

PREQUALIFICATION COMMITTEE
OPEN SESSION
MINUTES – JUNE 8, 2011
9:00 A.M. EDT

The following Committee members attended the meeting:

Tiffany Mulligan	Director of Economic Opportunity and Prequalification; Chair and Non-Voting Member
Karen Macdonald	Prequalification Engineer; Committee Secretary and Non-Voting Member
Tony Hedge	Director of Accounting; Voting Member
Greg Kicinski	Director of Project Management; Voting Member
Mark Miller	Director of Construction Management; Voting Member
Joe Novak	Crawfordsville District Construction Director; Voting Member
Jim Stark	Deputy Commissioner of Capital Program Management; Voting Member
Troy Woodruff	Deputy Commissioner of Operations; Voting Member
Peter Yao	Senior Road Design Engineer, Office of Roadway Services; attending for John Wright as voting member

Also in attendance:

Heather Kennedy	Attorney, Economic Opportunity and Prequalification Divisions; INDOT
Jim Burkart	Prequalification Auditor; INDOT
George Dremonas	Director of Legal Services, INDOT
Jennifer Jansen	Attorney, Legal Division; INDOT
Jeff Logman	Seymour District Construction Engineer; INDOT
Rachel Wren	Project Engineer, Seymour District; INDOT
James Culbertson	Construction Area Engineer, Seymour District; INDOT

Joe Jones	Office Engineer, Seymour District Construction; INDOT
Daniel Guest	Seymour District Construction; INDOT
Nathan Saxe	Ecology and Permits Manager, Office of Environmental Services; INDOT
Kenny Franklin	Project Manager, Office of Project Management; INDOT
Pat McCarty	Senior Engineer, Work Zone Safety; INDOT
Scott MacArthur	Engineer, Work Zone Safety; INDOT
Eryn Fletcher	Transportation Engineer; FHWA
Michelle Allen	Planning/Environmental Specialist; FHWA
Kevin Green	President, Calumet Civil Contractors, Inc.
David Yount	Calumet Civil Contractors, Inc.
David Vornehm	Attorney representing Calumet Civil Contractors, Inc.; Drewry, Simmons, Vornehm, LLP
Joan Widdifield	Administrative Manager, Contract Administration; INDOT
Paul Berebitsky	Indiana Construction Association (ICA)

The Committee reviewed the following agenda items:

1. Adoption of May 23, 2011 Executive Session and May 24, 2011 Open Session meeting minutes
2. Calumet Civil Constructors, Inc. – Erosion Control Practices and Traffic Control on Contract IR-30642

PREQUALIFICATION COMMITTEE MEETING
OPEN SESSION
JUNE 8, 2011

Ms. Mulligan, Committee Chair, called the meeting to order at 9:01 a.m. EDT. All Committee members were present, with the exception of John Wright. Mr. Peter Yao attended for Mr. Wright.

Ms. Mulligan asked that everyone sign the sign-in sheets that are circulating. She facilitated introductions of all individuals attending the meeting.

1. Adoption of May 23, 2011 Executive Session and May 24, 2011 Open Session Meeting Minutes

Ms. Mulligan stated that the agenda did not include the May 23, 2011 Executive Session minutes for consideration; however, the minutes can be considered if the Committee moves to amend the agenda.

Mr. Stark moved to amend the meeting agenda to include consideration of the May 23, 2011 Executive Session minutes. Mr. Hedge seconded the motion. All Committee members voted in favor of amending the agenda.

Ms. Mulligan called for consideration of the meeting minutes from the May 23, 2011 Executive Session and the May 24, 2011 Open Session. There are two versions of the Executive Session minutes in the Committee members' packets. The full version of the Executive Session minutes will not be posted due to confidentiality of the subject matter; however, the shortened version of the Executive Session minutes will be posted on the Committee's website.

Mr. Stark moved to adopt the meeting minutes from the May 23, 2011 Executive Session as presented. Mr. Novak seconded the motion. All Committee members voted in favor of adopting the minutes.

Mr. Woodruff moved to adopt the meeting minutes from the May 24, 2011 Open Session. Mr. Hedge seconded the motion. All Committee members voted in favor of adopting the minutes.

