



NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT

BOARD MEETING

September 27, 2021

US: +1 312 626 6799

Webinar ID: 835 0799 3398

Public Session – 10:30 a.m. (CST)

BOARD MEMBERS PRESENT:

Joe McGuinness

Jim Arnold

Andrew Kostielney

STAFF PARTICIPANTS:

Michael Noland

Chuck Lukmann, Esq.

Kelly Wenger

Connor Nolan

Tony Siegmund

Amber Kettring

Derrick Wright

Jessie Watts, Jr.

Justice Anderson

Steve Plesha

Mark Fleshman

OTHERS PRESENT

Greg Price-Passenger

Steven Lyons-Passenger

Andrew Steele-Times

Tim Zorn-Post Tribune

CALL TO ORDER

Chuck Lukmann, NICTD's General Counsel, called the meeting to order. Mr. Lukmann requested a roll call. Jim Arnold was present. Andrew Kostielney and Joe McGuinness attended electronically. Jerome Prince and Jeff Good were absent.

BOARD MEETING MINUTES

Mr. Lukmann requested a motion to approve the Board Meeting Minutes of July 26 and August 11, 2021. Mr. Arnold made a motion to approve the board meeting minutes, Mr. Kostielney seconded, and on roll call vote, the motion passed unanimously.

RESOLUTION 21-11 ADOPTING A REASONABLE ACCOMMODATION/MODIFICATION REQUEST POLICY

Mr. Lukmann introduced Resolution 21-11 Adopting a Reasonable Accommodation/Modification Request Policy. The District is required, as a provider of public transportation, to accommodate individuals with disabilities and to make reasonable modifications in its policies, practices, and procedures to avoid discrimination and to ensure that the District's programs are accessible to individuals with disabilities whenever possible.

Mr. Arnold made a motion to accept Resolution 21-11 Adopting a Reasonable Accommodation/Modification Request Policy, seconded by Mr. Kostielney, and on roll call vote the motion passed unanimously.

RESOLUTION 21-12 DISTRICT'S ACCEPTANCE OF 13 PROPERTIES OWNED BY HAMMOND FOR THE WEST LAKE CORRIDOR PROJECT

My Lukmann introduced Resolution 21-12 Confirming the District's Acceptance of (13) Properties Owned by the City of Hammond for the West Lake Corridor Project. NICTD is in the process of acquiring land for the construction of the West Lake Corridor Rail Project. NICTD and the City are parties to a "Agreement Regarding Construction of Rail Project" with an effective date of December 2, 2019, in which the City agreed to convey City-owned parcels to NICTD as an additional in-kind contribution. This Resolution will serve as the Board's approval to accept the in-kind contributions from the City of Hammond.

Mr. Arnold made a motion to accept Resolution 21-12 Confirming the District's Acceptance of (13) Properties Owned by the City of Hammond for the West Lake Corridor Project, seconded by Mr. Kostielney, and on roll call vote the motion passed unanimously.

PURCHASING (Procurement Recommendation Packet Attached)

Tony Siegmund, NICTD's Purchasing Manager, presented five recommendations to the Board. The purchasing item are listed in the recommendations that follow and the Board's vote was requested at the end of each recommendation.

The first item was a bid for Pre-Plated Timber Cross Ties for the Double Track Project. The Staff recommended that Koppers, Inc. of Pittsburgh, Pennsylvania be awarded the Contract for Pre-Plated Timber Cross Ties in the amount of Six Million, Six Hundred Sixty-Three Thousand, Three Hundred Seventy-Five Dollars and 94/100 (\$6,663,375.94). The Staff requested that the Board grant the President the authority to issue the Notice to Proceed for Pre-Plated Timber Cross Ties at his discretion, subject to RDA and IFA approval. Mr. Arnold made a motion to grant authority to the NICTD President to issue a Notice to Proceed for Pre-Plated Timber Cross Ties at his discretion, seconded by Mr. Kostielney, and on roll call vote the motion passed unanimously.

