

City of West Lafayette, Indiana
Board of Public Works and Safety
MINUTES

February 12, 2013
8:30 a.m.
City Hall Council Chambers

Members present were Sana G. Booker, Bradley W. Marley, and Jonathan C. Speaker. Elizabeth M. Stull was absent. Mayor Dennis presided.

1. APPROVAL OF MINUTES

a. February 5, 2013, Meeting

Mr. Marley moved to accept the minutes of the February 5, 2013, Board of Works meeting. Mr. Speaker seconded the motion.

The motion was adopted.

2. NEW BUSINESS

a. Bid Opening: Sale 2013 Fuel – Street

Street Commissioner Downey provided the Board with information on fuel purchases by department from 2009 through 2012.

Clerk-Treasurer Rhodes opened the bids and read them aloud:

Newton Oil Company				
Item	Base Price	Transportation Cost	Percentage of Margin	Delivered Price
Regular, Non-Leaded	\$2.937	\$0.20	6.8%	\$3.137
Diesel, Regular, Blended, Low Sulfur	\$3.287	\$0.20	6.1%	\$3.487

Street Commissioner Downey explained that the percentage of margin is the company's cost of bringing the fuel from their depot to the City tank.

Ceres Solutions, LLP				
Item	Base Price	Winter Add Pack	Percentage of Margin	Delivered Price
Regular, Non-Leaded	\$2.8909	-	\$0.165	\$3.0559
Diesel, Premium, Blended, Low Sulfur	\$3.4492	\$0.02	\$0.165	\$3.6342
Diesel, Regular, Blended, Low Sulfur	\$3.4042	-	\$0.165	\$3.5692

Clerk-Treasurer Rhodes stated that the amount read for the Diesel, Premium, Blended, Low Sulfur is the winter price. Without the winter price, the delivered price would be \$3.6142.

Co-Alliance, LLP				
Item	Base Price	Transportation Cost	Driver's Fee	Delivered Price
Regular, Non-Leaded	\$2.94	\$0.04	\$0.25	\$3.23
Diesel, Premium, Blended, Low Sulfur	\$3.46	\$0.04	\$0.25	\$3.74
Diesel, Regular, Blended, Low Sulfur	\$3.41	\$0.04	\$0.25	\$3.70

Clerk-Treasurer Rhodes stated that these prices are all per gallon. She confirmed for Mayor Dennis that all bids were received on time and sealed.

Mr. Speaker moved that the bids for 2013 Fuel be taken under advisement. Mr. Marley seconded the motion.

The motion was adopted.

b. Agreement: Lift Station Controls Upgrade & SCADA Roadmap – Donohue & Associates, Inc. – WWTU

WWTU Director Henderson stated that the SCADA system in this agreement is for the Utility staff to monitor the 12 lift stations and all of the plant processes and equipment from a computer monitor. It alerts when things are not working properly, such as pump failure or a high wet well. He stated that the current system is a hybrid of parts that were put into place in the mid-1990s upgrade to the plant and parts that were newly installed during the digester renovation in 2008 and 2009. He stated that Donohue & Associates, Inc. would assist with a roadmap to replace the obsolete equipment that we can no longer get spare parts for, and how to prioritize replacing those things and with what. They would also develop standard specifications that would provide consistency to future projects. He stated the agreement with Donohue & Associates is for \$25,600 and requested approval.

Ms. Booker moved that the agreement with Donohue & Associates, Inc. be approved. Mr. Speaker seconded the motion.

The motion was adopted.

c. Sale of Surplus Real Estate (continued from 02/05/2013) – 2020 N. Salisbury Street – Parcel No. 164-05400-1342 – Mayor

City Attorney Burns stated that two bidders came forward last week. One was Metro FiberNet, LLC, the other was Vijay Bhatia, and both are here today. He stated that two bids have been submitted. City Attorney Burns explained that the bids are not required to be sealed at this point in the process, but it is fine that they are. He requested that Clerk-Treasurer Rhodes open the bids. He reviewed last week's bids, stating that the amount of the bid from Mr. Bhatia was \$250.00, and the amount from Metro FiberNet, LLC was \$20,066. He explained that the process is that the Board is in charge of the timing. They have up to 60 days to keep the process between only these two bidders open, because they are the only two that appeared at the first meeting, when further bidding was closed. So, these two bidders have the option for up to 60 days, minus one week, to continue this process at the discretion of the Board. City Attorney Burns stated that his belief is that it should be concluded today. He stated that he would read the bids submitted today.

Clerk-Treasurer Rhodes gave the bids to City Attorney Burns and stated that one has several statements accompanying the bid.

City Attorney Burns stated that there is a two-page bid from Mr. Bhatia. The bid is in the amount of \$20,500. City Attorney Burns stated that the bid has some contingencies, and that the State statute does not provide for contingencies, which we would need to consider. He stated that they are here in writing, and appears to be a list of what Mr. Bhatia believes are deficiencies in the process, which is also not contemplated by the State statute, but it is here and can be reviewed if necessary. He stated that this bid is in excess of Metro FiberNet, LLC.