Ms. Mulligan stated the minutes would be posted on the website.

2. Calumet Civil Constructors, Inc. – Erosion Control Practices and Traffic Control on Contract IR-30642

Ms. Mulligan explained the Committee meeting procedures: a representative from INDOT presents the issue first, the contractor is allowed to respond, then Committee members and the audience may ask questions.

Ms. Mulligan stated that Calumet Civil Contractors, Inc. (Calumet) was brought before the Committee today due to erosion control and traffic control issues on Contract IR-30642. She introduced Jennifer Jansen, attorney with INDOT's Legal Division. Ms. Jansen assisted the Seymour District with this issue.

Ms. Jansen presented a picture show while discussing this issue. She stated that Contract IR-30642-A was awarded on May 12, 2010 to Calumet for \$12.6 million. The project is an added travel lanes project on SR 135, from Curry Road to Stones Crossing Road. The project includes several drainage structures. She stated that all construction contracts have to follow INDOT Standard Specifications and special provisions. She stated that Calumet failed to comply with erosion and sediment control standards, failed to comply with traffic control standards, and has repeatedly failed to cooperate with INDOT to remedy deficiencies. INDOT's Seymour District noticed the deficiencies last year. The Seymour District repeatedly notified Calumet of the deficiencies. INDOT considered bringing Calumet before the Committee in December; however, the Seymour District decided to give Calumet extra time to come into compliance. Calumet has not brought the project into compliance to date.

Jeff Logman, Seymour District Construction Engineer stated that the Seymour District requested Calumet be brought before the Committee due to erosion and sediment control issues. Erosion and sediment control issues have been unresolved since August 2010. As with any contract, contractors put themselves forward as skilled, qualified, and competent. We will show some of the items where Calumet did not meet INDOT standards and specifications or common practices. There are areas that lack maintenance. There are two areas of main concern; at an office building's detention pond and the areas surrounding the Auburn Branch of Turkey Pen Creek.

Mr. Logman showed a picture of a manhole near the stream that had no erosion control around the structure. The picture was taken August 25, 2010. The picture shows erosion at the structure. The area is unprotected and bare. Another picture shows the same structure on March 17, 2011. Many of the same conditions remained; no temporary seeding or mulch. There are sediment deposits in the stream. There is no protection for the water entering storm sewers.

Mr. Logman showed pictures of an exposed slope by the golf course with no protection, no temporary seeding. The pictures show washing, rills, erosion. The Seymour District found the silk fence was over capacity on several inspections. Pictures from March 17, 2011 show the silk fence was overwhelmed and the slopes were not protected. There was no mulch or temporary seeding on the project. Mr. Logman stated that the Erosion Control Review Committee in August 2010 identified this area as a problem. The Committee came back in the spring and found the sediment had run outside the project limits. The sediment had burst through the silt fence.

Additional pictures showed that Auburn Branch of Turkey Pen Creek had continuous sediment and erosion control problems. Mr. Logman stated that the purpose of erosion and sediment control measures is to keep the sediment from leaving the project site.

Rachel Wren, INDOT Project Engineer, stated that the area was not stabilized.

Nathan Saxe, INDOT Ecology and Permits Manager stated that significant erosion has taken over. The Auburn Branch leaves the site and enters the structure near the golf course.

Mr. Logman stated that at the office detention pond there is erosion and sediment that is entering the pond. A picture shows the silt fence under water and filled up with sediment (over capacity).

A picture shows deep rills running diagonally down a slope. Another picture shows an embankment that is failing. The upper half of the slope is stabilized, but the bottom half is breaking off.

Ms. Wren stated that Calumet disturbed the embankment to fix the silt fence. The equipment used caused the slope to cave in. This area is still in this condition.

Mr. Logman showed a picture showing two temporary pipes that discharge at a check dam before the detention pond. Another picture shows a pipe discharging at a silt fence that is somewhat over capacity. Another picture shows that Calumet had blown straw mulch in the area around the temporary pipes.

