

**Rising Sun City Council  
Special Meeting  
July 16, 2015  
4:00 PM City Hall**

**Call to order/Pledge**

The meeting was called to order at 4:00pm with the Pledge of Allegiance led by Mayor April Hautman. A determination of quorum was made by Clerk Treasurer Gipson with the following Councilmembers in attendance: Jim McDaniel, Mike Padgett, Bud Radcliff, Steve Slack and Dennis Williams. City Attorney John Ertel was not in attendance.


**LPA Award Recommendation Riverfront Project—Mike Northcutt**


Mike Northcutt presented a list of INDOT Apparent Bids for Letting of July 8, 2015. See Attached Exhibit A. According to this information there were 2 bids received as follows: Beaty Construction \$2,747,074.45 and Sunesis Construction \$2,873,300.61. There was discussion that Beaty's bid was low bid but was \$80,000 more than the bid submitted in May. Mike also presented information regarding the Phase 4 Project including emails from Brandi Fischvogt, Michael Cales and Debra Ault with INDOT. See Attached Exhibit B. According to this information the City is responsible for \$709,676.45 for the project and we will not be able to use the eligible credits (\$197,898.96) because 80% of the bid exceeds the federal aid. Basically we get the grant amount of \$2,037,398 and no more. Councilman Slack questioned why we didn't know this? Mike stated the information was in the contract documents from 2012—it was just not clear that we would only receive \$2,037,398 and no credits and we didn't know we would have the additional costs of waiting for years to do the project.

Mayor Hautman stated she had talked with Clerk Gipson who can prepare an Additional Appropriation for the Community Development Fund for the additional funds necessary for the Riverfront Phase 4 project if this is Council's pleasure. This can be addressed at the next Council meeting if it is published in the newspaper next week (info to paper by Friday). After discussion a motion was made by Councilman Williams to have Clerk Treasurer Gipson prepare proper notice for an Additional Appropriation in the amount of \$600,000 to be addressed in Resolution/Ordinance form at the August 6<sup>th</sup> Council Meeting, 2<sup>nd</sup> by Councilman Slack; motion carried 5-0. After further discussion a motion was made by Councilman McDaniel to authorize Mike Northcutt, City of Rising Sun LPA, sign the LPA Award Recommendation for Beaty Construction in the amount of \$2,747,074.45 to proceed on this project, 2<sup>nd</sup> by Councilman Padgett; motion carried 5-0.

With no further business before Council; a motion to adjourn was made by Councilman Slack, 2<sup>nd</sup> by Councilman Williams; meeting adjourned at 4:20 PM.

Attest:

  
Rae Baker Gipson  
Clerk Treasurer

  
April Hautman,  
Mayor

		E & B PAVING INC	\$2,026,714.08
		RIETH RILEY CONSTRUCTION	\$2,181,664.34
		ATLAS EXCAVATING INC	\$2,924,624.60
341 - R -35873-A HAMILTON	INTERSECTION IMPROVEMENT, ROUNDABOUT	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		RIETH RILEY CONSTRUCTION	\$1,149,570.00
		3D COMPANY INC	\$1,221,772.63
		E & B PAVING INC	\$1,246,146.05
355 - R -36028-A HAMILTON	ADDED TURN LANES	ENGINEER'S ESTIMATE READ	\$1.00
		MORPHEY CONSTRUCTION INC	\$182,872.03
		RIETH RILEY CONSTRUCTION	\$210,006.29
		E & B PAVING INC	\$219,977.12
365 - R -36328-A MARION	ENHANCEMENT, ROADWAY CORRIDOR	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		RIETH RILEY CONSTRUCTION	\$1,614,523.45
		SCHUTT-LOOKABILL CO	\$1,636,100.12
		MORPHEY CONSTRUCTION INC	\$1,695,282.66
		OLCO INC	\$1,949,495.88
371 - R -36739-A MARION	INTERSECTION IMPROVEMENT, ROUNDABOUT	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		RIETH RILEY CONSTRUCTION	\$1,479,932.54
		CALUMET CIVIL CONTRACTORS INC	\$1,547,000.00
		E & B PAVING INC	\$1,757,946.01
375 - R -36887-A HAMILTON	ENHANCEMENT, BIKE AND PEDESTRAIN FACILITIES	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		MORPHEY CONSTRUCTION INC	\$728,905.00
385 - R -37383-A CLARK	DESIGN BUILD - ADDED TRAVEL LANES AND BRIDGE WIDENING	ENGINEER'S ESTIMATE READ	\$1.00
391 - R -37465-A ST. JOSEPH	INSTITUTION AND PARK ROAD MAINTENANCE	ENGINEER'S ESTIMATE READ	\$1.00
		RIETH RILEY CONSTRUCTION	\$266,886.00
		WALSH & KELLY INC	\$271,166.00
393 - R -37701-B OHIO	ENHANCEMENT, BIKE AND PEDESTRIAN FACILITIES	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		BEATY CONSTRUCTION INC	\$2,747,074.45
		SUNESIS CONSTRUCTION COMPANY	\$2,873,300.61
395 - R -38149-A PORTER	LANDSCAPING	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		YARDBERRY LANDSCAPE COMPANY	\$628,973.00
		OLCO INC	\$697,822.00
401 - RS-31432-A HAMILTON	ASPHALT RESURFACE	ENGINEER'S ESTIMATE READ	\$1.00
		RIETH RILEY CONSTRUCTION	\$1,246,000.00
		E & B PAVING INC	\$1,428,983.75
		MILESTONE CONTRACTORS LP	\$1,460,643.00
411 - RS-31598-A MONTGOMERY	BRIDGE DECK OVERLAY AND ASPHALT RESURFACE	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		MILESTONE CONTRACTORS LP	\$2,969,000.00
		RIETH RILEY CONSTRUCTION	\$3,386,000.00
415 - RS-33127-B FLOYD, HARRISON	ASPHALT RESURFACE	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		E & B PAVING INC	\$1,458,900.00
		MAC CONSTRUCTION & EXCAVATING	\$1,499,857.14
421 - RS-34273-A ALLEN	ASPHALT RESURFACE	ENGINEER'S ESTIMATE READ	\$1.00
		BROOKS CONSTRUCTION COMPANY INC	\$2,852,971.00
		E & B PAVING INC	\$3,151,121.82
425 - RS-34875-A DEKALB STEUBEN	ASPHALT RESURFACE	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		BROOKS CONSTRUCTION COMPANY INC	\$2,159,987.00
		E & B PAVING INC	\$2,435,987.05
435 - RS-34885-A GRANT	ASPHALT RESURFACE	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00
		BROOKS CONSTRUCTION COMPANY INC	\$1,853,915.00
		E & B PAVING INC	\$2,757,592.25
445 - RS-34887-A	ASPHALT RESURFACE	NO BIDS BELOW ENGINEER'S ESTIMATE	\$1.00

**Mike Northcutt**

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**From:** Ault, Debra <DAULT@indot.IN.gov>  
**Sent:** Thursday, July 09, 2015 2:04 PM  
**To:** Mike Northcutt  
**Cc:** Fischvogt, Brandi  
**Subject:** Des#1401326 Rising Sun  
**Attachments:** 1401326 Rising Sun Letting 7.8.15.doc

**Importance:** High

Mike

See attached letter for the Letting of Rising Sun. If the City of Rising Sun accepts this award, please sign and return to me ASAP. You may also send me an email confirming if you wish to award the project.

Let me know if anything else is needed.

Thanks, Debbie!

Debra Ault, Program Manager  
INDOT/Seymour District  
812-524-3969  
dault@indot.in.gov



# INDIANA DEPARTMENT OF TRANSPORTATION

Michael R. Pence, Governor  
Brandy L. Hendrickson,  
Commissioner

July 9, 2015

Mr. Mike Northcutt  
City of Rising Sun  
200 N Walnut Street, PO Box 172  
Rising Sun, IN 47040

**RE: LPA Award Recommendation**

Dear Mike:

Please sign and return this notification to verify the LPA is in agreement and wishes to award the contract below, which is within INDOT LPA guidelines for approval.

<b>Contract #:</b>	<b>R-37701-B</b>
<b>Des #:</b>	<b>1401326</b>
<b>Low Bid Consultant:</b>	<b>Beaty Construction Inc.</b>
<b>Low Bid Amount:</b>	<b>\$2,747,074.45</b>
<b>Letting Date:</b>	<b>7/8/2015</b>

\_\_\_\_\_  
*Local Public Agency Employee of Responsible Charge*

\_\_\_\_\_  
*Date Signed*

Please do not hesitate to contact me if you have any questions.

Sincerely,

*Debbie Ault*  
LPA Program Director  
Seymour District  
812-524-3969

## Mike Northcutt

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**From:** Cales, Michael <MCALES@indot.IN.gov>  
**Sent:** Thursday, July 16, 2015 11:46 AM  
**To:** Mike Northcutt  
**Subject:** des 1401326 local match

Mike

The numbers of importance in regards to this project at letting.