The second item was a sole source recommendation for 131,440 AREMA Plan No. 7 Plates from Arkansas Steel Associates, LLC. The Staff recommended that Arkansas Steel Associates, LLC of Newport, Arkansas be awarded the Contract for AREMA Plan No. 7 Plates in the amount of One Million, Seven Hundred Twenty-Nine Thousand, Seven Hundred Fifty Dollars and 40/100 (\$1,729,750.40). The Staff requested that the Board grant the President the authority to issue the Notice to Proceed for AREMA Plan No. 7 Plates at his discretion, pending RDA and IFA approval.

Mr. Arnold made a motion to grant authority to the NICTD President to issue a Notice to Proceed for AREMA Plan No. 7 Plates, seconded by Mr. Kostielney, and on roll call vote the motion passed unanimously.

The third item was a sole source recommendation for Pandrol Plates, Clips, and Screw Spikes. The Staff recommended that Pandrol of Memphis, TN be awarded the Contract for Pandrol Plates, Clips and Screw Spikes in the amount of Seven Hundred Six Thousand, Nine Hundred Thirty-Six Dollars and 56/100 (\$706,936.56). The Staff requested that the Board grant the President the authority to issue the Notice to Proceed for Pandrol Plates, Clips, and Screw Spikes at his discretion, pending RDA and IFA approval.

Mr. Arnold made a motion to grant authority to the NICTD President to issue a Notice to Proceed for Pandrol Plates, Clips, and Screw Spikes for the Double Track Project at his discretion, seconded by Mr. Kostielney, and on roll call vote the motion passed unanimously.

The fourth item was a sole source recommendation for Signal Cable for the Double Track Project. The Staff recommended that the Okonite Company of Aurora, Illinois be awarded the Contract for Signal Cable in the amount of Four Hundred Seventeen Thousand, One Hundred Ninety-Six Dollars and 00/100 (\$417,196.00). The Staff requested that the Board grant the President the authority to issue the Notice to Proceed for Signal Cable at his discretion, subject to RDA and IFA approval. Mr. Arnold made a motion to grant authority to the NICTD President to issue a Notice to Proceed for Signal Cable for the Double Track Project at his discretion, seconded by Mr. Kostielney, and on roll call vote the motion passed unanimously.

The fifth item was a sole source recommendation for Double Track Final Engineering. AECOM has submitted Amendment 12 authorizing an additional \$3,135,804.19 to Contract 90332 for design-based construction support services. This Amendment replaces Amendment 4 previously approved for AECOM Contract 90332. The District requested the Board grant the President the authority to approve Amendment 12 to Contract 90332 in the amount of Three Million, One Hundred Thirty-Five Thousand, Eight Hundred and Four Dollars and 19/100 (\$3,135,804.19), pending RDA and IFA approval. Mr. Arnold made a motion to grant authority to the NICTD President to approve Amendment 12 to Contract 90332 at his discretion, seconded by Mr. Kostielney, and on roll call vote the motion passed unanimously.

2022 BOARD OF TRUSTEES MEETING SCHEDULE

Mr. Lukmann presented the 2022 Board of Trustees Proposed Meeting Schedule. The proposed dates are as follows: January 31, March 28, May 23, July 25, September 26, and November 28 of 2022.

Mr. Arnold made a motion to approve the 2022 Board of Trustees Proposed Meeting Schedule, Mr. Kostielney seconded, and on roll call vote, the motion passed unanimously.

PUBLIC COMMENT

Greg Price, Passenger, inquired about the status of the new Ticket Vending Machines. Mr. Noland and Steve Plesha, Chief Information Officer, gave a brief update on the status of the Ticket Vending Machines. NICTD had the Ticket Vending Machines in house and expects to start installing Ticket Vending Machines station by station this week.

PRESIDENT'S REPORT

Double Track NWI Update

Mr. Noland gave a brief update on the Double Track Project. NICTD has seven contract packages underway. Bids are due for the main Double Track Project October 11 at 2:30pm CST. A bid solicitation was released on Friday, September 24 to for the construction of a new Parking Facility at the Portage/Ogden Dunes Station.