Mr. Logman stated that the Seymour District highlights the importance of erosion and sediment control on all projects. This was pointed out at the pre-construction meeting for this project. The erosion control problems were addressed in an interim CR-2. The interim CR-2 was done in December 2010. The erosion and sediment control deficiencies were brought up with Calumet at weekly progress meetings. Calumet reassured Seymour that corrections would be made.

Ms. Jansen stated that they forgot to include the project's interim CR-2 with the materials submitted to the Committee. She provided copies of the interim CR-2 and passed it out.

Mr. Logman stated that Seymour District Construction performed erosion and sediment control inspections on August 25, 2010 and March 17, 2011. It was emphasized to Calumet that erosion and sediment control is a priority at the progress meetings following the inspections. In March, Calumet told Seymour they would make erosion control a priority. The Seymour District visited the site again on June 2nd, where they found the silt fence down, creating the potential for erosion. Mr. Logman stated that he sent an email to Steve Melbourne last week, and Mr. Melbourne stated he would take care of the problems.

Mr. Logman stated that there was a lack of maintenance with the erosion control measures on this project. It was pointed out several times to Calumet that the silt fence needs to be cleaned out.

Mr. Logman showed a picture of a discharge area where water was pumped around it. It was not protected. There were no filter bags. Silt was allowed to enter live streams.

Mr. Logman went through several more pictures relating to lack of maintenance, and lack of erosion control measures. He stated that sedimentation has built up in the office detention pond. A check dam was blown out by a storm and had not been repaired. The silt fences were over capacity and falling over in areas. A picture showed an unprotected inlet with sedimentation around it.

Mr. Saxe showed a picture of an access opening to a business (Forest Lawn Funeral Home) on SR 135, where there was severe rutting and a large drop-off at the edge of pavement. The drive was poorly maintained.

Mr. Vornehm, attorney for Calumet, asked when the photograph was taken.

Ms. Wren replied that it was taken last fall. She stated she had to close the opening to the business due to the bad conditions.

Mr. Logman showed another picture of incorrect erosion and sediment control installation at a concrete wash out area.

Mr. Vornehm asked when the picture was taken.

Ms. Wren replied last year. She stated she has more current pictures also.

Ms. Mulligan asked to hold questions for discussion at the end of INDOT's presentation.

Mr. Logman showed a picture of a riprap check dam. It did not have #5 aggregate in front to filter sediment. It was not placed according to the plans. The ditch was not at the lowest elevation, causing water to erode next to the roadway.

Ms. Wren stated the ditch is no longer functioning.

Mr. Vornehm asked that Ms. Wren mention the dates taken of the photographs on the slides that do not have dates.

Mr. Logman stated that the project also had traffic control issues that Ms. Wren will present.

Ms. Wren stated there were numerous issues with traffic control on the project. They had a work zone safety review on July 6, 2010. There were flaggers in the roadway with no signs or they had improper signs. Was not included in the packet, but was mentioned on the interim CR-2. She stated she listed what they were deficient on, including the flagging operation, and it was provided to Calumet. There are standards for traffic control and flagging procedures. Construction signs should be removed or covered when not in use. Ms. Wren stated she took pictures as she drove through the site and noticed deficiencies.

Ms. Wren showed pictures of improper flagging procedures performed by Calumet. One shows a dump truck stopped to dump its load and no flagger was there. Another picture shows

that the proper equipment (stop/slow paddle) was at the location, but was not being used. Another shows the flagger using a paddle with the wrong height. She stated the proper equipment was there, but he was not using it. A few pictures show flaggers with their backs to traffic and not standing in the proper location.

Ms. Wren stated that Temporary traffic markings not utilized correctly. Calumet placed pavement markings, even though she had told them not to due to wet pavement. The pavement temperature was not within the specifications for placing the markings. Within two weeks, the lines had worn severely. She said at other times, lines were place on dirty pavement.

Ms. Wren showed pictures of pavement markings, where she had superimposed lines on the photograph to show what the lines originally looked like. The lines were so badly worn that the motorists could not see the right (sic) turn lane. (Reference should be to left turn lane.)

Ms. Wren stated the area was restriped, but during the winter the lines did not stay. They had to restripe a third time in the spring. Ms. Wren stated that this is a problem for motorists, because their driving lane was shifted out of the expected lane.