Low bid = \$2,747,074.45

80/20 = \$2,197,659.56 / \$549,414.89

Available federal aid = \$2,037,398

80% exceeds available federal aid

(even though you have eligible credits = \$197,898.86 you will not be able to use them since the 80% exceeds federal aid.)

Therefore, CN billing will be

Federal = \$2,037,398

LPA = \$709,676.45

### Michael Cales

*Local Programs Specialist*

100 N. Senate Ave.

Indianapolis, IN 46204

**Office:** (317) 232-5021

**Email:** [mcales@indot.in.gov](mailto:mcales@indot.in.gov)



ATTACHMENT D

PROJECT FUNDS

I. Project Costs.

A. If the Program shown on Attachment A is Group I or Group II, this contract is just for the one (1) phase checked below:

- Preliminary engineering or
- Right-of-way or
- Construction;

otherwise this contract covers all phases.

B. (1) If the Program shown on Attachment A is Group III, Group IV, or Local Bridge, the LPA will not receive federal funds as the work is completed during the preliminary engineering and right-of-way phases; instead the LPA will accrue federal credits equal to 80% of eligible costs but not to exceed 10% of the final cost of the construction phase (construction and construction inspection) of the Project, provided the LPA complies with all federal and state laws, regulations and rules regarding such services, including consultant selection(s) and procurement of right-of-way. Federal funds, made available to the LPA by INDOT, will be used to pay 80% of the eligible Project construction cost. Accrued federal credits may be used to pay up to 10% of the final cost of the construction phase (construction and construction inspection) of the Project. The maximum amount of federal funds, including federal credits, allocated to the Project is \$ \_\_\_\_\_.

OR

(2) If the Program shown on Attachment A is receiving federal funds for the construction and construction inspection phases, federal funds made available to the LPA by INDOT, will be used to pay 80% of the eligible Project costs. The maximum amount of federal funds allocated to the Project is \$ \_\_\_\_\_.

OR

(3) If the Program shown on Attachment A is Transportation Enhancement (with federal credits), the LPA will not receive federal funds as the work is completed during the preliminary engineering and right-of-way phases; instead the LPA will accrue federal credits equal to 80% of eligible costs but not to exceed 20% of the final cost of the construction phase (construction and construction inspection) of the Project, provided the LPA complies with all federal and state laws, regulations, and rules regarding such services, including consultant selection(s) and procurement of right-of-way. Federal funds, made available to the LPA by INDOT, will be used to pay 80% of the eligible Project construction cost. Accrued federal credits may be used to pay up to 20% of the final cost of the construction phase (construction and construction inspection) of the Project. The maximum amount of federal funds, including federal credits, allocated to the Project is \$ 2,037,398.00.

X

## Mike Northcutt

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**From:** Fischvogt, Brandi <BFischvogt@indot.IN.gov>  
**Sent:** Friday, May 08, 2015 1:35 PM  
**To:** Mike Northcutt  
**Cc:** Mills, Trevor; Eaton-McKalip, Kathy  
**Subject:** Rising Sun - 1401326 - Contract not awardable per IC 8-23-9-4

Mike,

Per your request, below is the statute which states when a contract can be awarded. In this case, there were only two bidders and the project cost is greater than \$1 million. Please let me know if you need anything else.

### **IC 8-23-9-4**

#### **Acceptance of proposals; criteria**

**Sec. 4. Notwithstanding any other statute or rule adopted by the department, the department may accept a proposal and award a contract for the construction, improvement, or maintenance of a road if:**

- (1) the lowest responsive and qualified bid is:
  - (A) less than one million dollars (\$1,000,000);**
  - (B) one (1) of four (4) or more bids received by the department for the contract; or**
  - (C) not more than fifteen percent (15%) above the estimated cost of the project;****
- (2) the commissioner believes that awarding a contract under**

**this section is in the best interests of the state; and**  
**(3) the award would comply with any requirement imposed under section 13 of this chapter.**

*As added by P.L.18-1990, SEC.218. Amended by P.L.50-2008, SEC.2.*

**Brandi M. Fischvogt**  
**LPA Project Manager**  
**INDOT - Seymour District**  
185 Agrico Lane  
Seymour, IN 47274  
Office: (812) 524-3961  
Email: [bfischvogt@indot.in.gov](mailto:bfischvogt@indot.in.gov)

