phase II – Program Management**

**RECOMMENDATION  
ADMINISTRATION**

**Project Administration Services for West Lake and Double Track  
October 12, 2018**

**A. SCOPE**

The District is looking to engage consultants to assist NICTD in project oversight for both the West Lake and Double Track projects. These positions include deputy project managers, lead civil engineer, systems lead engineer, quality assurance manager, risk manager and safety specialist. The consulting positions will be an extension of District staff and are a requirement for the Management Capacity and Capability (MCC) review scheduled by the FTA in the fourth quarter of 2018. The District has previously advertised for direct hire for all of these positions with no viable candidates submitting interest.

**B. ADMINISTRATIVE REVIEW**

**1. Legal Notifications**

The request for Project Administration Services was advertised throughout the region and nationally. The legal advertisements were placed in the following publications:

News Dispatch - Michigan City, Indiana  
The Times - Hammond, Indiana  
Chesterton Tribune - Chesterton, Indiana  
Gary Crusader - Gary, Indiana  
South Bend Tribune - South Bend, Indiana  
NICTD Plan Room

**2. Proposal Review**

A total of twenty-five (25) packets were requested for Project Administration Services. The request resulted in the receipt of three (3) proposals.

The proposals were evaluated for responsiveness to determine if they could be accepted for further review.

It was determined that the firms submitted all of the necessary forms and met the requirements and were approved by the appropriate NICTD Staff. All forms have been correctly submitted and were found to be within the guidelines set forth by the Federal Transit Administration (FTA).

### C. STAFF REVIEW

#### Team Evaluation Review:

The team was composed of six (6) NICTD staff and numerous staff and consultants from the RDA and IFA. The proposals were evaluated on the following criteria:

- Project Understanding/Approach
- Experience and References
- Qualifications of Personnel
- Similar project experience and efficiencies
- Pricing Structure

The evaluators concluded that all of the proposals had strengths in the listed criteria and conducted interviews with all of the firms. The strongest candidates were identified through the execution of the interviews and below is a summary of the results.

Position	Person	Firm	Total Contract	West Lake Contract	Double Track Contract
Deputy PM West Lake	Mike Rowe	NICTD			
	George Krupa	Lakeshore	\$369,956	\$369,956	
Deputy PM Double Track	Pascal Luciano	Lakeshore/STV	\$2,064,465		\$2,064,465
Lead Civil Engineer	Mike Shostak	HDR	\$1,585,453	\$665,890	\$919,563
Systems Lead Engineer	Percy Buxhoeveden	Gannett Fleming	\$1,077,788	\$797,563	\$280,225
Quality Assurance	Carlithe Layosa	HDR/SQN	\$1,088,568	\$652,860	\$435,240
Risk Manager	Mark Watson	HDR	\$1,148,087	\$688,852	\$459,235
System Safety Specialists	Alex Cachecho	HDR/K&J	\$711,500	\$426,900	\$284,600
		<b>Totals</b>	<b>\$8,045,348</b>	<b>\$3,602,021</b>	<b>\$4,443,327</b>

### D. RECOMMENDATION

The Staff recommends that HDR, Lakeshore Engineering and Gannett Fleming be awarded the Project Administration Services contracts as described in the table above as negotiated by the District and its financial partners. These contracts will be utilized when assistance is needed from their skill set and performed on a task order basis over the 6-year execution of these projects.

The Staff is requesting that the Board grant the President the authority to issue contracts with the firms as described in the table above for Project Administration Services at his discretion, subject to RDA and IFA approval, and when appropriate based the progress of these projects.

**RECOMMENDATION  
ADMINISTRATION  
Real Estate Services for West Lake and Double Track  
October 12, 2018**

**A. SCOPE**

The District is looking to engage a consultant with relevant experience to provide Real Estate Services in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 as amended (Uniform Act or URA) and other Federal, State and Local laws. These Real Estate Services include title, appraisal, review appraisal, survey, relocation, property management and demolition services. The concept is to have one firm handling all real estate services to provide a shovel ready parcel prior to construction for both the West Lake and Double Track projects.

**B. ADMINISTRATIVE REVIEW**

**1. Legal Notifications**

The request for Real Estate Services was advertised throughout the region and nationally. The legal advertisements were placed in the following publications:

News Dispatch - Michigan City, Indiana  
The Times - Hammond, Indiana  
Chesterton Tribune - Chesterton, Indiana  
Gary Crusader- Gary, Indiana  
South Bend Tribune - South Bend, Indiana  
NICTD Plan Room

**2. Proposal Review**

A total of seventeen (17) packets were requested for Real Estate Services prior to the proposal opening. The request resulted in the receipt of one (1) proposal from Beam Longest Neff (BLN).

The District contacted some of the firms to identify why they did not propose. It was identified that the firms qualified to work on projects of this magnitude are a relatively small number. Several of the firms qualified to do this type of project have already aligned their firm with a Design Build team for the West Lake project and do not want to conflict their firm out on this future project.

It was determined that BLN submitted all the necessary forms and was approved by the appropriate NICTD Staff. All forms have been correctly submitted and were found to be within the guidelines set forth by the Federal Transit Administration (FTA).



## C. STAFF REVIEW

### Team Evaluation Review:

The team was composed of six (6) NICTD staff and numerous staff and consultants from the RDA and IFA. The proposals were evaluated on the following criteria:

- Project Understanding/Approach
- Experience and References
- Qualifications of Personnel
- Similar project experience and efficiencies
- Pricing Structure

The evaluators concluded that BLN had all the strengths in the listed criteria and conducted an interview and several negotiation meetings to further define the scope and timeline of these projects. The District staff and its partners have a great deal of confidence that BLN has included all the key elements to complete the Real Estate acquisition process within the current schedules of both projects. The strongest candidates were identified through the execution of the interviews and below is a summary of the results.