Ms. Wren stated that the project went all winter without a centerline. This is a major safety issue.

Ms. Wren stated that maintaining the traffic control devices was brought to Calumet's attention several times. A letter was sent to Calumet in December 2010 about lack of pavement markings or tubular markings. Calumet placed tubular markers, but they did not last long.

Ms. Wren stated that over the course of last year, the Sign and Barricade Reports were prepared by Steve Milbourne. He stated he was a certified traffic control worksite supervisor. Ms. Wren stated that she found out at a safety seminar that Mr. Milbourne was not certified. She notified Calumet and asked they provide proof of certification on another employee. Calumet provided the certificate on Jim Evans, who started signing the reports.

Ms. Wren stated that the Temporary Traffic Control Device (TTCD) Reports showed inaccuracies of the construction signs on site and never listed any deficiencies. INDOT brought to Calumet's attention in letters dated February 22, 2011 and April 5, 2011. After the latter letter from INDOT, Calumet has revised the TTCD Report as requested.

Ms. Wren showed another picture of lanes shifted around work and the construction sign was down. The sign had looked OK before it was taken down. When it was set back up, it was askew. Ms. Wren asked Calumet to correct it.

Ms. Wren stated that the traffic control problems on this project were access closures, dirty roadway, painted markings, and flagging. She stated she asked Calumet to remove raised pavement markers that conflicted with the temporary markings and they were finally removed eight weeks later.

Ms. Wren stated that Calumet closed the only entrance to a doctor's office for twenty minutes. The Seymour District Customer Service line received numerous calls about this.

Ms. Wren showed a picture showing debris and fill behind impact attenuators. The attenuators would not work properly if hit. She stated that Calumet corrected this when it was brought to their attention.

Ms. Wren showed a picture that showed a drop off next to the edge of pavement. She stated that barrels should have been placed there or fill could have been pushed up to the pavement edge.

Ms. Jansen stated that the Seymour District asked that Calumet be brought to the Committee, because the contractor is ultimately responsible for compliance. She stated there is a clear and consistent pattern of issues. Calumet was not addressing the issues until repeatedly being asked to correct them. She stated that the Seymour District recommends that the Committee consider a forty percent reduction in Calumet's bidding capacity and ask that they submit a QA/QC plan.

Mr. Woodruff asked when the contract is due to finish.

Ms. Wren replied in September 2011.

Mr. Novak asked whose signature is on the erosion control reports. He asked who the designated erosion control expert is for Calumet.

Ms. Wren replied that Jeff Thixton signed the reports at the beginning of the project, but then it changed to Joe Grove.

Mr. Kicinski asked if progress reports were made throughout the project.

Ms. Wren replied yes.

Ms. Mulligan stated that the Committee should allow Calumet to speak, and then questions can be asked.

David Yount, representative from Calumet, stated that he appreciates being invited and he is embarrassed to be here. Senior management is addressing these issues and will do all in our power to remedy this situation. They are looking at the duties of the project superintendent and field personnel. He stated that Calumet will comply with all corrections and finish the project.

Kevin Green, President of Calumet, stated that he received the notice to appear before the Committee on Wednesday, June 1st. Calumet asked for a copy of the materials submitted to the Committee and received it on Friday. Calumet has worked with INDOT for 14 years without incident. He stated that Calumet management is embarrassed and he as president is deeply disturbed that any problem came forward. They are making changes, but it will take time.

Calumet received good reports from the Indianapolis Department of Transportation on erosion control. Calumet has had good CR-2's on other INDOT projects. Calumet needs to review their internal controls and record keeping.

Mr. Green stated that initially upper management had not been aware of the issues. Making changes are imminent. After review, Calumet wanted to make sure there were no other issues of this magnitude and there none were found. Calumet wants to fix the problems, but wants to make sure it does not create other problems in the process. In the first week Calumet has addressed many issues. It is Calumet's intent to make good on what they are supposed to do. Calumet management will do whatever it takes to fix this. Calumet would like 30 days to remedy this and get back on track.

