

PREQUALIFICATION COMMITTEE  
OPEN SESSION  
MINUTES – AUGUST 3, 2017  
9:00 A.M. EST

The following Committee members attended the meeting:

Mark Tidd	Director of Prequalification Division; Committee Chair and Voting Member only in case of tie
Jose Murillo	Prequalification Engineer; Committee Secretary and Non-Voting Member
Jeff Clanton	Consultant Contracting Manager; Voting Member
Joe Gustin	Senior Director of Finance; Voting Member
David Holtz	Director of Pavement Engineering; Voting Member
Joe Novak	Crawfordsville District Construction Director; Voting Member
Jim Stark	Deputy Commissioner of Innovative Project Delivery; Voting Member
Louis Feagans	Statewide Technical Services Director; Voting Member
Heather Kennedy	Crawfordsville Capital Program Management Director; Voting Member

Also in attendance:

Aggie Wagoner	Prequalification Specialist; INDOT
Alison Maloof	Deputy Commissioner and Chief Legal Counsel; INDOT
Libby Crawford	Director of Economic Opportunity Division; INDOT
Steve Duncan	Director of Contract Administration Division; INDOT
Marjorie Millman	Attorney; INDOT
Frederic Bartlett	Prequalification Analyst; INDOT
Laura Turner	Attorney; INDOT

Mason Clark	Legal Intern; INDOT
David Alyea	Contract Compliance Manager; INDOT
Derrick Casson	DBE Certification Manager; INDOT
Joan Widdifield	Compliance Investigator; INDOT
Linda Jelks	Attorney; INDOT
Melinda Schwer	Attorney; INDOT
Eryn Fletcher	Senior Transportation Engineer; FHWA
Ken Woodruff	Civil Rights Program Manager; FHWA
Dan Osborn	Director of Government Affairs; Indiana Constructors, Inc.
Brenda Myers	President; Whitehead Construction, Inc.
Tom Pastore	Counsel for E & B Paving, Inc.
Larry Canterbury	President; E & B Paving, Inc.
Sarah Shuter	Corporate Controller; E & B Paving, Inc.

\*\*\*\*

The Committee reviewed the following agenda items:

1. Adoption of January 5, 2017 meeting minutes
2. New Committee Member – Heather Kennedy
3. B&B Contracting and Supply, Inc. – Update on suspension and approval of its QA/QC plan
4. Contract IR-35600 – E & B Paving, Inc., CRI Construction, Inc. and CRI Construction Co., LLC
5. Whitehead Construction, Inc. – Review of its application for contractor prequalification
6. New Committee Business

PREQUALIFICATION COMMITTEE MEETING  
OPEN SESSION  
AUGUST 3, 2017

Mr. Tidd, Committee Chair, called the meeting to order at 9:00 a.m. EST. All Committee members were present.

1. Adoption of January 5, 2017 meeting minutes.

Mr. Tidd called for consideration of the meeting minutes from the January 5, 2017 meeting.

Mr. Novak moved to adopt the meeting minutes from the January 5, 2017 meeting. Mr. Holtz seconded Mr. Novak's motion. All members voted in favor.

2. New Committee Member – Heather Kennedy

Mr. Tidd introduced Heather Kennedy as the new committee member. Ms. Kennedy was a past Chair of the Committee and supervisor of the Prequalification Division.

3. B&B Contracting and Supply, Inc. – Update on suspension and approval of its QA/QC plan.

Mr. Tidd introduced this item and referred to Marjorie Millman to discuss the topic in more detail.

Ms. Millman explained the original order, which was appealed by B&B. Ms. Millman then discussed the Final Revised Order, which had been agreed to by B&B and involved a 3 month suspension (effective 4/5/17). She also mentioned the approval by the Commissioner of B&B's QA/QC Plan.

Joe Novak asked how B&B has been performing. Ms. Millman said initial reports showed they were performing adequately.

4. Contract IR-35600 – E & B Paving, Inc., CRI Construction, Inc. and CRI Construction Co., LLC

Mr. Murillo gave an overview of the issues on IR-35600, which was consistent with the written material presented to the Committee members and to the three (3) companies.

