

PREQUALIFICATION COMMITTEE
OPEN SESSION
MINUTES – JANUARY 27, 2015
NOON EST

The following Committee members attended the meeting:

Mark Tidd	Director of Prequalification Division; Committee Chair and Voting Member only in case of tie
Karen Macdonald	Prequalification Engineer; Committee Secretary and Non-Voting Member
Bob Cales	Director of Contract Administration; Voting Member
Louis Feagans	Statewide Director of District Project Delivery; Voting Member
Angela Fegaras	LaPorte District Construction Director; Voting Member
David Holtz	Director of Pavement Engineering; Voting Member
Joe Novak	Crawfordsville District Construction Director; Voting Member
Mark Ratliff	Director of Economics, External Audit, and Performance Metrics; Voting Member
Jim Stark	Deputy Commissioner of Innovative Project Delivery; Voting Member

Also in attendance:

Lori Torres	Chief Legal Counsel; INDOT
Mark Hawkins	Attorney, Legal Services Division; INDOT
Joiner Lagpacan	Federal Highway Administration (FHWA)
Paul Berebitsky	Indiana Construction Association (ICA)
Dan Osborn	Indiana Construction Association (ICA)
Scott Sondles	Burgess & Niple, Inc. for American Council of Consulting Engineers (ACEC)

The Committee reviewed the following agenda items:

1. Prequalification Committee Member Training
2. Additional Committee Items

PREQUALIFICATION COMMITTEE MEETING
OPEN SESSION
JANUARY 27, 2015

Mr. Tidd, Committee Chair, called the meeting to order at 12:04 p.m. EST. All Committee members were present, except Mr. Cales arrived around 12:15, Mr. Feagans left the meeting around 1:00, and Mr. Stark left the meeting around 1:30.

1. Prequalification Committee Member Training

Ms. Torres and Ms. Macdonald presented the training. They provided a more detailed agenda at the start of the meeting today.

Karen:

1. Reference Binders
2. Web Pages
3. Schedule for distributing Committee packets
4. Potential for SharePoint site

Lori:

5. Statutory Authority
6. Administrative Rules
7. Charter
8. Open Door Law
9. Administrative Orders and Procedures Act

1. Reference Binders - Ms. Macdonald pointed out the packets provided to the members today at the meeting. Each member was given a reference binder when they started on the Committee. The packets include new items for the reference binders. Some of the original items in the binders were out of date. The packets do not include items that are not being updated. One of the items in the packet is a memo from Ms. Macdonald that lists the items in the order in which they should be placed in the binders. The binders should include the following items:

- 2015 Committee Meeting Dates
- IC 8-23-2 Indiana Department of Transportation
- IC 8-23-10 Qualifications of Bidders for Contracts

- 105 IAC 11 Prequalification of Contractors and Bidding
- Basic Requirements of the Indiana Open Door Law (IC 5-14-1.5)
- Executive Sessions from the Indiana Open Door Law (IC 5-14-1.5-6.1)
- Prequalification Committee Charter
- Prequalification Committee Meeting Procedures
- Prequalification Committee Issue Submission Procedures
- Consultant Prequalification Manual Section I – Prequalification Committee Action
- Business Rules for Prequalification of Companies Submitting Consolidated Statements
- Report of Contractors Performance (CR-2)
- Request for Approval of Subcontractor (IC-730)

Mr. Stark, Mr. Feagans, and Mr. Holtz need new binders.

2. Web Pages - Ms. Macdonald provided a handout showing the three webpages that the Prequalification Division maintains. The webpages are the Contractor Prequalification webpage located at <http://www.in.gov/indot/2740.htm>, the Consultant Prequalification webpage located at <http://www.in.gov/indot/2732.htm>, and the Prequalification Committee webpage located at <http://www.in.gov/dot/div/legal/rfp/com/prequalcommittee.htm>. Ms. Macdonald pointed out that you can get to the Contractor and Consultant Prequalification webpages by drilling down through Doing Business with INDOT from INDOT's home page. To get to the Prequalification Committee webpage, you have to go through one of the other two webpages, unless you have the direct URL.