Mr. Green stated that removing Calumet's prequalification would affect many Calumet families. He asked that the Committee allow Calumet thirty days to prepare corrective action. He stated that their upper management has not had time to review the issues and set in place corrective measures.

Mr. Yount stated that Calumet would like a postponement to fix this. Whatever action the Committee does not only affects this project but Calumet's future.

Mr. Vornehm requested the Committee allow Calumet 30 days before making a decision. He stated that he drives through the project every day.

Ms. Macdonald stated that she did not put copies of Calumet's CR-2's in the members' packets, but has several sets to pass around if the Committee members would like to review them.

Ms. Mulligan stated that Calumet had asked for a postponement of this meeting. We did not grant a postponement because the meeting was already set and INDOT was prepared to present the issues.

Mr. Hedge stated that a reference was made earlier that INDOT was considering bringing Calumet before the Committee last winter. He asked the Calumet representative if they were aware of it.

Mr. Green replied that he was not aware of how bad things were. He stated that he would have done something sooner, if he had been aware of the problems.

Ms. Mulligan asked who signed the interim CR-2 for Calumet.

Mr. Green replied that it was signed by Joe Grove, who was the project superintendent. Steve Milbourne had been the project superintendent before Mr. Grove.

Ms. Mulligan asked if Mr. Milbourne was also a vice president of the company.

Mr. Green replied yes.

Kenny Franklin, INDOT Project Manager stated that he has warned Calumet since last spring that erosion control on the project is a mess and needs to be fixed.

Mr. Kicinski asked how many active contracts Calumet has with INDOT.

Mr. Green replied about 30 projects.

Mr. Novak asked if district task force reports were sent to Calumet.

Ms. Wren replied that the task force report for the August 2010 inspection was emailed to Mr. Green on September 13, 2010.

Mr. Green stated that he was aware that there were erosion control issues. He stated he is not prepared to respond today, because he did not have enough notice to this meeting. There is other information that was not presented today. He would like the time to prepare Calumet's response. He stated he had no idea that it had escalated to this point.

Ms. Mulligan stated that we give contractors time to prepare information and we do not take this lightly.

Mr. Miller asked who has INDOT been communicating with on these issues.

Mr. Logman replied that the Seymour District speaks to Steve Milbourne.

Mr. Woodruff asked about Mr. Milbourne.

Mr. Green replied that Steve Milbourne is a vice president of record and an owner of Calumet. He stated that Mr. Milbourne wants to work at the project level now.

Mr. Green stated that he does not micro-manage his projects. If Calumet loses its prequalification, we would have to lay off 40 people. This is tough because he knows the families. Calumet does not take these issues lightly.

Mr. Woodruff asked what the continued status of erosion control on the site is now.

Ms. Wren replied that some improvements have been made since Mr. Logman's email, but it is not where it should be.

Mr. Green stated that Calumet has removed Mr. Milbourne from the project and Mr. Green has taken over in the interim, until Calumet hires a new project supervisor. Calumet is moving people around to accommodate this. Calumet has hired a new person to do daily inspections on erosion control and traffic control. The new person is Scott Mason. Mr. Mason has been tasked with making corrections on the list by Friday. It's an aggressive goal and we may not make that deadline.

Mr. Green stated that he is not prepared to address the issues on erosion control. Calumet is working consistently on correcting these problems and working towards an overall plan. The erosion control plan developed by the designer was a basic sketch with just two lines down the sheets. The erosion control plan has evolved so much from the beginning and Calumet has spent a lot of money advancing the plans. Calumet has submitted erosion control plans to INDOT and they have been turned down because they were too costly.

Mr. Green stated that he cannot answer why the flaggers happened to stand in the wrong place when the picture was taken. He stated he does not want to piece-meal each problem. Calumet has problems and is addressing them. He stated he wants to present the Committee with an overall plan and Calumet would like to use it on future projects.

Mr. Woodruff asked if the Seymour Districts is requesting to ask for a QA/QC plan to address erosion control and traffic control.

Ms. Jansen replied yes.

