

PREQUALIFICATION COMMITTEE
MINUTES – JULY 1, 2010
8:30 A.M. EDT

The following Committee members attended the meeting:

Tiffany Mulligan	Director, Economic Opportunity and Prequalification Division; Committee Chair and Non-Voting Member
Karen Macdonald	Prequalification Engineer, Legal Division; Committee Secretary and Non-Voting Member
Tony Hedge	Director, Accounting Division; Voting Member
Greg Kicinski	Manager, Office of Project Management; Voting Member
Joe Novak	Construction Director, Crawfordsville District; Voting Member
Jim Stark	District Deputy Commissioner, Seymour District; Voting Member
Mark Miller	Director, Construction Management; Voting Member

Also in attendance:

Frederic Bartlett	Prequalification Section, Legal Division, INDOT
Michelle Allen	Director, Office of Environmental Services, INDOT
Laura Hilden	Office of Environmental Services, INDOT
Nathan Saxe	Office of Environmental Services, INDOT
Susie Kemp	Office of Environmental Services, INDOT
Dwight Archibald	Vincennes District Project Manager, INDOT
Troy Woodruff	Vincennes District Deputy Commissioner, INDOT
Rusty Fowler	Vincennes District Construction Director, INDOT
Jeff Stahl	Vincennes District Area Engineer, INDOT
Kristy Wright	Environmental Section, Vincennes District, INDOT
Mike Yacullo	LaPorte District Traffic Engineer, INDOT

Jennifer Jansen	Attorney, Legal Division, INDOT
Joan Widdifield	Contract Administration, INDOT
Paul Berebitsky	Indiana Construction Association
Greg Rominger	American Council of Engineering Companies (ACEC)
John C. Wagner.	E. S. Wagner Company
Lewis J. Wagner	E. S. Wagner Company
Kurt Huber	E. S. Wagner Company
Ty Bancroft	President, TGB Unlimited, Inc.
Gene Mann	TGB Unlimited, Inc.
Brandon Schmidt	TGB Unlimited, Inc.
Randy Braun	Office of Water Quality, IDEM
Ronald Boehm	Office of Water Quality, IDEM
Lucy Marius	Federal Highway Administration (FHWA)

The Committee reviewed the following agenda items:

1. Adoption of May 6, 2010 meeting minutes
2. E. S. Wagner Company – Follow up on performance on Contract IR-27845 in regards to Rule 5 and 401 permitting
3. TGB Unlimited, Inc. - Performance regarding Signal Modernization and maintenance at SR 49 and CR 1100N in the Town of Chesterton
4. Committee Housekeeping Discussion – Meeting start time and meeting room layout and location
5. Update on internal committee

PREQUALIFICATION COMMITTEE MEETING
OPEN SESSION
JULY 1, 2010

Ms. Mulligan, Committee Chair, called the meeting to order at 8:31 a.m. EDT. She facilitated introductions of all individuals present. All Committee members were present.

1. Adoption of May 6, 2010 Meeting Minutes

Ms. Mulligan called for consideration of the meeting minutes from the May 6, 2010 meeting.

Mr. Stark moved to adopt the meeting minutes from the May 6, 2010 meeting. Mr. Novak seconded the motion. All members voted in favor. Ms. Mulligan stated the minutes would be posted on the website.

2. E. S. Wagner Company - Follow up on performance on Contract IR-27845 in regards to Rule 5 and 401 permitting

Ms. Mulligan stated the discussion will start with INDOT staff presenting its information, then representatives from E. S. Wagner Company (Wagner) will have the opportunity to respond, then the item will be open for questions from Committee members, and then questions from others.

Ms. Hilden provided a slide presentation where she discussed the issues regarding the US 231 project. The Committee considered these issues at its March 4, 2010, meeting but did not take action affecting Wagner's prequalification status at that time. Instead, the Committee voted to bring Wagner back before the Committee in July to evaluate the status of the issues. Ms. Hilden explained the project involved sediment control problems, as well as Rule 5 and 401 permit violations. At the last meeting, Wagner presented information on changes to their management of erosion control implementation and oversight and admitted responsibility for not getting appropriate permits for the project's borrow and staging areas. Since that meeting, INDOT's Office of Environmental Services (OES) has taken steps to address the violations. They held a field inspection at the site on June 14, 2010 with OES, Vincennes District representatives, the Indiana Department of Environmental Management (IDEM), and Wagner in attendance.