Positive Train Control was pulled from the main contract and will be procured as a separate contract. Proposals for this project are expected in the next few weeks. NICTD will then begin an interview process and hope to have a proposal to the Board by the end of the year.

Work is scheduled to begin on the Dune Park Parking Lot Extension. In addition, NICTD recently completed the contract for exclusion fencing along the Right of Way to protect the environment and the natural habitat in and around the project.

Larsen Danielson was given a Notice to Proceed for removal and storage of the historic façade on the 11th Street Station in Michigan City as well as for demolition. A Notice to Proceed was also issued to Hasse Construction for limited station work on the parking structure and utilities at Miller Station.

NICTD continues to work on property acquisition and is near completion of all residential properties. Demolition is well underway and will be completed soon. In addition NIPSCO has been diligently working to relocate several utilities including gas and electric to ensure NICTD is cleared to start construction in spring of 2022.

West Lake Corridor Project Update

Mr. Noland gave a brief update on the West Lake Corridor Project. The Design-Builder, F.H. Paschen/Ragnar Benson, was given a contract a year ago. To date F.H. Paschen/Ragnar Benson has been provided NICTD with 30% plans and 60% plans. NICTD has a joint office in Hammond to work closely with F.H. Paschen/Ragnar Benson as they progress with the 90% design-plans.

NICTD continues to work with NIPSCO on relocating utilities for the West Lake Corridor Project. Work is also ongoing with the communities to discuss any improvements the communities would like to see.

Preconstruction activity including clearing of properties is expected to begin in the fall and with main line construction expected to begin in the spring of 2022.

NICTD has obtained all the required properties for the West Lake Corridor Project. A few relocations need to be finalized. All residential properties have been demolished. There are nine commercial properties; two have been demoed, one will be used as a staging office, and six are in active stages of relocation.

COVID-19 Operations/Status

Mr. Noland gave a brief update on COVID-19 Operations. The mask mandate continues on the South Shore Line due to the extension of the Federal Transportation Security Administration mandate. The mandate has been extended through January 18, 2022. Social distancing restrictions onboard NICTD trains have been relaxed, but masks will continue to be mandated for passengers and staff.

TICKET SALES, ADVERTISING, AND MARKETING REPORT

Amber Kettring, NICTD's Customer Service and Communications Manager, presented the **Ticket Sales, Advertising and Marketing Report**. Ms. Kettring discussed the changes in ticket sales. Digital tickets sold is slightly down; NICTD believe this is due to promotions including the Buy 1, Get 1 monthly promotion.

Ms. Kettring concluded by sharing ridership from summer events, upcoming events and promotions through October.

OPERATIONS REPORT

Kelly Wenger, NICTD Grant Administrator, summarized **Ridership**. Ms. Wenger detailed changes from 2019, 2020, and 2021. Initially NICTD predicted employees would be brought back to work after Labor Day. Right after Lollapalooza, Chicago brought back the mask mandate regardless of vaccination status. In August, school also started back up causing reduced weekday discretionary ridership. The bikes on trains program continues to excel. NICTD had more passengers carrying bikes in 2021 than 2019.

Derrick Wright, NICTD Chief Operating Officer, commented on **On-Time Performance**. Mr. Wright discussed the decrease in delays from 2021 versus 2020. NICTD has had a lot of construction throughout the year, and is still facing some delays with PTC, which is similar to other rail lines.

Mr. Wright added that NICTD recently has not had to remove any passengers onboard for refusing to wear a mask. NICTD will continue to hand out masks free of charge to passengers that are in need of a mask. NICTD hands out approximately 200 masks a week. Passengers are reminded that mask mandate continues on the South Shore Line due to the extension of the Federal mandate through January 18, 2022.

Mr. Noland added that NICTD is approaching major construction and will be working actively to minimize the impacts. The railroad will experience moderate delays during the construction period for the Double Track and West Lake capital projects. Bussing will be required at times throughout the project. The outcome will be a completely modernized, reliable, efficient rail system that will reduce time to market, provide greater service frequencies, and better on time performance.