Mr. Green stated he has not visited the site as he should have. When he visited the site recently, he was greatly aggrieved. He didn't realize it had escalated and thought the issues were being handled. He stated that he will be visiting the sites more frequently. He stated that moving the project supervisor from the project is difficult. Mr. Milbourne is part owner, along with four other owners. Mr. Milbourne is on the board. Mr. Green as president is not a majority owner.

Mr. Green stated he could discuss each slide, but he is not prepared to do that today.

Mr. Woodruff asked if Calumet could have a QA/CQ plan in 30 days.

Mr. Green replied Calumet would have it together before 30 days. Calumet has already started the plan. He stated they have six individuals going through the Certified Erosion Sediment and Storm Water Inspectors (CESWWI) program and two engineers going through the Certified Professionals in Erosion and Sediment Control (CPESC) program. CPESC certification requires a licensed Professional Engineer to pass the CPESC test for certification. CESSWI provides similar training, but the individual does not have to be an engineer.

Ms. Jansen asked how quickly can Calumet get through the certification process.

Mr. Green replied that it may take 60 days before this is done. The test cannot be submitted before 30 days.

Mr. Green stated he wants to move forward. If they attack it all at once, Calumet will be light years ahead and will be a model for the future. He stated that he sits on the Indiana Construction Association (ICA) erosion control subcommittee. He stated he hopes to use the experience to come up with a resolution. This is more than a corporate matter but also a personal one.

Peter Yao stated that the erosion control plan provided in the project plans was simple. It is an urban project. The contractor should use inlet protection. This is a serious issue. Erosion control measures should have been in place. Calumet has been on the project almost a year.

Mr. Yao stated that traffic control measures may seem simple, but if not used and accidents happen, then it would be a serious issue.

Mr. Stark stated that the Committee does not want to bring contractors in. He asked Ms. Wren if the CR-2 is filled out today, would Calumet still get a minus six.

Ms. Wren replied that some scores would go up and some down. There are issues with other items besides erosion control and traffic control.

Mr. Stark stated that INDOT deals with erosion control on our projects throughout the state. Calumet has been given ample notices. Calumet was brought in to the Committee because they ignored the problems and the notices. We know that Calumet has been a good company. We don't want to tear Calumet apart.

Mr. Stark asked if the project will get done on schedule.

Ms. Wren replied no.

Ms. Mulligan stated that the Prequalification Division considers past performance when reviewing prequalification renewal applications.

Mr. Kicinski stated that there appear to be management issues. He is concerned if the project supervisor is removed from this project and moved to others.

Mr. Green stated that Mr. Milbourne will finish up a few projects then go to estimating.

Mr. Miller asked Ms. Wren how the site looks now.

Ms. Wren replied that it is better.

Scott MacArthur, INDOT Work Zone Safety Section, stated that some improvements have been made when comparing the visits. In December, 2010 the traffic control was bad. Flagging is still a problem and the signs look unprofessional. Some things have improved and some not.

Mr. Green read the safety report and stated that flaggers and signs were the only issues in the report.

Ms. Wren stated that barrels have been placed by the drop offs before the safety review. She gave Calumet a week to correct the traffic control issues before the last review.

Mr. Logman stated that another INDOT project with erosion control issues was shut down last year until the issues were resolved.

Mr. Stark asked if the Committee can vote to reduce Calumet's capacity and request a QA/QC plan. He asked if the Committee can specify when the reduction can be lifted.

Ms. Mulligan replied that a recommendation to reduce a contractor's bidding capacity would be to the Commissioner. The Committee can recommend to reduce the capacity for a set time period or until Calumet submits a QA/QC plan that is acceptable to the Seymour District. Ms. Mulligan pointed out that Calumet's prequalification is due to expire on July 31, 2011.

Mr. Vornehm stated that he does not want to be confrontational. Calumet did not have the opportunity to address the issues as presented. We still ask the Committee to consider no action until we can prepare a proper response to present to the Committee.

Ms. Mulligan stated that if the Commissioner reduces Calumet's capacity, they will have the opportunity to appeal. Calumet's prequalification does not expire until July 31, 2011.

Mr. Vornehm stated that it is inappropriate to penalize Calumet at this time.

Mr. Woodruff asked Mr. Saxe if he would review the QA/QC plan.