Ms. Kristy Wright from the Vincennes District visited the site four times between March 4, 2010 and the June 14, 2010 inspection. Ms. Susie Kemp from OES attended on the April 13, 2010 site visit. The site visit interim report is included as Attachment #3 in the Committee members' packets. The interim inspection showed the project erosion control implementation is still falling short of the rules, and the site visit showed an unprotected temporary channel, a large amount of sediment under Structure #3 from the initial violation, and bleeder drains placed in several areas. The straw applied as an erosion control measure was thin.

Ms. Hilden stated that as of the June 14, 2010 inspection, there were still major issues where deposits are getting into the channel and berms with slope drain inlet problems choked with sediment. IDEM issued violation letters. Three items stood out that are sediment related for phase 3: a violation at Structure 16 where sediment with a gummy clay consistency has built up in the an area at a beaver dam, very little vegetation at the Chrisney Lake wetland site, and Rule 5 problems. Sequencing is important and should be a priority for the project manager.

Mr. Hedge asked about the follow-up and routine check up reports that were included in the Committee members' packets.

Ms. Hilden stated the two reports are for two different locations. The difference between the two evaluation reports is the mainline inspection was a follow-up and the off-site routine inspection was new.

Mr. Novak asked if the sediment shown on the slides was new or original since the last Prequalification Committee meeting.

Mr. Saxe answered the sediment was the original sediment.

Mr. Novak asked if restoration efforts had started.

Mr. Saxe stated no, INDOT and IDEM are still evaluating options.

An INDOT district representative asked about placing erosion control measures in waters of the U.S. They asked if the erosion control plan was reviewed by OES.

Ms. Allen replied that erosion control measures can be placed in waters of the U.S. depending on the sequencing. In the case of a stream relocation, erosion control measures are necessary; however, prior to the water being energized through the new location, the measures need to be removed.

The INDOT district representative stated that OES had told them the sequencing is up to the contractor.

Ms. Allen replied that it is up to the contractor.

Ms. Kemp replied that the original erosion control plan is based on the best judgment during the design phase and to establish pay items; however, it is subject to change based on the sequencing of the project. Erosion control measures can be placed in waters of the U.S., but a permit is required. The erosion control measures have to be monitored throughout the project and especially after a rain event. The contractor should alter the plan as the project changes.

Mr. Wagner stated that the stream classified as waters of the U.S. was adjacent to County Road 1250 North. The plan did not originally specify a check dam. Water gets trapped in a lot of areas. This is a coal mine area, and there are unstable, unconsolidated soils that were placed

during mine reclamation efforts. A check dam was placed temporarily and erosion is also being caught by another adjacent structure. There was a rain event on the Saturday before the Monday, June 14th field inspection, but Wagner has taken additional measures since the inspection.

Mr. Archibald stated that riprap was placed in the ditch. There is a second check dam near the gas line just left of this structure. It's a no man's land until the gas line is taken care of. It was left in during the construction. Wagner is still educating their people.

Mr. Wagner stated that it is a tough location and not much can be done. The gas line has been taken care of.

Mr. Wagner addressed another picture stating that there were not berms, but spoils from trenching for underdrains.

Addressing another photo, Mr. Wagner stated their foreman did not place sediment control at this location during this phase. The foreman's logic was that the permanent ditch was already placed.

Addressing one photo Ms. Kemp asked if it showed a bleeder ditch.

Mr. Archibald stated that they have had green box talks with employees about cutting bleeder ditches. He also stated that Wagner is bending over backwards to educate their employees.

Mr. Wagner replied the bleeder is not dumping directly in to a basin or waters of the U.S. It is trapping the silt. The bleeder drain was shown in slide 4. He stated at any particular time a structure can be out of compliance.