Important information on the Contractor Prequalification webpage includes the Rules for Prequalification of Contractors and Bidding (105 IAC 11), the application (called the Contractor's Statement of Experience and Financial Condition), the list of prequalification work type codes, the list of prequalified contractors that is updated every 1-2 weeks, and a slideshow on contractor prequalification that we use at DBE outreach seminars.

Important information on the Consultant Prequalification webpage includes information on how to enroll in ITAP, how to submit the consultant application through the Professional Services Contracting System (PSCS), the Consultant Prequalification Manual, the list of prequalified consultants that is updated weekly, and a slideshow from training when we went live with the rebuild of the PSCS Prequalification Application. The contractor application is submitted as a paper application. The consultant application is submitted online and is a part of the PSCS system, which includes the RFP advertisements, LOI submittals, and contract tracking.

Important information on the Prequalification Committee webpage includes the list of Committee members, the list of meetings for the year in a grid, along with the agendas and adopted minutes, and archive page that includes meeting back to mid 2009, the Committee Charter, Committee Meeting Procedures, and Internal Prequalification Issue Procedures.

3. Schedule for distributing Committee Packets - Ms. Macdonald stated that the Prequalification Division tries to distribute the packets a week before the meeting. She provides hard copies of the materials to the members in the Central Office and emails the materials to Mr. Novak and Ms. Fegaras, although she also has a packet for them on the day of the meeting.

4. Potential for SharePoint site – Ms. Macdonald asked if the Committee members would rather have the materials placed on a SharePoint site instead of being provided hard copies of the packet materials. The general consensus of the Committee is to continue to provide hard copies of the materials to the members.

5. Statutory Authority – Ms. Torres presented information on the statutes, which she referred to as Administrative Law 101. She said that she likes to go back to the authority, which is in statute IC 8-23-2 and IC 8-23-10.

- IC 8-23-2-5 Version B, “Sec. 5(a) The department, through the commissioner or the commissioner’s designee, shall:...(2) implement policies, plans, and work programs adopted by the department.”
- IC 8-23-2-6, “Sec. 6(a) The department, through the commissioner or the commissioner’s designee, may do the following:...(2) Contract with persons outside the department...(7) Hold investigations and hearings concerning matters covered by orders and rules of the department...(10) Adopt rules under IC 4-22-2...(13) Perform all actions necessary to carry out the department’s responsibilities.”
- IC 8-23-2-12, “A contract for professional services of engineers or land surveyors may be made on the basis of competence and qualifications for the type of services to be performed.”
- IC 8-23-10-2, “Sec. 2(a) A bidder desiring to submit to the department a bid for the performance of a contract the department proposes to let must apply to the department for qualification and must use for that purpose the forms prescribed and furnished by the department. All applications must be verified by the applicant...(c) If the applicant is found to possess the qualifications prescribed by this chapter and by the rules adopted by the department, the department shall issue a certificate of qualification, which shall be valid for a period of one (1) year, or a shorter period of time that the department prescribes, unless revoked by the department for cause...(d) A certificate of qualification may be revoked by the department only after notice to the qualified bidder and an opportunity to be heard. The notice must be in writing and must state the grounds of the proposed revocation.”

6. Administrative Rules – Ms. Torres presented information on the Administrative Rules in 105 IAC 11. Ms. Torres stated that the statutes take precedence over the rules. The Governor has issued a rulemaking moratorium at this time. She started with 105 IAC 11-1 Definitions:

- 105 IAC 11-1-8, “Sec. 8, “Certificate of Qualification” means the official document issued by the department which authorizes a contractor to bid on department contracts.”
- 105 IAC 11-1-9, “Sec. 9, ...“Commissioner” means the commissioner, the commissioner’s designee, or alternate.”
- 105 IAC 11-1-20, “Sec. 20, “Prequalification Committee” means the committee appointed by the commissioner to: (1) verify and monitor a contractor’s compliance with contractual requirements; (2) issue, modify, or deny certificates of qualification; (3) evaluate contractors; and (4) establish the policies and procedures under which a contractor may be qualified or disqualified.”
- 105 IAC 11-1-25, “Sec. 25, “Quorum” means that number of members of the prequalification committee of their designated alternates that constitutes a majority of its voting members. For this purpose, the chairman is not considered a voting member.”