Mr. Saxe replied that the plan would go to the Seymour District, but OES would probably be involved.

Ms. Mulligan stated that the Committee should consider if the issues are egregious enough to recommend an action to the Commissioner at this time.

Mr. Saxe stated that Mr. Green provided a response to INDOT in March, which was a big step; however, not all measures have been implemented.

Mr. Woodruff suggested that the Committee recommend that Calumet submit a QA/QC plan in 30 days and Committee should meet in 60 days. He suggested the project be shut down.

Mr. Kicinski stated that it is not only erosion control issues, but also management issues.

Ms. Mulligan asked Ms. Jansen if the recommendation for a QA/QC plan was just for erosion control.

Ms. Jansen replied yes.

Mr. Green asked if the project would be shut down until the erosion control plan is approved.

Mr. Woodruff stated that he recommends shutting down the project until erosion control measures are in place.

Mr. Vornehm asked if the Seymour District would be the lead in reviewing the QA/AC plan.

Mr. Logman replied yes.

Mr. Green referred to the picture showing the two temporary pipes and stated that Calumet has replaced silt fence at that location five times. Calumet requested to use a sediment basin, but was denied.

Ms. Wren stated that the erosion control plan referred to earlier by Mr. Green was not denied due to the cost. The plan was denied because the basin would partially be out of the right-of-way. She also stated she did not want to approve a \$100,000 change order, when Calumet was not maintaining the erosion control measures already in place.

Mr. Green stated that these are issues that Calumet needs to address.

Mr. Logman stated that the silt barriers that were replaced at the inlets were not trenched in. Calumet only replaced 8 of 20. Things are not getting fixed even though promises were made by Calumet.

James Culbertson, Seymour District Area Engineer, stated that runoff from upstream should have been addressed before getting to the live stream.

Mr. Vornehm asked if we were just going back and forth with questions.

Ms. Mulligan replied that this is how we do it. We need to ask and answer questions.

Mr. Novak stated that we do not want to use the Committee to get the contractor's attention. He stated he is not convinced Calumet can handle the contracts they have now. He stated that Calumet has problems on other projects.

Mr. Novak stated that a lot of taxpayer's dollars are being wasted with Committee's and others' time. Taxpayers pay for this. These issues have been going on for over a year and these items should have been automatically handled. There is a lack of customer service along with the erosion control. This is not an isolated issue. If Calumet can give us a plan, that will help. He stated he thinks Calumet cannot keep up with the issues on all their jobs.

Ms. Mulligan stated that it is a last resort when we have to bring a company before the Committee.

Mr. Green stated that it will be taken care of.

Mr. Kicinski asked to look at the CR-2's.

Ms. Macdonald stated the districts do not always submit CR-2's to the Prequalification Division.

Mr. Novak stated that the Crawfordsville District has a final CR-2 that has not been submitted. He said there are some of the same issues. The CR-2 will not be pretty.

Ms. Mulligan stated that we surveyed the districts for CR-2's before the meeting and we did not receive any new CR-2's. We file all CR's received from the districts.

Mr. Yao stated that erosion control needs to be handled upstream. He asked who is qualified to take care of these issues.

Mr. Green stated that he has done erosion control on a large project in Texas and projects in Florida.

Mr. Yao stated that he was asking who would be working in the field on the erosion control measures.

Mr. Green stated that he is now overseeing the project and is involved at the project level.

Mr. Yao asked Calumet how they are going to solve this problem.

Mr. Kicinski stated that he is also concerned with the management issues and thinks the Committee should reduce Calumet's capacity to reduce the amount of work moving forward. He stated he is very interested in seeing additional CR-2's.

Mr. Stark stated that an interim CR-2 for this project was mentioned earlier. At that time Calumet should have questioned, what needs to be done to correct these issues.

Ms. Mulligan asked if there was a motion.

Mr. Woodruff stated that there is no motion yet, just suggestions. He asked if the Committee is prepared to take action today, or allow Calumet to put their QA/QC in place.

Mr. Novak suggested a 20 percent reduction in Calumet's capacity and approval of their renewal prequalification be based on approval of a QA/QC plan. If asked if the reduction would expire in a year or two.