Ms. Mulligan stated this would be a good time from Wagner to present their response.

Mr. Wagner stated that he agrees there was one area mentioned in the IDEM inspection report that was not handled correctly. The bleeder ditches through the berms are in an area of ongoing construction. He stated they should be OK because there are other measures in place. There was one area that has been repaired.

Addressing Item #3, Mr. Wagner stated at County Road 200 East, there was a farmer's driveway that had to be left in place; the farmer works his field right up to the driveway and there were drainage issues there before the project started. The photo on page 4 shows a small riprap area, which is the structure at the farmer's driveway.

Mr. Wagner addressed Item #4 stating the size of the check dam was increased at IDEM's recommendation. There is not offsite discharge at this location now.

Mr. Wagner addressed Item #5 stating it is the area of the gas line relocation. He stated this is not a wetland area but instead is vegetated and stabilized.

Mr. Archibald agreed that it is not a wetland. It had been a wetland, but it was relocated. The area is between the mainline and a frontage road.

Mr. Wagner stated this was one of the waste areas that was not permitted. They used a 20 inch line on top of the ground to divert water until the structure could be built.

Mr. Wagner addressed Item #8 stating their subcontractor placed the seed and mulch per the application rates in INDOT's specifications. The tackifier was not holding the straw in place. The subcontractor has agreed to crimp the straw in areas where equipment can reach, and they will use another tackifier in the other areas.

Mr. Wagner addressed Item #9 stating the straw on the haul road near structure #3 does not last long due to blowing. He stated Wagner will install additional sediment traps.

Mr. Wagner addressed pictures at structure #3 stating there are other structures upstream and the haul road is parallel to the roadway. When it was constructed, riprap was on the slopes. He stated the sediment came from the mainline sideslopes. He mentioned the difficulty of being allowed to place check dams in waters of the U.S. The haul road should act as a dam.

Mr. Archibald stated that Jerrod Sanders of IDEM recommended to stabilize this area as is.

Mr. Saxe stated the sediment has occurred from the rain event prior to the last Committee meeting. Natural sediment will occur, but this sediment was gunky and easily mobile and would need to be controlled. It was part of the sediment violation that carried 300 feet downstream off right-of-way. That event is why we are here.

Mr. Saxe stated that IDEM and INDOT still have not decided whether to stabilize or remove the sediment. He stated the sediment at structure #3 is from the September 2009 rain event and not additional sediment.

Ms. Hilden stated this should have been addressed sooner. There could be problems if it rains again. The material needs to be stabilized.

Mr. Wagner stated it is built up now and seeded.

Mr. Archibald stated that grass is growing there now.

Ms. Hilden stated it was ponding water.

Mr. Wagner stated there is no construction activity there now. It had been disturbed by the gas line.

Mr. Archibald stated there was a check dam in place prior to Ms. Kemp's visit in April and was not listed on her report. I was planning on having it riprapped all the way up.

Ms. Hilden asked what was done when the check dam was removed.

Mr. Archibald replied that it was left up to nature and has formed its own channel

Ms. Hilden asked why it was not considered to move the sediment. She stated the material is suspect right now. The stability is not good, and she would not trust it

Mr. Saxe stated that we agree problems can occur but we disagree that it is stable. There is a lot of sediment there and it is not a good material.

Ms. Kemp stated the channel that led to the sediment would have been fine if the sediment was controlled prior to energizing the water. Again it is a matter of sequencing.

Ms. Mulligan suggested we get back on track and let Wagner finish their response.

Mr. Wagner stated they were not aware it was waters of the U.S. Wagner began excavating with ditch checks in place. Once it was identified as waters of the U.S., Wagner began working on it, and then they were hit with 4 inches of rain

Mr. Huber stated the 4 inch rain event was from September 2009. He stated Wagner has corrected a lot since March 4, 2010.

Mr. Wagner addressed the last three photos in their response packet. The area is at the southern end of the project. Diversion berms and three slope drains with riprap were used. Water would have to go through three erosion control measure before entering the waters of the U.S. He stated Wagner was written up for wrong placement of sediment traps. They placed them at the bottom and not the middle of the slope. They were still building the embankment, and they planned to relocate the traps. He stated he feels the violation was unfounded.