## D. RECOMMENDATION

The Staff recommends that Beam Longest Neff be awarded the contract for Real Estate Services for the West Lake and Double Track Projects per the agreed amount pricing schedule negotiated by the District.

The Staff is requesting that the Board grant the President the authority issue contracts, subject to RDA and IFA approval, for a not to exceed amount of Eight Million, Six Hundred Eighty Three Thousand, Six Hundred Fifty Nine Dollars and 00/100 (\$8,683,659<sup>00</sup>) for West Lake Real Estate Services and Seven Million, Six Hundred Sixty Six Thousand, Nine Hundred Twenty Eight Dollars and 00/100 (\$7,666,928<sup>00</sup>) for Double Track Real Estate Services when appropriate base on the progress of these projects.

**RECOMMENDATION  
ADMINISTRATION  
Phase II - Program Management for West Lake  
October 12, 2018**

The District received board approval for West Lake - Phase I Final Environmental Impact Statement (FEIS) for AECOM for \$20,000,000 on September 23, 2016. This procurement also included a negotiated Phase II part of this work as a potential contract if West Lake continued to progress in the New Starts Grant process. West Lake has reached the levels of approval that require the District to approve the next step of oversight which includes a Program Manager.

The Program Manager will be required to assist in the Design-Build procurement, design oversight, railroad coordination, utility coordination and public involvement. All of these key elements, a detailed scope of services and man hours have been negotiated and confirmed as part of this Phase II – Program Management contract.

**RECOMMENDATION**

The Staff recommends that HDR be awarded Phase II – Program Management for West Lake. This professional service contract will be performed on a task order basis and services used as the project progresses. The Project Manager for West Lake will direct and authorize the execution of this work.

The Staff is requesting that the Board grant the President the authority issue a contract, subject to RDA and IFA approval, for a not to exceed amount of Eleven Million, Three Hundred Sixty Two Thousand, Two Hundred Fifty Three Dollars and 00/100 (\$11,362,253<sup>00</sup>) for Phase II – Program Management for West Lake at his discretion.

**HDR Engineering Summary Page**

	Hours	Raw Labor	Overhead	Profit	Directs	Subconsultant	Total
<b>1.0 Program Management</b>	21,262	\$ 2,115,204.91	\$ 3,158,170.15	\$ 527,337.51	\$ 211,999.98	\$ 1,699,370.55	\$ 7,712,083.09
1.1 Program Planning	13,582	\$ 1,585,355.70	\$ 2,367,062.89	\$ 395,241.86	\$ 211,999.98	\$ -	\$ 4,559,660.43
1.2 System-Wide Project Controls	1,000	\$ 43,980.00	\$ 65,665.66	\$ 10,964.57	\$ -	\$ 1,699,370.55	\$ 1,819,980.77
1.3 QA/QC	272	\$ 21,798.08	\$ 32,546.28	\$ 5,434.44	\$ -	\$ -	\$ 59,778.79
1.4 FTA Coordination	5,736	\$ 402,584.81	\$ 601,091.33	\$ 100,367.61	\$ -	\$ -	\$ 1,104,043.75
1.5 Risk Management	672	\$ 61,486.32	\$ 91,803.99	\$ 15,329.03	\$ -	\$ -	\$ 168,619.35
<b>2.0 Utility Coordination</b>	1,011	\$ 86,285.57	\$ 128,831.26	\$ 21,511.68	\$ 873.20	\$ -	\$ 237,501.71
<b>3.0 Railroad Coordination</b>	503	\$ 40,645.43	\$ 60,686.88	\$ 10,133.23	\$ 436.60	\$ -	\$ 111,902.14
<b>4.0 Public Engagement</b>	516	\$ 24,293.46	\$ 36,272.08	\$ 6,056.55	\$ 436.60	\$ -	\$ 67,058.69
<b>5.0 DB Procurement</b>	4,437	\$ 409,282.06	\$ 611,090.86	\$ 102,037.29	\$ 15,766.40	\$ -	\$ 1,138,176.61
5.1 Long lead items	250	\$ 23,985.50	\$ 35,812.27	\$ 5,979.78	\$ -	\$ -	\$ 65,777.55
5.2 Design Build	3,687	\$ 343,069.06	\$ 512,229.55	\$ 85,529.86	\$ 15,766.40	\$ -	\$ 956,594.87
5.3 Additional Procurement Support	500	\$ 42,227.50	\$ 63,049.04	\$ 10,527.65	\$ -	\$ -	\$ 115,804.19
<b>6.0 Design Oversight</b>	8,603	\$ 656,339.41	\$ 979,967.25	\$ 163,630.67	\$ 17,893.20	\$ 277,700.00	\$ 2,095,530.52
6.1 Design Management	384	\$ 36,713.04	\$ 54,815.51	\$ 9,152.85	\$ -	\$ -	\$ 100,681.40
6.2 Technical Oversight	8,219	\$ 619,626.37	\$ 925,151.74	\$ 154,477.81	\$ 17,893.20	\$ 277,700.00	\$ 1,994,849.12
<b>TOTAL:</b>	<b>36,332</b>	<b>\$ 3,332,050.84</b>	<b>\$ 4,975,018.47</b>	<b>\$ 830,706.93</b>	<b>\$ 247,405.98</b>	<b>\$ 1,977,070.55</b>	<b>\$ 11,362,252.77</b>

DBE Percentage: 14.96%  
 DBE Goal: 9.78%