Mr. Tidd stated that although the rules allow for members to appoint alternates when they cannot attend meetings, he does not want it to happen. He will consider allowing alternates if there is a problem with meeting the quorum. Ms. Torres stated that 105 IAC 22-2-4(c) states that we must have a quorum to transact business, and must have a majority of the votes to adopt a motion. Thus, we can have four members attend the meeting and can adopt a motion on a 3-1 vote.

Ms. Torres continued with the rules:

- 105 IAC 11-2-1 General requirements, “Sec. 1...(f), An applicant must possess the qualifications prescribed and be determined to be a competent and responsible bidder as verified by the inquiries and investigations of the department to qualify for a certificate of qualification. The areas considered for qualification of the contractor include, but are not limited to, the following: (1) Organization, (2) Personnel, (3) Construction Experience, (4) Prosecution of work on previous contracts, (5) Condition and adequacy of equipment, (6) Financial condition and quality of financial information, (7) The contractor’s attitude toward department rules and the general public...(g) The prequalification committee shall make a recommendation to the commissioner regarding what action shall be taken. The commissioner may, in the exercise of the commissioner’s sole discretion, accept or reject the recommendation of the prequalification committee. The commissioner shall promptly send the contractor written notice of the decision. The certificate of qualification becomes effective after all avenues of appeal under section 9 of this rule are exhausted. Should such decision involve the addition of a classification or the increase of a rating to a certificate of qualification, the certificate of qualification shall become effective on the date the commissioner signs it and shall be in effect during administrative appeal under section 9 of this rule...(h) For the purpose of determining competency and responsibility, the prequalification committee or the prequalification engineer may send evaluation forms either to those with whom the contractor has had present or previous business relationships or persons and entities who have utilized the past or present

services of the contractor's employees. The responses received as a result of such inquiries are to be considered confidential for all purposes including, but not limited to, libel and slander. The responses received shall not be available under any circumstance to the contractor."

- 105 IAC 11-2-4 Prequalification committee, "Sec. 4(a), There is hereby created a prequalification committee. (b) The commissioner shall appoint the members...and designate one (1) of them as chairman. The chairman shall preside at meetings...is not entitled to vote unless the vote...is tied...Each member may designate in writing to the secretary an alternate member. (c) ...shall meet monthly and as called by the chairman...must have a quorum present...The secretary is required to take minutes...(d) The prequalification committee may meet in executive session...During executive session, the prequalification committee is entitled to consider confidential information. (e)...The prequalification committee may act either on referrals to the prequalification committee or on its own initiative. (f) The prequalification committee may investigate, request documents, and interview witnesses and other persons or entities with information deemed relevant. (g) The prequalification committee may recommend a course of action to the commissioner. The commissioner may accept or reject the recommendation of the prequalification committee. In the event that an initial certificate of qualification is issued, a certificate of qualification is reissued, a change is made in a classification or rating of a contractor's certificate of qualification, a contractor's issued certificate of qualification is suspended, or a contractor's issued certificate of qualification is revoked, the commissioner shall notify the contractor in writing. All actions of the commissioner under this article are considered to be effective after all avenues of appeal under section 9 of this rule are exhausted..."
- 105 IAC 11-2-5 Change in certificate of qualification, "Sec. 5(a) The prequalification committee may recommend to the commissioner a change in the certificate of qualification...(b)...An applicant who has been refused qualification, or who is dissatisfied with the department's decision as to the aggregate amount of uncompleted work to be permitted...may at any time after the expiration of ninety (90) days for the date of the department's previous decision request a change in or file a new application for qualification."
- 105 IAC 11-2-6 Suspension of certificate of qualification, "Sec. 6(a) The prequalification committee may recommend to the commissioner the suspension of the contractor's certificate of qualification...(b)...The suspension will be lifted when the contractor has taken corrective action to the personal satisfaction of the commissioner."
- 105 IAC 11-2-7 Withdrawal of certificate of qualification, "Sec. 7. A certificate of qualification may be withdrawn..."
- 105 IAC 11-2-8 Revocation of certificate of qualification, "Sec. 8(a) A certificate of qualification may be revoked if...(1) Failed to timely pay, or satisfactorily settle, any bills...(2) Is found to be in violation of either a state or federal law or regulation...(3) Defaulted on a contract. (4) Failed to enter into a department contract. (5) Falsified any document required..." "falsify" means an intentional act of omission or commission...(6) Was convicted of a bidding crime...(7) Failed to