Mr. Archibald stated the measure was placed in a horse shoe, which is above the standards.

Mr. Louis J. Wagner stated in closing, it is important to note that Wagner had a poor interim CR-2 and violations that brought Wagner to the Committee on March 4th. They have had a huge turnaround. The CR-2 is now at plus 14, which was a 19 point turnaround. It is a very difficult site, and the material is erodible. The site was not restored back with the mining reclamation.

Mr. John C. Wagner stated the Chisney Lake sedimentation is an ugly problem following the 4 inch rain event. Wagner believes that erosion control plan is based on a two year rain event, which would not have handled the rain that occurred in September 2009. Erosion control measures should probably be designed for a 10 year event. Wagner's field management has devoted John Bates full time as erosion control inspector. The timing is unfortunate that we had the rain and then an inspection on June 14, 2010. Wagner only had 48 hours to fix the problems and that should be taken into consideration. Kris Hamilton has been added to Wagner's staff as a full-time erosion control manager. He will handle permits. As a company Wagner has taken

steps to correct things. Contractors need to partner with INDOT and IDEM on erosion control. With erosion control on a highway project, the situation changes daily. Go to any site on any day and there is always a potential for violations.

Ms. Mulligan asked if there were any questions from Committee members.

Mr. Kicinski stated the Committee is limited on what we can do. We can reduce Wagner's capacity to do business with INDOT. We want to move forward. We want companies to do well and perform well in Indiana. Wagner acknowledged that there were violations. We need to consider what corrections need to be made and move ahead. This applies to all projects, because projects are dynamic and it requires good communication with district and all parties involved. Everyone is working to get to that point. Unless we feel Wagner is not working to correct the issues, we should not take action affecting Wagner's prequalification status. There has been a big turnaround on the CR2's to make this project right.

Ms. Mulligan stated she is encouraged to hear that steps have been taken to correct the issues. It is not a waste of time to be here before the Committee because the Committee takes these issues seriously. It sounds like progress has been made.

Mr. Kicinski stated the problem at Chrisney Lake still needs to be remediated.

Ms. Mulligan asked if Wagner is addressing outstanding issues. She asked if there were any new issues in addition to any outstanding original issues.

Mr. Saxe stated that the main thing is that we are working to solve problems on a regular basis. We have noticed an increased improvement. The greenbox talks are an excellent idea. Ms. Kemp works with the districts and contractors on a regular basis.

Ms. Hilden asked if Wagner's CESSWI inspector was at the site daily.

Mr. Wagner responded yes, they have two inspectors.

Mr. Kicinski asked if Wagner is having problems with erosion control on any other INDOT projects.

Ms. Hilden replied that Wagner is the grading subcontractor on the US 31 project in Marshall County. There are some violations. Primco is the prime contractor.

Mr. Kicinski stated that the Committee should consider if there is a pattern of problems or if a contractor does not want to work with us to resolve the problems.

Mr. Saxe stated there was a lack of communication with Wagner, but they have improved and have been willing to work with us.

Mr. Stark stated the key is that Wagner is working with us. They admitted there was a lack of effort on their part in the beginning. Erosion control training is going on in the districts

now. There is an ongoing process to train key personnel on Rule 5 to have them working the job sites. We need to bring up our standard of performance. If IDEM's standard is higher than ours, then we will continue to have violations. INDOT and the contractors need to know what the rules are on the inspections and permits. This communication needs to continue.

Mr. Hedge asked if there is a disconnect because IDEM issued violations from the June 14, 2010 field inspection.

Mr. Miller stated there will be violations after a rain event. Our people have a lot to learn and contractors need to do a better job. Responsiveness is the key. We need to look at what they are doing to correct the violations.

Ms. Hilden stated that OES receives the inspection report from IDEM and coordinates responses with the district. It all depends on the severity of the violation.

Mr. Stark asked if OES is satisfied with the response from Wagner.