Clerk-Treasurer Rhodes provided the second bid to City Attorney City Attorney Burns.

City Attorney Burns stated that this bid is from Metro FiberNet, LLC in the amount of \$27,533.00, subject to some contingencies, which are not necessarily contemplated in the statute, about successfully negotiating a real estate contract, due diligence, and things of that nature. He stated that we have two competing bids. He stated that Mr. Bhatia has the right, under statute, to receive a written copy of the bid. He provided it to Mr. Bhatia. He stated that Mr. Bhatia would have a right to beat that bid in writing if he would like to do so, and requested that Mr. Bhatia take a moment to look at the bid.

Mayor Dennis asked if it was proper protocol for the Board of Works to engage in moderating a bid.

City Attorney Burns stated that no, he would not think so. If we need to continue the bidding, he suggests that a recess be taken at the very end of the meeting, after all business has been completed. Then, he would continue with the two gentlemen to see if a final number in writing could be reached. He stated that he does not think we should take more than a few minutes, as this has been something that has been out there for several weeks, and everybody has had an opportunity to prepare themselves. City Attorney Burns asked Mr. Bhatia if he had a desire to submit a written bid.

Mr. Bhatia stated that yes, he would, but said, "You cannot change the rules of the game right in the middle of the game."

City Attorney Burns asked for confirmation that he would like to submit a written bid.

Mr. Bhatia's response was inaudible. City Attorney Burns and Clerk-Treasurer Rhodes each told him that he was not on the record and requested that he speak at the microphone.

City Attorney Burns suggested that the Board continue with the business, and at the very end, after that is finished, we will take a recess while he speaks with the two gentlemen. He stated that they will go over to the table and sit down with anyone who would like to be over there with them, and see if this can be finalized today.

Clerk-Treasurer Rhodes asked City Attorney Burns if it was appropriate to make copies of the bids and hand them to the parties, and received an affirmative response.

Mr. Bhatia requested that his contingencies be read aloud.

City Attorney Burns stated that we can certainly do that, and he will do that for him.

Mayor Dennis asked if that would be after the business is finished.

City Attorney Burns stated that yes, and he suggests concluding business and take this up at the end.

Mayor Dennis stated that item c. will stay open until revisited at the conclusion of the meeting.

[Item c. is continued after Item f.]

d. Claims

i.	AP Docket	\$441,077.27
ii.	AP Docket	\$169,698.51
iii.	AP Docket	\$1,500.00
iv.	PR Docket	\$339,767.54

Questions raised about individual claims by the Board were answered by department heads and Clerk-Treasurer Rhodes.

Mr. Marley moved that the claims be approved. Mr. Speaker seconded the motion.

The motion was adopted.

e. Informational Items

i. Project Payment List – WWTU

There were no questions or comments about the listing.

f. Other Items

► Public Works Director Buck stated that he wanted to make everyone aware of the upcoming work on Northwestern Avenue. There is more activity at the 720 Northwestern Planned Development, which is across the street from Mackey Arena. He stated that there were plans to restrict traffic there during the demolition phase, but they now feel that all demolition can be done from within the property and do not need to restrict a lane on Northwestern. He stated that there will be a plethora of activity on Northwestern throughout the next one and one-half years, and is beginning now, so we are doing everything we can to get the word out, as well as working with Indiana Department of Transportation (INDOT), the water company, and the developments to keep it as safe as possible, but as open as possible.

Mayor Dennis stated that at some point in time there will be a full-blown press conference about what will be done, when it will be done to our best estimate, and how disruptive it will be.

► Information Technology Director Newman stated that the deployment of the new phone system was complete.

► Mayor Dennis announced a brief recess of the meeting.

City Attorney Burns explained that the purpose to the recess is to continue the bidding on the land.

The meeting recessed at 8:55 a.m. and resumed at 9:04 a.m.

c. Sale of Surplus Real Estate (continued from 02/05/2013) – 2020 N. Salisbury Street – Parcel No. 164-05400-1342 – Mayor [Continued]

City Attorney Burns reported that the Board members received copies of bids from Mr. Bhatia and Metro FiberNet, LLC. He stated that he spoke to both parties and explained that the bid of \$27,533.00 from Metro FiberNet, LLC is the highest bid at the moment and invited Mr. Bhatia to bid over that since he had received written notice of the bid. He stated that Mr. Bhatia declined to do so, indicating that it was under protest, believing that he did not have sufficient time to respond to that bid. City Attorney Burns stated that his recommendation to the Board is that they take the apparent highest and best bid of \$27,533.00 from Metro FiberNet, LLC under advisement. City Attorney Burns stated that they should wait until at least next week, because next week there is a public hearing about the sale, as required by statute.

Mr. Marley moved that the bid be taken under advisement. Mr. Speaker seconded the motion.

The motion was adopted.

3. ADJOURNMENT

There being no further business to come before the Board, Ms. Booker moved that the meeting be adjourned, and Mayor Dennis adjourned the meeting.