perform any part or portion of an existing or previous contract. (8) Failed to submit in a timely manner: (A) information; (B) documented explanations; or (C) evidence... (9) Has been debarred by a federal agency. (10) Failed to comply with any and all proposal form requirements concerning disadvantaged business enterprise (DBE) and women business enterprise (WBE) goals. (11) Had knowledge that a subcontractor further subcontracted its work. (12) Offered or gave a gift with a market value of ten dollars (\$10) or more, to a unit, officer, or employee of the department... (b) Notification of such pending action shall be made in writing, setting forth the grounds for the proposed certificate revocation. The revocation will become effective after all avenues of appeal under section 9 of this rule are exhausted. The period of disqualification will not exceed two (2) years.”

Discussion ensued on whether the Committee can impose conditions on a revocation. Mr. Tidd stated that the Committee can guide the Prequalification Division with conditions to consider when reviewing the new application after the revocation is up. Mr. Tidd stated that it appears a revocation is time based, but a suspension is not.

Ms. Torres stated the list of reasons for suspension as specified in 105 IAC 11-2-6(a) is “if the contractor’s work is unsatisfactory, if it is apparent the contractor will be unable to complete its contracts on time, or if the contractor has failed to adequately document a current or previous contract.” The items on the list for revocation as specified in 105 IAC 11-2-8(a) are listed in the last bulletpoint above.

Ms. Torres continued with the appeals procedure in the rules:

- 105 IAC 11-2-9 Appeals procedure, “Sec. 9(a) A contractor aggrieved by the decision of the department in regard to the contractor’s qualification, suspension, withdrawal, revocation, or change in either classification or rating may make a written request...to the commissioner, within fifteen (15) days ... (b) The contractor may follow the procedure in STEP ONE and STEP TWO, or the contractor may elect for a hearing as set forth in STEP TWO...STEP ONE: The request must include written justification...the contractor may request a personal interview. The prequalification committee will consider the written request...within fifteen (15) days after its receipt...The prequalification committee will make a recommendation to the commissioner who shall notify the contractor in writing of the decision...STEP TWO: If the contractor is dissatisfied with the STEP ONE decision, the contractor may make a written request...within fifteen (15) days of the receipt of STEP ONE decision for an adjudication hearing in accordance with IC 4-21.5... (c) The hearing will be held within thirty (30) days... (d)...the contractor will bear the burden of proof when the action of the commissioner is under sections 1 through 2 of this rule...The contractor shall bear the burden of proof when the action of the commissioner is under either section 3 or 5 of this rule, unless the action involves the reduction of an unexpired certificate of qualification...the department shall bear the burden of

proof when the action of the commissioner is under either sections 6 through 8 of this rule or section 11 of this rule.”

Ms. Torres stated that INDOT has the burden of proof if we have suspended, withdrew, or revoked a certificate of qualification, or if we claim there are false statements.

Ms. Torres continued with the section on subcontractors in the rules:

- 105 IAC 11-2-10 Subcontractors, “Sec. 10(a) It is unlawful for a successful bidder to enter into a subcontract with any other person involving the performance...in an amount in excess of one hundred thousand dollars (\$100,000) unless the subcontract has been properly qualified for the work sublet to it. (b) The prequalification requirements of this section do not apply to: (1) professional services; or (2) hauling materials or supplies to or from a job site. (c) All subcontractors must be approved by the department prior to work being performed by the subcontractor... (e) A contractor that is not prequalified may be prohibited from performing subcontract work or limited in the dollar value thereof if the contractor has been found in violation of a rule that would subject a contractor to suspension, revocation, or reduction of its certificate of qualification. (f) A contractor whose certificate of qualification is revoked or suspended will not be approved to perform work as a subcontractor on a department contract. (g) A subcontractor that does not have a valid certificate of qualification will be limited to a total of three hundred thousand dollars (\$300,000) in unearned work under contract on any given date with any owner, contractor, or other party.”

Ms. Macdonald stated that the statute (IC 8-23-10-4) used to limit the amount of work for a non-prequalified subcontractor to \$100,000, but was increased to \$300,000. The rule (105 IAC 11-2-10(a)) has not caught up to the statute. The statute supersedes the rule.