Ms. Hilden stated they only got the response from Wagner yesterday. They have not had time to digest it. Ms. Kemp and Ms. Wright would need to review what was received

Mr. Saxe stated he is happy with the response in several areas. Any recurring violations would be a problem.

Mr. Wagner stated that Rule 5 is a methods-based specification but should be performance based. Some violations are cited on the methods used.

Mr. Saxe stated that this discussion has come up many times.

Mr. Wagner stated that performance based specifications have better results.

Mr. Novak stated that the law on Rule 5 is performance based, but INDOT set it up as method based to make it biddable.

Mr. Stark stated that he is satisfied Wagner has taken the steps to work with INDOT. They have become a poster child for their effort and willingness to restructure their operations to address erosion control issues. There was the complexity with the rain events.

Ms. Mulligan called for a motion.

Mr. Stark moved that the Committee not take action affecting Wagner's prequalification status.

Mr. Hedge seconded the motion.

All Committee members voted in favor.

Mr. Kicinski stated he expects Wagner to make the effort on other projects too.

Ms. Mulligan thanked Wagner representatives for attending the meeting and noted they will receive a follow-up letter in the mail after the meeting. She noted the Committee's decision does not preclude INDOT from calling Wagner back before the Committee for future issues.

The Committee took a break at 10:30 a.m. and reconvened at 10:36 a.m.

3. TGB Unlimited, Inc. - Performance regarding Signal Modernization and maintenance at SR 49 and CR 1100N in the Town of Chesterton

Ms. Mulligan stated that INDOT will present the issue, then TGB Unlimited, Inc. (TGB) we be allowed to respond, and then the item will be open for questions.

Mr. Yacullo, LaPorte District Traffic Engineer, handed out additional information, including: 1.) an email from Jessica Kruger, LaPorte District Traffic Systems Engineer, 2.) Pre-Phase Site Construction meeting minutes prepared by DLZ Indiana, Inc., and 3.) a call log. He reported that there were problems with the signal modernization at SR 49 and CR 1100N in the Town of Chesterton. The project was a local project and did not involve federal funds, so it was not let by INDOT. G. E. Marshall, Inc. (Marshall) was the prime contractor and TGB was a subcontractor on the project. INDOT is the owner of the signal. Mr. Yacullo stated that INDOT informed TGB and Marshall at a pre-construction meeting that the signal would be maintained by TGB throughout the length of the project until the signal was returned to the permanent operation phases.

The e-mail from Ms. Kruger indicated that during the first phase of the project, the left turn signal was bagged, which caused problems with traffic on that leg. Phasers and wiring may have not been maintained in the cabinet to control the signal. Mr. Yacullo stated that INDOT helped with an early problem, which may have led to a misunderstanding of who would be responsible for the cabinet. INDOT expected TGB would handle all trouble calls.

Mr. Yacullo reported that several trouble calls came in on this signal. Most of the trouble calls indicated the signal had gone to flashing mode. The LaPorte District dispatcher noted in the call log on April 30, 2010 that TGB advised that they were not to be called for malfunctions at the signal per direction from the Town of Chesterton. An entry in the call log on May 8, 2010, indicates that TGB was asked to respond to a trouble call and Mr. Bancroft informed the dispatcher there was a load switch problem and TGB did not have the part.

Mr. Yacullo stated that in the DLZ meeting minutes, item #6 states that Bancroft would be responsible to maintain signals. The Town of Chesterton engineer questioned it originally, but the minutes cleared it up. Mr. Yacullo stated that TGB was to maintain the signal, and they did not.

Mr. Yacullo stated the reason TGB was asked to come before the Committee is because INDOT wants them to be responsive. He stated that TGB indicated there was a load switch problem and they did not carry the part, but it is a very basic key component and should have been available. An INDOT technician came out to resupply the switches; however, it did not work and TGB had to come back out to repair the signal.

Mr. Bancroft responded that Andy Costello of INDOT informed TGB early on in the project to stay out of INDOT's controller cabinet. He stated it was several months later that he received a response providing directions to TGB. On the trouble calls, one time a technician from Bancroft went out and Mr. Bancroft went out twice. He stated he wouldn't know what to do with the switch. He is an electrician, and it is not something TGB could have fixed. He stated he went out seven times on trouble calls when they were informed it was flashing. On several of those occasions, the problem was not occurring when he arrived. If there was something TGB could have fixed, they would have fixed it.

