



## MINUTES OF EXECUTIVE SESSION

March 22, 2019

An Executive Session was held by the Board on March 22, 2019 at the NICTD offices at 33 East Highway 12, Chesterton, Indiana. The following Board members were present:

Michael Repay  
Christine Cid  
Mark Yagelski

Jim Biggs  
David Prancus  
Richard Mrozinski, Jr.

Mark Catanzarite  
Scott Lauerman

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);
2. Collective bargaining pursuant to I.C. § 5-14-1.5-6.1(b)(2)(A); and
3. 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 22nd day of March, 2019.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "KFW", written over a horizontal line.

Karen Freeman-Wilson, Vice Chairperson

APPROVED:

A handwritten signature in cursive script, appearing to read "JMcG", written over a horizontal line.

Joe McGuinness, Chairman

## **CALL TO ORDER**

Mr. Repay called the meeting to order.

Mr. Yagelski made a motion to add State of Good Repair funding discussion to the Agenda. Mr. Biggs seconded the motion. Motion passed unanimously.

## **MEETING MINUTES**

Mr. Repay requested approval of the Board meeting minutes from the January 25, 2019 and February 27, 2019. Mr. Catanzarite motioned to accept the Public Session and Executive Session Board meeting minutes for January 25, 2019 and February 27, 2019. Ms. Cid seconded the motion. The motion passed unanimously.

## **PUBLIC COMMENT**

None.

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

Tony Siegmund, NICTD's Purchasing Manager, presented one bid recommendation to the board. The purchasing item is listed in the Recommendations that follow and the Board's vote was requested at the end of the Recommendation.

The Engineering Department has requested bids from qualified contractors to perform improvements at the East Chicago Station. The work will include tunneling under the south track and installing a second head house, stairway and enclosed walkway. The staff recommends that Barton Malow, of Portage, IN, be awarded the contract for the East Chicago Station Improvements project in the amount of Four Million, Four Hundred Thirty Two Thousand Dollars (\$4,432,000.00). The staff is requesting that the Board grant the President the authority to issue the Notice to Proceed for the East Chicago Station Improvements project at his discretion. Upon a motion by Ms. Cid, seconded by Mr. Catanzarite, the motion passed unanimously.

Michael Noland elaborated on the improvements at East Chicago Station.

## **PRESIDENT'S REPORT**

### **West Lake Corridor & Double Track Northwest Indiana Projects**

Mr. Noland reported West Lake recently received a medium-high rating from the Federal Transit Administration. Mr. Noland expressed gratitude to the staff and partners involved.

Mr. Noland, Ms. Cid, and Mr. Yagelski attended the American Public Transportation Association (APTA) Legislative Conference over the weekend and commented on the feedback they received pertaining to the West Lake and Double Track projects.

Mr. Noland gave a brief update on the Double Track project. All Project Development requirements are complete with the exception of the Finance Plan. NICTD plans to get everything to the Federal government in late June.

Chuck Lukmann, NICTD Counsel, introduced **Resolution 19-03 Establishing a Design-Build Technical Review Committee and Appointing Members Thereto**. The Procurement for West Lake is covered under the Design-Build Statute of the State of Indiana. Per the Statute, a Technical Review Committee (TRC) and a design criteria developer are required. NICTD has been working with funding partners to designate three members to the committee including Chris Beck (NICTD), Michael Rowe (NICTD), a part-time architect on NICTD staff (Robert Gerometta), and HDR Engineering, Inc. as design criteria developer. NICTD's president, Mr. Noland, can designate additional advisors as needed. Upon a motion by Ms. Cid, seconded by Mr. Yagelski, the motion passed unanimously.

Mr. Lukmann introduced **Resolution 19-04 Authorizing the Issuance of Procurement Documents for the Design-Build Project**. In the Design-Build Statute, there are two distinct procedures to go through in order to find a successful proposer and finish the Design-Build. First is a Request for Qualifications (RFQ). The intent of this section is to get interested proposers to submit their team and qualifications to the TRC to develop a short list of 3-4 proposers. Second is the Request for Proposals (RFP), which requires qualitative proposals to be analyzed by the TRC. The Board will open the Price proposals. The RFPs and price proposals are evaluated pursuant to a formula required by the Statute, which results in the best value, which is the entity with whom NICTD will negotiate. Resolution 19-04 allows NICTD to start this process and receive the Statement of Qualifications in May. Upon a motion by Mr. Yagelski, seconded by Mr. Biggs, the motion passed unanimously.

Mr. Lukmann introduced **Resolution 19-05 Approving and Adopting New Protest Procedures for Design-Build Projects**. To comply with the Design-Build Statute and FTA guidance, NICTD proposed new procedures for protest for Design-Build projects. Upon a motion by Mr. Biggs, seconded by Mr. Catanzarite, the motion passed unanimously.

Mr. Lukmann introduced **Resolution 19-06 Revising the District's Procurement Policies**. Mr. Lukmann stated that NICTD's previous policy was more restrictive than state law requires in acquiring professional services. The new proposed policy meets federal requirements, state legal requirements, and allows Mr. Noland to negotiate professional services as necessary. Upon a motion by Ms. Cid, seconded by Mr. Biggs, the motion passed unanimously.