CATENARY PHASE III PROJECT COMPLETION

Mark Fleshman, Manager - Fixed Electrical Facilities, outlined completion of NICTD's Catenary Phase III. 9 years ago, NICTD had just completed a systems overhaul of signal and crossings, dispatch upgrades, installed a state-of-the-art fiber optic system, and finished overhead catenary upgrades from Kensington to Michigan City. The remaining 30 miles of overhead catenary wire between Michigan City and South Bend had not been updated since the 1940s. Through NICTD's capital budget funding was programed to allow for roughly 5 miles of catenary replacement utilizing NICTD forces. The remaining 30-mile upgrade started in 2014. Planning roughly five week long outages each summer NICTD was able to complete the catenary wire replacement in the summer of 2021.

In the seven construction seasons, NICTD was able to install 35 discreet tension segments of wire, 65 steel dead end foundations, 61 balance weight stacks, 359 wood/joint poles with NIPSCO, 29 miles of 1000-mcm auxiliary feeder cable, and 162,360 feet of new overhead catenary system. In addition, NICTD replaced two on rail tower trucks with lift platforms, purchased three new on rail bucket trucks and a new tension puller machine. The total cost of this project was \$20.8 million dollars (\$20,800,000.00).

Mr. Fleshman thanked several members and departments from NICTD staff for making this project happen. Mr. Noland expressed his gratitude and appreciation towards NICTD staff that made this project happen.

OTHER BUSINESS

None.

ADJOURNMENT

Mr. McGuinness adjourned the board meeting. The next Board Meeting is scheduled for November 22, 2021.

Respectfully submitted,



Andrew Kostielney, Secretary



PROCUREMENT RECOMMENDATIONS

Double Track NWI Project:

Bids:

- **Pre-Plated Timber Cross Ties**

Sole Source:

- **AREMA Plan No. 7 Plates**
- **Pandrol Plates, Clips and Screw Spikes**
- **Signal Cable**
- **Final Engineering – AECOM – Amendment 12**

RECOMMENDATION
Double Track NWI Project
Pre-Plated Timber Cross Ties
September 27, 2021

A. SCOPE

The Double Track NWI Project team has requested bids for Pre-Plated Timber Cross Ties for the Double Track Project. Bids were solicited and a public bid opening was held at the Dune Park Offices and virtually on August 17th, 2021.

B. ADMINISTRATIVE REVIEW

1. Legal Notifications

The request for Pre-Plated Timber Cross Ties was advertised throughout the region and nationally. The legal advertisements were placed in the following publications:

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

2. Bid Review

A total of fifteen (15) packets were requested for Pre-Plated Timber Cross Ties prior to the bid opening. The request resulted in the receipt of two (2) bids.

3. DBE & Required Forms

The bids were evaluated for responsiveness to determine if they could be accepted for further review. It was determined that the firms submitted all the necessary forms 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).

Bidder	Eligible Bidder	Lower Tier	DBE %	Non-Discrim.	Rest. Lobby	Drug Free	Buy America	Cert. of Qual.	Illegal Act.	Iran Invst.
Koppers, Inc. Pittsburgh, Pennsylvania	X	X	10%	X	X	X	X	X	X	X
Stella-Jones Corporation Pittsburgh, Pennsylvania	X	X	10%	X	X	X	X	X	X	X

C. ENGINEERING REVIEW & PRICE ANALYSIS

The Bids were evaluated for responsiveness to the technical specifications. Both bidders were responsive and met the technical specifications.

The lowest and most responsive bid for Pre-Plated Timber Cross Ties is \$6,663,375.94 provided by Koppers, Inc., which is 10.13% (\$751,092.06) less than the engineer's estimate of \$7,414,468.00.

Koppers, Inc.'s DBE amount is 10% (\$669,183.20).