Ms. Mulligan stated that the Committee can recommend the reduction be for one year or a shorter period of time.

Mr. Novak stated he would recommend a reduction for one year and renewal contingent on an acceptable QA/QC plan.

Mr. Stark asked if the Committee can request interim CR-2's on all projects and stated they would be made available to Calumet.

Ms. Mulligan asked how long it would take for the districts to submit interim CR-2's.

Mr. Miller replied that they could be filled out, but what stage the project is at would have to be considered. We can give the project managers a deadline.

Mr. Novak stated that obtaining more CR-2's could create more issues to sift through. We should resolve this issue.

Mr. Miller stated that Mr. Novak raised a valid concern on the prequalification level. We prequalify contractors on paper, but how do we know if a company can handle the work?

Mr. Kicinski stated that reducing a contractor's capacity is not a penalty, but a way to allow the contractor to manage the projects they already have.

Mr. Stark asked if Calumet was aware of the interim CR-2.

Mr. Green replied yes.

Mr. Stark suggested to ask the districts to submit interim CR-2's on all Calumet contracts. If there are other issues, then they need to be brought to the table. A QA/QC should be developed to address the issues.

Eryn Fletcher, Federal Highway Administration (FHWA) Transportation Engineer, asked how the Committee works. She asked if it is a single issue that brings a contractor in or overall issues.

Mr. Kicinski replied that both situations can bring a contractor before the Committee.

Mr. Stark stated that the Committee could ask Calumet back in 30 days and ask the districts to submit interim CR-2's for us to review. We could hold a meeting in July to address where the project is at and to act upon Seymour's recommendation.

Ms. Mulligan stated that it would be ambitious to hold a meeting on July 7, 2011, which is the regularly scheduled meeting date. It would be better to hold the meeting later in July. At that time Calumet's application will be due. It may be important to see the new calculated capacity.

Mr. Stark moved to have Calumet provide a QA/QC plan within 30 days of this meeting, and have the prequalification staff ask for interim CR-2's from district, and meet again in July to act upon Seymour's recommendation of a 40% reduction, if we are not satisfied.

Ms. Mulligan repeated the motion to have Calumet provide a QA/QC plan within 30 days of this meeting, as well as have the prequalification staff ask for interim CR-2's from the districts, and meet again in July to act upon Seymour's recommendation of a 40% reduction, if INDOT is not satisfied.

Mr. Novak asked if we are asking Seymour back to address any comments by Calumet.

Mr. Stark replied that it is important for Seymour to be here.

Mr. Novak stated that last month the contractor stated they were prepared to address item one, but not item two.

Ms. Mulligan stated that she appreciates Mr. Novak's point. Last month we set the agenda, but gave Accounting the opportunity to submit information for consideration of the contractor's prequalification. Ms. Mulligan stated that it is up to Calumet to decide if they want to bring forth additional information.

Mr. Hedge stated that additional issues on the new CR-2's would be fair game.

Mr. Stark stated that the CR-2's would be reviewed to consider the capacity reduction.

Ms. Jansen stated that the Seymour District will submit additional information for the next meeting, including an additional interim CR-2.

Mr. Vornehm asked if the CR-2's would be available to Calumet.

Mr. Kicinski stated that the contractor gets a copy of the CR-2's and are asked to sign it showing that they received a copy.

Ms. Mulligan stated that there is a motion on the table to have Calumet submit a QA/QC plan in 30 days of this meeting, as well as have the prequalification staff ask for interim CR-2's from the districts, and meet again in July to act upon Seymour's recommendation of a 40% reduction, if INDOT is not satisfied.

Mr. Kicinski seconded the motion.

All Committee members voted in favor.

Ms. Mulligan stated that we will brief the Commissioner.

Ms. Mulligan reminded the Committee members that there is a follow-up meeting on June 29, 2011 with Jack Isom Construction. The Committee members should bring their packets from the last meeting.

Mr. Miller moved to adjourn the meeting, and Mr. Woodruff seconded. All members voted in favor of adjourning the meeting.

Ms. Mulligan adjourned the meeting at approximately 11:29 a.m.