Mr. Pastore, representing E & B Paving, discussed these events. In general, they agreed with what Mr. Murillo had discussed. E & B admitted to making a mistake, but said there was no wrongful intent. E & B gave details on what they are putting in place to prevent further issues, such as training their staff and understanding SiteXchange better.

Mr. Gustin asked about the timeline between a sub submitting a bid and the contract being signed. Mr. Pastore said they need to take more responsibility of getting Certificates of Qualification from subs before signing contracts with them.

Ms. Kennedy asked E & B how CRI Construction, Inc. was selected (bid accepted) when they weren't approved.

E & B admitted they did not follow the correct process, but usually their system (On Base) alerts them about subs who are not certified. E & B admitted they did not verify CRI's certification, and they will start asking subs to submit their INDOT certificates with their bids.

Mr. Tidd said INDOT Legal/Construction Management and E & B have agreed to a change order in which \$62,500 will be deducted from the remaining money to be paid on IR-35600. The Committee can recommend other sanctions to the INDOT Commissioner, if they choose to do so.

Mr. Gustin brought up 3 remaining checks that haven't been paid. Mr. Gustin asked E & B who the checks were made out to and whether it would subject INDOT to any legal exposure or claims, if the checks were made out to CRI Construction Co LLC. Mr. Pastore said the checks had no designation of Inc. or LLC, but the endorsement was by LLC.

Mr. Clanton asked if there are any remaining subcontracts between E & B and any CRI entity. Mr. Canterbury (from E & B Paving) stated there are no other contracts remaining between E & B and CRI.

Mr. Feagans moved to accept the (Legal/Construction Management and E & B) agreement with an additional condition, which is that E & B prepares and submits to INDOT for approval a QA/QC plan implemented to assure this does not happen again.

Ms. Jelks asked how the time lapse between subcontractor bid submittal and contract signing is addressed. Mr. Pastore said they will have their certificate with expiration date and will include additional language in their master contract agreements.

Mr. Holtz seconded Mr. Feagans motion, but asked what else CRI should have done in this situation. Mr. Tidd said CRI should have submitted bids, contracts and everything else under CRI Construction Co., LLC. Mr. Tidd said CRI was probably just not careful and hopefully their mistake was not intentional.

All members voted in favor of Mr. Feagans' motion.

5. Whitehead Construction, Inc. – Review of its application for contractor prequalification

Mr. Tidd introduced item #5. Mr. Murillo gave an overview on Whitehead Construction Inc's history with the prequalification division and the issues regarding the current application.

Ms. Myers discussed her background and involvement with CRI. Ms. Myers was involved with CRI Construction, Inc. in the 2000s, but left in 2008. She worked with various companies until she was asked by her mom (company President) to return to CRI, INC. Ms. Myers started working in January 2016 to help close out IR-35600 (close out contractual liability) and keep the business out of bankruptcy. Ms. Myers started Whitehead Construction in February 2016. She has purchased some equipment from CRI Construction, Inc. and will provide a bill of sale for the transfer. She said that she assumed a contract on I-69 Section 5 with Whitehead Construction, because CRI Construction, Inc. was kicked off the job. John and Chris Whitehead were submitted as her experienced key personnel, but they are no longer employed by Whitehead Construction, Inc. Clark Whitehead and the Cuevas family are the new key personnel. Her company is DBE certified and focuses on concrete barrier wall and moment slabs. Ms. Myers stated she pays her mom \$1500/week for CRI's assets and has no involvement in CRI Construction Co LLC.

Mr. Tidd said INDOT needs to make sure Whitehead's working capital calculation is adjusted accordingly to reflect these \$1500/week payments.

Mr. Novak moved to process the application normally as long as Ms. Myers provides the transfer agreements and assumed contract information to show there isn't a continued affiliation between Whitehead Construction, Inc. and CRI Construction, Inc.

Mr. Gustin seconded Mr. Novak's motion. All members voted in favor.

6. New Committee Business

Mr. Tidd proposed a new method of approving minutes. If there isn't a meeting in consecutive months, the minutes will be sent electronically to each member 30 days after the meeting. Once all members agreed to the minutes they will be posted online.

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

The meeting adjourned at approximately 10:50am. EST.