Description	Qty.	Koppers, Inc.		Stella-Jones Corporation	
		Unit Price	Amount	Unit Price	Amount
Grade #5 Hardwood Cross Ties Dual-treated 7" x 9" x 10'-0" pre-plated with Two AREMA Plan No. 7 – Punching A (8 spike holes) plates	400	\$106.45	\$42,580.00	\$122.07	\$48,828.00
Grade #5 Hardwood Cross Ties Dual-treated 7" x 9" x 8'-6" pre-plated with Two AREMA Plan No. 7 – Punching A (8 spike holes) plates	61,524	\$85.42	\$5,255,380.08	\$89.57	\$5,510,704.68
Grade #5 Hardwood Cross Ties Dual-treated 7" x 9" x 8'-6" pre-plated with Two Pandrol TPL-P26M-5.5 plates	10,923	\$82.82	\$904,642.86	\$92.42	\$1,009,503.66
Grade #5 Hardwood Cross Ties Dual-treated 7" x 9" x 11'-0" pre-plated with Two AREMA Plan No. 7 – Punching A (8 spike holes) plates	3,796	\$115.05	\$436,729.80	\$134.07	\$508,929.72
Grade #5 Hardwood Cross Ties Dual-treated 7" x 9" x 11'-0" un-plated	240	\$100.18	\$24,043.20	\$116.80	\$28,032.00
		Project Total	\$6,663,375.94	Project Total	\$7,105,998.06

D. DELIVERY

Koppers, Inc. can meet the District's delivery schedule for Spring 2022 and 2023.

E. RECOMMENDATION

The Staff recommends that Koppers, Inc. of Pittsburgh, Pennsylvania be awarded the Contract for Pre-Plated Timber Cross Ties in the amount of Six Million, Six Hundred Sixty-Three Thousand, Three Hundred Seventy-Five Dollars and ⁹⁴/₁₀₀ (\$6,663,375.94).

The Staff is requesting that the Board grant the President the authority to issue the Notice to Proceed for Pre-Plated Timber Cross Ties at his discretion, subject to RDA and IFA approval.

RECOMMENDATION
Double Track NWI Project
AREMA Plan No. 7 Plates
Sole Source
September 27, 2021

RECOMMENDATION:

The District is looking to have tie plates installed on the ties by Koppers, Inc. for the Double Track project. The project needs to procure 131,440 AREMA Plan No. 7 Plates in advance of the ties contract to ensure they are on site and ready for installation, so as to not jeopardize the delivery schedule.

The District has obtained a quote from Arkansas Steel Associates, LLC in the amount of \$1,729,750.40. The tie plates are currently installed throughout NICTD's South Shore Line. This is a sole source procurement because these materials are only domestically produced by Arkansas Steel Associates, LLC. The District did prepare an Independent Cost Estimate of \$1,794,156.00 for these items and the pricing received from Arkansas Steel Associates, LLC was within our budgetary estimate. The pricing received was determined to be fair and reasonable and was compared to previous purchases. Arkansas Steel Associates, LLC can meet our delivery schedule of October and November 2021 for these requested plates.

The Staff recommends that Arkansas Steel Associates, LLC of Newport, Arkansas be awarded the Contract for AREMA Plan No. 7 Plates in the amount of One Million, Seven Hundred Twenty-Nine Thousand, Seven Hundred Fifty Dollars and ⁴⁰/₁₀₀ (\$1,729,750.40).

The Staff is requesting that the Board grant the President the authority to issue the Notice to Proceed for AREMA Plan No. 7 Plates at his discretion, pending RDA and IFA approval.

RECOMMENDATION
Double Track NWI Project
Pandrol Plates, Clips and Screw Spikes
Sole Source
September 27, 2021

RECOMMENDATION:

The District is looking to have tie plates installed on the ties by Koppers, Inc. for the Double Track project. The project needs to procure 21,846 Pandrol plates, 43,692 clips and 87,384 Screw Spikes in advance of the ties contract to ensure they are on site and ready for installation, so as to not jeopardize the delivery schedule.

The District has obtained a quote from Pandrol in the amount of \$706,936.56. The tie plates along with the screw spikes for attaching the plates to timber crossties and the clips for attaching rail to them are currently installed throughout NICTD's South Shore Line. This is a sole source procurement because these materials are proprietary to and only manufactured by Pandrol USA. The District did prepare an Independent Cost Estimate of \$718,296.00 for these items and the pricing received from Pandrol was within our budgetary estimate. The pricing received was determined to be fair and reasonable and was compared to previous purchases. Pandrol can meet our delivery schedule of October and November 2021 for these requested plates.