Mr. Bancroft stated the malfunctions were due to a power problem. He stated that NIPSCO would not take a repair call from TGB because they were not the owner of the signal. INDOT would have to call NIPSCO for the repair. Once INDOT took over, NIPSCO replaced the power supply within a few days.

Mr. Miller stated that if the power problem needed to be called in by INDOT, TGB should not hesitate to call INDOT to ask for help.

Mr. Yacullo stated he was unaware of the instructions Mr. Costello gave TGB. Mr. Costello stepped down as supervisor. There was no one in that position for several months. Mr. Yacullo stated the problems probably occurred due to a drop in the voltage. He admitted it was a power issue in the end. He stated that TGB was responsible for the signal and should have responded to trouble calls. As soon as TGB knew it was a power problem, they should have asked the district traffic office to call NIPSCO.

Mr. Bancroft stated there is a log of 24 visits from INDOT. He said TGB received compliments from DLZ on doing this when it was not their job. He stated INDOT took 47 days to respond to an email from TGB questioning who was responsible for the maintenance of the signal. He stated he was told specifically to stay out of the cabinet, and he does not have any paperwork to the contrary.

Mr. Yacullo stated the minutes from the pre-construction meeting in February indicate that TGB will maintain the signals.

Mr. Stark asked if TGB received the minutes from the February meeting.

Mr. Bancroft replied yes, but asked for clarification of what it meant. The Town of Chesterton representative said to stay out of the cabinet.

Mr. Yacullo stated that Ms. Kruger has been on maternity leave for the past several months, and Mr. Costello is no longer in his position. He apologized for any lack of communication.

Mr. Stark asked if DLZ provided construction inspection for the project.

Mr. Novak responded yes, DLZ did the design and inspection.

Mr. Bancroft stated TGB was told to stay out of the cabinet by Mr. Costello.

Mr. Yacullo stated that it appears that there was not a clear expectation that TGB would maintain the cabinet. INDOT should not have problems with subcontractors maintaining the cabinet as long as they do not adjust the signal timing. Apparently there was conflicting communications.

Mr. Bancroft stated that he can only bid on what DLZ provided. There is no pay item for maintaining the signal. TGB does not want to be responsible for a signal that INDOT has worked on. He suggested there should be a date range defined as to when the contractor is responsible for maintenance. There may also be an insurance issue.

Mr. Miller asked if TGB has done any other work for INDOT and if there were any CR-2's on file.

Ms. Mulligan replied no, there were no CR-2's in TGB's file. G.E. Marshall provided a letter with praise for TGB's work, which was included in the Committee members' packets.

Mr. Miller stated we should have a CR-2 on file from the district.

Mr. Bancroft asked what is a CR-2.

Mr. Miller replied it is a contractor rating form.

Mr. Yacullo stated the issues on this project came to light from the trouble calls that came in.

A TGB representative stated they went through the punch list, and it looked worse that it really was. When they went on a trouble call, the signal was not malfunctioning. Once it malfunctioned while they were there, then they were able to fix it.

Ms. Mulligan stated that it sounds like communication and responsiveness were the problems.

Mr. Hedge stated that it sounds like there was a major lack of communication. Marshall should be involved as the prime.

Ms. Macdonald asked how long TGB has been in existence.

Mr. Bancroft replied TGB has been in existence since 2005 and prequalified since 2007.

Ms. Macdonald asked if TGB was a split from Bancroft Electric and if TGB does business as S/T Bancroft.

Mr. Bancroft replied yes to both questions.

Ms. Mulligan asked if the doing business as name is listed in the prequalification file.

Ms. Macdonald replied yes, on the CR-1 the name is listed as TGB Unlimited doing business as S/T Bancroft.

Mr. Hedge asked if it is appropriate to bring a contractor before the Committee when the project was not let by INDOT.