7. Charter – Ms. Torres presented information on the Committee Charter:

- Charter, “The Prequalification Committee has jurisdiction over all recommendations to the Commissioner regarding all actions affecting the qualification of contractors to bid for Department contracts under 105 IAC 11. It also has jurisdiction to consider actions affecting a consultant’s prequalification status under INDOT’s Consultant Prequalification Manual (Manual). The Committee may act on referrals or on its own initiative. 105 IAC 11-2-4(e) and Manual Section I.1.”
- Item 3 under Mandatory Activities of the Committee, “...the Committee is subject to the Indiana Open Door Law; therefore, the Committee must open all meetings to the public and observe the requirements and restrictions of the Open Door Law. See IC 5-14-1.5.”
- Purposes and Goals, “1. Ensure the integrity of the Department’s process for qualifying contractors to bid on Department contracts, as required by IC 8-23-10, and the Department’s process for qualifying consultants as part of the quality

based selection process under the Manual. 2. Provide fair and consistent treatment of contractors and consultants through strict adherence to Indiana law and INDOT policy affecting the qualification status of contractors and consultants, specifically found in IC 8-23-10, 105 IAC 11-2, and the Manual. 3. Provide contractors and consultants an opportunity to be heard consistent with 105 IAC 11-2 and Section I.5 in the Manual and to provide a clear and reliable communication to contractors and consultants when recommending to the Commissioner an action that will affect the contractor's or consultant's qualification status."

8. Open Door Law – Ms. Torres presented information regarding the Open Door Law:

- IC 5-14-1.5-1 Purpose, "Sec. 1. In enacting this chapter, the general assembly finds and declares that this state and its political subdivisions exist only to aid in the conduct of the business of the people of this state. It is the intent of this chapter that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. The purposes of this chapter are remedial, and its provisions are to be liberally construed with the view of carrying out its policy."
- IC 5-14-1.5-2 Definitions, "Sec. 2...(a) "Public agency" ...means...(1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state... (5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency...(b) "Governing body" means two (2) or more individuals who are: (1) A public agency that: (A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and (B) takes official action on public business...(3) Any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated...(c) "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include any of the following:...(6) An orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action... (d) "Official action" means to: (1) receive information; (2) deliberate; (3) make recommendations; (4) establish policy; (5) make decisions; or (6) take final action. (e) "Public business" means any function upon which the public agency is empowered or authorized to take official action. (f) "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose. (g) "Final action" means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order...(i) "Deliberate" means a discussion which may reasonably be expected to result in official action..."
- IC 5-14-1.5-3 Open meetings; secret ballot votes; member participating by electronic means of communication "Sec. 3. (a) Except as provided in section 6.1 of this chapter, all meetings of the governing bodies of public agencies must be

open at all times for the purpose of permitting members of the public to observe and record them. (b) A secret ballot vote may not be taken at a meeting.”

- IC 5-14-1.5-3.1 Serial meetings “Sec. 3.1. (a) Except as provided in subsection (b), the governing body of a public agency violates this chapter if members of the governing body participate in a series of at least two (2) gatherings of members of the governing body and the series of gatherings meets all of the following criteria: (1) One (1) of the gatherings is attended by at least three (3) members but less than a quorum...(2) The sum of the number of different members...at least equals a quorum...(3) All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days. (4) The gatherings are held to take official action on public business. For purposes of this subsection, a member of a governing body attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.”
- IC 5-14-1.5-3.6 Electronic meetings of state agencies...”Sec 3.6...(b) A member of the governing body of a charter school or public agency who is not physically present at a meeting of the governing body may participate in a meeting of the governing body by electronic communication only if the member uses a means of communication that permits: (1) the member; (2) all other members participating in the meeting; (3) all members of the public physically present...to simultaneously communicate with each other during the meeting...(c)(1)...The minimum number of members who must be physically present at the place where the meeting is conducted must be the greater of:... (B) one-third (1/3) of the members. (2) All votes of the governing body during the electronic meeting must be taken by roll call vote... (d) Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually...(f) A governing body may not conduct meetings using a means of electronic communication until the governing body:... (2) by a favorable vote of a majority of the members of the governing body, adopts a policy under subsection (g) governing participation in meetings of the governing body by electronic communication.”
- IC 5-14-1.5-4 Posting agenda; memoranda of meetings; public inspection of Minutes “Sec. 4. (a) A governing body of a public agency utilizing an agenda shall post a copy of the agenda at the entrance to the location of the meeting prior to the meeting...(b)...the following memoranda shall be kept: (1) The date, time, and place of the meeting. (2) The members of the governing body recorded as either present or absent. (3) The general substance of all matters proposed, discussed, or decided. (4) A record of all votes taken by individual members if there is a roll call...(c) The memoranda are to be available within a reasonable period of time after the meeting for the purpose of informing the public of the governing body's proceedings. The minutes, if any, are to be open for public inspection and copying.”
- IC 5-14-1.5-5 Public notice of meetings “Sec. 5. (a) Public notice of the date, time, and place of any meetings... shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive

sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof... (b) Public notice shall be given by the governing body of a public agency as follows: (1)...by posting a copy of the notice at the principal office of the public agency holding the meeting...(2)...by delivering notice to all news media which deliver an annual written request for the notices not later than December 31... (c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed..."

- IC 5-14-1.5-6.1 Executive sessions "Sec. 6.1. (b) Executive sessions may be held only in the following instances: (1) Where authorized by federal or state statute. (2) For discussion of strategy with respect to any of the following: (A) Collective bargaining. (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing...(C) The implementation of security systems. (D) The purchase or lease of real property...(E) School consolidation...(3)...school safety and security measures...(4)...Indiana economic development corporation...(5) To receive information about and interview prospective employees. (6) With respect to any individual over whom the governing body has jurisdiction: (A) to receive information concerning the individual's alleged misconduct; and... (7) For discussion of records classified as confidential by state or federal statute..(c) A final action must be taken at a meeting open to the public. (d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b)..."
- IC 5-14-1.5-7.5 Civil penalties imposed on public agency, officer, or management level employee "Sec. 7.5. (a) This section applies only to an individual who is: (1) an officer of a public agency; or (2) employed in a management level position with a public agency... (c)...A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion: (1) to the complainant and the public agency; (2) that finds that the individual or public agency violated this chapter; and (3) before the action under section 7 of this chapter is filed...(d) It is a defense to the imposition of a civil penalty under this section that the individual failed to perform a duty under subsection (b) in reliance on either of the following: (1) An opinion of the public agency's legal counsel. (2) An opinion of the attorney general."
- IC 5-14-1.5-8 Accessibility to individuals with disabilities "... (d) A public agency may not hold a meeting at a location that is not accessible to an individual with a disability."

9. Administrative Orders and Procedures Act (AOPA) – Ms. Torres presented information regarding AOPA.

2. Additional Committee Items

Mr. Tidd asked if there is anything else the Prequalification Division can provide for the members.

- Mr. Feagans stated that if the owner office is working on an agreement with the contractor/consultant, then the Committee members should be made aware.
- Mr. Stark stated that the meetings run smoother when the item is organized. He stated that having Legal involved and having a presentation put together helps.
- Mr. Novak stated that having the CR-2s in an electronic format will help. The Prequalification Division and Construction Management are working with MIS to develop an online evaluation system.
- Ms. Fegaras asked if Committee members could be informed earlier on what contractors/consultants are on the agenda for the meetings. Mr. Tidd stated that the Prequalification Division sometimes asks the Districts to submit outstanding CR-2s and issues regarding contractors when we know they have other issues. Mr. Holtz stated that with the new issue resolution process, items should already be known. Mr. Stark stated that we want our time at the meetings to be productive.

Ms. Fegaras and Mr. Novak have a conflict with the next meeting. The Construction Director peer group meeting is every other month on the first Thursdays starting in February. Mr. Tidd stated that we will probably cancel the February meeting and move Kramer's issue to March.

Ms. Fegaras asked how to handle attending meetings or voting if there is a conflict of interest. Mr. Tidd replied that a manager may have knowledge of an issue, but does not have to recuse themselves unless there is personal knowledge. If a member is presenting information to the Committee, then they should recuse themselves from voting.

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

Mr. Holtz moved to adjourn the meeting, and Ms. Fegaras seconded the motion. All members voted in favor of adjourning the meeting.

Mr. Tidd adjourned the meeting at approximately 1:59 p.m. EST.