### **State of Good Repair**

Kelly Wenger, NICTD Grant Administrator, explained the application federal State of Good Repair funds. NICTD is expecting approximately one million, eight hundred, thousand dollars (\$1,800,000) in additional federal dollars, requiring a local match of four hundred, fifty thousand dollars (\$450,000). FTA asked that NICTD's draft application be complete by May 10. NICTD requested that the board grant the president the discretion to use funds to accelerate current approved projects. Upon a motion by Mr. Yagelski, seconded by Ms. Cid, the motion passed unanimously.

## **South Bend Realignment Update.**

Mr. Noland advised the Board of the status of the South Bend Realignment Project. He said that NICTD continues to work with the city, county and partners to provide any necessary support. The city and the county continue to look at the greater impacts and various long-term options for the alignment. Update meetings happen approximately every two weeks. NICTD and partners are hoping to come to a resolution in the coming months.

## **TICKET SALES, ADVERTISING, AND MARKETING REPORT**

Nicole Barker, Director of Capital Investment & Implementation, presented the **Ticket Sales, Advertising and Marketing Report**.

Ms. Barker highlighted the increase in digital ticket sales, special events, and ongoing customer service training.

Ms. Barker also shared some of the work Group 7even created for special events, directional videos, signage, and more.

## **OPERATIONS REPORT**

Ms. Wenger went over **Ridership** and discussed the issues that adversely affected service and ridership in January and February including the polar vortex that included damage to Metra Electric District's (MED) catenary and a freight train derailment on the MED corridor, resulting in a multi-day suspension of passenger service. Service was disrupted January 30 -February 3, and again on February 12. Ms. Wenger pointed out that the service disruption resulted in an estimated loss of 34,813 passenger rides.

Bill O'Dea, NICTD Chief Operating Officer, commented on **On-Time Performance**. Mr. O'Dea explained similar trends in On-Time Performance in comparison to 2018. Mr. O'Dea discussed the reasons and average time of delays.

Victor Babin, Chief Engineering Officer, reported the status of Positive Train Control (PTC) including a Revenue Service Demonstration and a report on daily trains being tested, tickets, the PTC Service Desk, and technical issues that are being addressed. PTC trains ran fifty-three (53) successful trains in December. Ninety-four (94) in January. One-hundred fifty-five (155) in February. NICTD is currently running approximately seventy (70) a week. NICTD needed to hit one hundred (100) for the FRA to allow us to go into extended revenue service demonstration (RSD). NICTD applied for extended RSD in February and the Federal Railroad Administration granted authorization in March.

## **OTHER BUSINESS**

Mr. Noland explained NICTD's need to break up ice on our Overhead Contact System during ice events to ensure continued service. A NICTD locomotive equipped with a pantograph for scraping the OCS was dispatched to the Dune Park Station for board members and public to view.

## **ADJOURNMENT**

The next meeting is scheduled for May 31, 2019. Mr. Yagelski made a motion to adjourn. Mr. Biggs seconded the motion. The motion passed unanimously.

Respectfully submitted,



Karen Freeman-Wilson, Vice Chairperson

## PROCUREMENT RECOMMENDATIONS

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### **Bids:**

#### **Engineering**

- **East Chicago Station Improvements**

**RECOMMENDATION**  
**Engineering Department**  
**East Chicago Station Improvements**  
March 22, 2019

**A. SCOPE**

The Engineering Department has requested bids from qualified contractors to perform improvements at the East Chicago Station. The work will include tunneling under the south track and installing a second head house, stairway and enclosed walkway. Bids were solicited and a public bid opening was held at the Dune Park offices on Friday, March 1, 2019.

**B. ADMINISTRATIVE REVIEW**

**1. Legal Notifications**

The request for the East Chicago Station Improvements project 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. Bid Review**

A total of thirteen (13) packets were requested for the East Chicago Station Improvements project prior to the bid opening. The request resulted in the receipt of two (2) bids.

**3. DBE and Required Forms**

The bids were evaluated for responsiveness to determine if the bids could be accepted for further review.

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

Bidder	Form 96	Eligible Bidder	Lower Tier	DBE %	Non-Discrim.	Rest. Lobby	Drug Free	Buy America	Cert. of Qual.	Illegal Act.	Iran Invst.	Bid Bond
Barton Malow Portage, IN	X	X	X	10.0%	X	X	X	X	X	X	X	X
Gariup Construction Gary, IN	X	X	X	0.62%	X	X	X	X	X	X	X	X

**C. ENGINEERING REVIEW & PRICE ANALYSIS**

The bids were evaluated for responsiveness to the technical specifications. All bidders were responsive and took no exceptions to the technical specifications.

Engineer’s estimate:	\$5,508,044
Lowest & responsive bid:	\$4,432,000
Lowest & most responsive bidder was 19.5% less than engineer’s estimate	\$1,076,044

Bidder	Total Project Price
Barton Malow Portage, IN	\$4,432,000
Gariup Construction Gary, IN	\$6,493,500

The District has investigated the low number of bids for this construction project and relate this to the limited accessibility and scheduling constraints at this location. The live tracks and overhead catenary create a very limiting environment that needs to have an intense schedule to coordinate all the construction activities.

**D. DELIVERY**

Barton Malow can meet the District’s proposed completion date of December 31, 2019.

**E. RECOMMENDATION**

The staff recommends that Barton Malow, of Portage, IN, be awarded the Contract for the East Chicago Station Improvements project in the amount of Four Million, Four Hundred Thirty Two Thousand Dollars (\$4,432,000.<sup>00</sup>).

The staff is requesting that the Board grant the President the authority to issue the Notice to Proceed for the East Chicago Station Improvements project at his discretion.