The Staff recommends that Pandrol of Memphis, TN be awarded the Contract for Pandrol Plates, Clips and Screw Spikes in the amount of Seven Hundred Six Thousand, Nine Hundred Thirty-Six Dollars and ⁵⁶/₁₀₀ (\$706,936.56).

The Staff is requesting that the Board grant the President the authority to issue the Notice to Proceed for Pandrol Plates, Clips and Screw Spikes at his discretion, pending RDA and IFA approval.

RECOMMENDATION
Double Track NWI Project
Signal Cable
Sole Source
September 27, 2021

RECOMMENDATION:

The District is looking to purchase signal cable for the Double Track project. The project needs to procure 80,670 linear feet of signal cable in advance of the Double Track Project One contract to ensure it is on site and ready for installation, so as to not jeopardize the delivery schedule.

The District has obtained a quote from The Okonite Company in the amount of \$417,196.00. The signal cable is currently installed throughout NICTD's South Shore Line. This is a sole source procurement because this material is only domestically produced by The Okonite Company. The District did prepare an Independent Cost Estimate of \$440,913.00 for these items and the pricing received from The Okonite Company was within our budgetary estimate. The pricing received was determined to be fair and reasonable and was compared to previous purchases. The Okonite Company can meet our delivery schedule of Spring 2022 for the requested signal cable.

The Staff recommends that The Okonite Company of Aurora, Illinois be awarded the Contract for Signal Cable in the amount of Four Hundred Seventeen Thousand, One Hundred Ninety-Six Dollars and ⁰⁰/₁₀₀ (\$417,196.00).

The Staff is requesting that the Board grant the President the authority to issue the Notice to Proceed for Signal Cable at his discretion, pending RDA and IFA approval.

RECOMMENDATION
Double Track Final Engineering
Sole Source
September 27, 2021

RECOMMENDATION:

The District executed Contract 90332 for Double Track Final Engineering to AECOM on August 15, 2019 for a not to exceed cost of \$13,372,966.00. Since this approval, additional scope items have been identified to keep this project moving forward as described below. Amendment 12 authorizes an additional \$3,135,804.19 to be added to the contract price. This additional amount is needed for AECOM to provide design-based construction support services to NICTD for the Double Track NWI Project through 2024. These services are based on NICTD's use of the design-bid-build contract delivery method for construction of the Project. Design Support by the AECOM Team is expected to include performing shop drawing reviews, responding to RFI's, and making a limited number of site visits. These tasks will be performed up to the approved level of effort for this phase. Shop drawing reviews and RFI responses will be provided using eBuilder.

	Date	Amendment Description	Cost
1	3.5.2020	Authorizing the substitution of a subconsultant	No Cost
2	4.28.2020	Authorizing the use of a non-direct employee	No Cost
3	8.20.2020	Soil Characterization	\$114,405.00
4	Not Used	Not Used	Not Used
5	9.9.2020	Authorizing the use of contingency	\$568,282.00
6	1.5.2021	Use of contingency - \$121,820.91 and reallocate \$86,602.70	No Cost
7	4.27.2021	Create a separate bid package to remove historic façade in Michigan City	\$30,306.04
8	5.19.2021	Authorizes use of existing funding for Cardno to provide EPA monitoring & seeding	No Cost
9	5.19.2021	Authorizes Patrick Eng. to compute quantities & specifications for advance rail procurement	No Cost
10	7.8.2021	Additional services needed to prepare & review documents for the DT-1 Rebid	\$681,872.50
11	7.28.2021	Authorizes funds for Burns Engineering to assist with the DT-1 Rebid	\$27,940.21
12	Pending	Construction Phase Support	\$3,135,804.19

The District is requesting the Board grant the President the authority to approve Amendment 12 to Contract 90332 in the amount of Three Million, One Hundred Thirty-Five Thousand, Eight Hundred and Four Dollars and ¹⁹/₁₀₀ (\$3,135,804.19), pending RDA and IFA approval.