Ms. Mulligan replied yes, INDOT's rules allow us to consider these issues.

Mr. Hedge mentioned that on projects let by INDOT the responsibilities are specified. He asked if it is unusual for a project on a state route to not be let by INDOT.

Mr. Yacullo responded that the work was on the cross street adjacent to the state road. A permit is required to do the signal modification. The permit should dictate who is responsible for maintenance of the signal.

Mr. Bancroft asked who obtains the permit.

Mr. Yacullo responded the Town of Chesterton.

Mr. Novak asked if the town got the permit.

Mr. Yacullo replied that a permit was obtained for TGB to do work in our right-of-way.

Mr. Novak stated that when the permit is requested, that would be the opportunity to request provisions be placed in the contract.

Mr. Hedge asked about release of responsibility.

Mr. Yacullo stated the procedure is to inspect the signal before relieving the contractor of maintenance. Ms. Kruger handles that. Mr. Yacullo stated that Ms. Kruger would be back at the end of the month.

Mr. Bancroft stated TGB was not upset about going on trouble calls. They were upset when the signal was not malfunctioning when they arrived. He stated the contractor should have full responsibility for the signal during the contract.

Mr. Yacullo stated that as far as he knew, TGB was responsible for the maintenance and they were not responsive to the problem calls. There was a lack of attention to detail.

A TGB representative stated when they get a call, they are on it and fix it within two hours.

Ms. Mulligan called for a motion.

Mr. Novak moved that the Committee take no action against TGB that would affect TGB's prequalification status.

Mr. Kicinski seconded the motion.

All Committee members voted in favor.

Ms. Mulligan stated the Committee appreciates TGB and the district coming in and giving their explanation of events. TGB will receive a letter with the Committee's decision in the mail. Although the Committee chose not to take action at this time, the Committee's decision does not preclude it from taking action in the future should INDOT experience future problems.

4. Committee Housekeeping Discussion – Meeting start time and meeting room layout and location

a.) Ms. Mulligan stated a Committee member suggested changing the room layout of the meeting so that there was one area for Committee members and another for representatives of the contractor and observers. Today's meeting was moved to room N755 to try a different layout.

Mr. Hedge suggested the Committee should consider the Indiana Government Center South building's conference center. There is an audio/visual room that is v-shaped.

The Committee members indicated they like the new layout.

b.) Ms. Mulligan stated a Committee member requested the start time of meetings be moved to a later time to accommodate attendees traveling from the districts.

Ms. Macdonald suggested starting the meetings at 9:00 instead of 8:30.

There was no objection from the Committee members.

Ms. Macdonald stated she will revise the meeting schedule for the remaining 2010 meetings to start at 9:00 am. The meeting location will also be revised based on availability.

c.) Ms. Mulligan stated that the meeting packets are generally distributed to Committee members by the Friday before the meeting. We will provide the packet to the contractor if they request it. She asked the members to consider if the packet should be provided to the contractor automatically.

Mr. Hedge stated that if the contractor doesn't know what they are coming in for, there is a lack of communication.

Ms. Mulligan stated a short description of the reason for bringing the contractor before the Committee is stated in the letter asking the contractor to attend the meeting.

Ms. Macdonald stated that contractors have called asking why they are being asked to come in. She usually suggests they contact the owner office that submitted the issue for Committee consideration. CR-2's are provided to contractors on request.

d.) Mr. Stark questioned whether the Committee should request quarterly reports from OES in the future.

Mr. Novak stated that OES has a report indicating how INDOT is doing, which was available earlier this year.

Mr. Stark stated that INDOT needs to know how contractors are responding to violations.

Mr. Berebitsky stated that there is a newly formed environmental committee, which will include INDOT and ICA members.

5. Update on internal committee

Ms. Mulligan stated the revision to the prequalification rules is still on the table. She hopes to get that project moving soon.

Ms. Mulligan called for a motion to adjourn the meeting.

Mr. Kicinski moved to adjourn the meeting, and Mr. Novak seconded the motion. All members voted in favor of adjourning the meeting.

Ms. Mulligan adjourned the meeting at approximately 11:37 a.m.