

PREQUALIFICATION COMMITTEE  
OPEN SESSION  
MINUTES – January 09, 2014  
9:00 A.M. EST

The following Committee members attended the meeting:

Mark Tidd	Prequalification Director; Committee Chair and Voting Member (in case of tie)
Karen Macdonald	Prequalification Engineer; Committee Secretary and Non-Voting Member
Louis Feagans	Director of District Project Management, Capital Program Management; Voting Member
Mark Miller	Director of Construction Management; Voting Member
Joe Novak	Crawfordsville District Construction Director; Voting Member
Mark Ratilff	Director of Economics, External Audit, and Performance Metrics; Voting Member
Jim Stark	Deputy Commissioner of Innovative Project Delivery; Voting Member
John Wright	Director of Highway Design and Technical Support; Voting Member

Also in attendance:

Jennifer Jansen	Managing Attorney, Legal Services; INDOT
Ike DeBurger	Seymour District Area Engineer; INDOT
Jason Bunselmeier	Seymour District Area Engineer; INDOT
Sam Sarvis	Deputy Commissioner of Capital Program Management; INDOT
Matt Voors	Chief Legal Counsel and Deputy Commissioner; INDOT
Gregory Christoff	Prequalification Auditor; INDOT
Fred Bartlett	Prequalification Research Analyst; INDOT

Harold Force	President, Force Construction Company, Inc.
Tom Pastore	Attorney, Force Construction Company, Inc.
Eryn Fletcher	Federal Highway Administration
Charlie Kahl	Indiana Construction Association
Paul Berebitsky	Indiana Construction Association
Dan Osborn	Indiana Construction Association

\*\*\*\*\*

PREQUALIFICATION COMMITTEE MEETING  
OPEN SESSION  
JANUARY 09, 2014

Mr. Mark Tidd called the meeting to order at 9:13 am EST. All Committee members were present with the exception of Mr. Gallagher.

Mr. Tidd provided the delegation from the Commissioner naming him as the Chair to the Committee.

The Committee reviewed the following agenda items:

1. Adoption of the November 7, 2013 meeting minutes.

Mr. Tidd called for consideration of the meeting minutes from the November 7, 2013 meeting.

Mr. Stark moved to adopt the minutes from the November 7, 2013 meeting.

Mr. Novak seconded Mr. Stark's motion.

All Committee members voted in favor of adopting the November 7, 2013 minutes.

2. Linkel Company – Status Update of Work Improvement Plan

Mr. Tidd introduced the item regarding Linkel Company (Linkel). He provided an update on the status of Linkel's Work Improvement Plan (WIP). Because this item has been unresolved for so long, Mr. Tidd sent an email to Linkel dated December 31, 2013 outlining the following information: By letter dated April 17, 2013, the Commissioner adopted the Committee's recommendation to "restrict Linkel from bidding on all federal and state funded

projects involving grading, clearing, grubbing, erosion control, and tree trimming and removal work until the WIP is approved by INDOT's Construction Management and Environmental Services Divisions." Linkel submitted a WIP and it was reviewed by Construction Management and Environmental Services. On October 17, 2013, Nathan Saxe, Environmental Services Ecology and Permits Manager, sent Linkel a detailed email containing specific recommended revisions to Linkel's WIP. Mr. Saxe did not receive a response from Linkel.

Part of the packet information to the Committee members includes the email responses to Mr. Tidd from Jama Linkel dated January 3, 2014 and from Linkel's attorney, Grant Reeves, dated January 8, 2014. Ms. Linkel indicated that Mr. Saxe' email got lost in her junk email folder. Both Ms. Linkel and Mr. Reeves indicated that Linkel has every intention of submitting a WIP that addresses all of Mr. Saxe' concerns. Mr. Reeves indicated that they have already contracted Mr. Saxe to address the remaining items.

Mr. Tidd stated that Linkel may attend the February meeting and Environmental Services may provide a status update at that meeting.

3. Jutte Excavating, Inc. – Appeal of six month suspension (continued from the November 7, 2013 meeting)

Mr. Tidd introduced the item regarding Jutte Excavating, Inc. (Jutte). Jutte appealed the six month suspension recommended by the Committee at the October 3, 2013 meeting and adopted by the Commissioner on October 15, 2013. The appeal was first considered at the November 7, 2013 meeting, but the Committee decided to wait until the next meeting to make its recommendation, because the Economic Opportunity Division (EOD) requested that Jutte submit additional material by November 19, 2013.

Mr. Tidd reported that the Committee members' packets include emails from Ms. Latosha Higgins, EOD's Title VI and ADA Program Manager, and Mr. David Alyea, EOD's Contract Compliance Manager. Both emails stated that all material had been submitted. Mr. Tidd stated that not all had been submitted by the November 19, 2013 deadline.

Ms. Higgins also submitted an email recommending that the suspension be reduced from six months to three months, which was provided to Committee members. Also provided to the Committee members was an email from Ms. Grace Jutte requesting that the suspension be lifted altogether. Mr. Tidd stated that the Committee can recommend keeping the six month suspension, reducing it to three months, removing it altogether, or any other recommendation.

Mr. Feagans moved that the Committee recommend to the Commissioner to keep the six month suspension in place, with the option to reconsider if Jutte requests.

Mr. Ratliff seconded Mr. Feagans' motion.

All voted in favor of the motion: 6 for and 0 against.

4. Force Construction Company, Inc. – Reconsideration of the Committee’s recommendation from the November 7, 2013 meeting regarding compliance with Erosion and Sediment Control requirements on Contracts R-27969 and IR-34452

Mr. Tidd introduced the item regarding Force Construction Company, Inc. (Force). Mr. Tidd reported that the Commissioner rejected the second part of the Committee’s recommendation from the November 7, 2013 meeting, which was to reduce Force’s maximum bidding capacity by 30%.

Ms. Jennifer Jansen, Managing Attorney of INDOT’s Legal Division, presented a joint submission by the Seymour District and Force. Both parties agreed to reduce Force’s bidding capacity and remove the unlimited designation. Both parties agreed that they understood that any unearned work with any party would count against Force’s bidding capacity on INDOT projects. As to the maximum amount of Force’s aggregate bidding capacity, the Seymour District recommended a reduction to \$60,000,000. Force recommended that the bidding capacity be reduced to \$85,000,000.

Mr. Tidd stated that items of the joint submittal were agreed to by both parties. The only outstanding item is the capacity reduction amount.

Mr. Harold Force, President of Force, stated that Force successfully completed the Jennings County project. Force has submitted the draft WIP to INDOT. Force has an Environmental Compliance Manager that is responsible for the ESC for Force. Whether or not there was a numerical reduction to the capacity or not, Force took the reduction to heart. Force would like to bring this to a successful completion. Force wants mutual respect and trust and their goal is to be better because of this.

Mr. Ratliff moved to recommend to the Commissioner reducing Force’s maximum aggregate bidding capacity to \$85,000,000. There was no second of this motion.

Mr. Stark moved to recommend to the Commissioner reducing Force’s maximum aggregate bidding capacity to \$60,000,000. There was no second of this motion.

Mr. Feagans moved to amend Mr. Stark’s motion to restate it in full, with the addition that if Force is part of the selected I-69 Section 5 team, then Force can come back to the next Committee meeting after the selection for reconsideration of their maximum aggregate capacity.

Mr. Wright seconded Mr. Feagans’ motion. 5-1 voted for the motion, with Mr. Ratliff voting against.

Mr. Tidd asked for a motion to adjourn the meeting.

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

Mr. Tidd adjourned the meeting at approximately 10:13 am EST.