

**PORTER COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING  
TUESDAY, JULY 17, 2018  
10:00 A.M.**

**(The entire meeting is available to watch on the Porter County website.)**

The Regular meeting of the Porter County Board of Commissioners convened at 10:00 a.m. on Tuesday, July 17, 2018 in the Commissioners' Chambers of the Administration Center.

Those present were: Commissioners Jeff Good, Laura Blaney, County Attorney Scott McClure; Administrative Assistant Rhonda Young and Recording Secretary Kathy Merle.

**Call to Order/Pledge**

Com. Good, Good Morning this is the Special Porter County Board of Commissioners' meeting on Tuesday, July 17, 2018.

**Skillman Corporation to present contract award recommendations for the Porter County Expo Center Renovation Project**

Com. Good, Good morning gentlemen.

Mr. Kotsouros, Thank you Commissioners. In front of you you should have an award recommendation for the Expo Center renovations. As you are aware on July 10<sup>th</sup> we opened bids. We had a total received a total of 28 bids for 8 bid categories so that represents an average of approximately 3 to 4 bids per bid category. Today we're recommending awarding on the low base bid. I will briefly go through that.

**Bid Category 1 - General Trades** which will be awarded to Pangere Corp. in the amount of \$796,959.00.

**Bid Category 2 - Roofing** to E.C. Babilla in the amount of \$230,645.00.

**Bid Category 3 - Metal, Studs and Drywall** to Pangere Corp. in the amount \$398,792.00.

**Bid Category 4 - Flooring** to Midwest Tile and Interiors in the amount of \$322,638.00.

**Bid Category 5 - Painting and Wallcovering** to Oosterbaan & Sons in the amount of \$136,900.00.

**Bid Category 6 - Plumbing** to Keough Mechanical in the amount of \$41,389.00.

**Bid Category 7 - Mechanical** to D. A. Dodd in the amount of \$722,223.00.

**Bid Category 8 - Electrical** to Continental Electric in the amount of \$554,150.00.

For a total value of \$3,203,696.00. After we did receive bids we performed scope reviews of the apparent lows just to make sure that they had a clear understanding of the documents clarifications overall expectations of the drawing and specifications and everybody had included what we anticipated and expected in their bids. For Bid Category 7 specifically the Mechanical I will point out that we did receive a letter from Mechanical Concepts. They were contending the actual process for awarding the mechanical units, the air handling units. Just so everybody understands how that works I will try to stay as brief as possible on it. There were 3 manufactures listed in the specifications for the air handling units. Those manufacturers were Aeon, Carrier and York. 4 of those units are larger units that were specifically included in the base bid. Aeon was the manufacturer that was included in there. We did confirm that with all 3 of the mechanical contractors that bid that those being Mechanical Concepts, D. A. Dodd and Arctic. The balance of the remaining units we did receive some products list from both Mechanical Concepts within the 48 hours and D. A. Dodd. They had the option of either utilizing York, Carrier or Aeon. In this public bid process they typically use the lowest that they receive the bids on. We don't feel that there is an issue with awarding or not awarding the alternate is what I'll say because you did receive the Aeon units for the 4 and York and Carrier are both competitive units as well. I would be happy to answer questions related to the....

Atty. McClure, Well just to ferret that out a little bit more so D. A. Dodd and Arctic and Mechanical Concepts all had in their base bid the 4 Aeon units as required in the base bid.

Mr. Kotsouros, Correct.

Atty. McClure, And then the remaining air handling units could either be York or Carrier or whatever was in the spec.

Mr. Kotsouros, Correct.

Atty. McClure, And so we are dealing with apples to apples as far the different product and everybody is in compliance with the actual base bid guidelines correct?

Mr. Kotsouros, Correct.

Atty. McClure, So in D. A. Dodd's case which might be the issue causing confusion Mechanical Concepts did not provide any alternate bidding correct.

Mr. Kotsouros, Correct nor did Arctic.

Atty. McClure, Nor did Arctic, but D. A. Dodd did so explain what you're understanding of what that alternate bid was for.

Mr. Kotsouros, The alternate bid was in the event you decided to select all Aeon units, Aeon does manufacture the balance of the units I believe it's approximately 8 units that right now would either be York or Carrier however, we did also reach out to Arctic and had a conversation with them. They're rep which had indicated which is Windy City who represents Aeon that those units can be purchased however, they are approximately twice the cost. They are a premium to either York or Carrier and that is why D. A. Dodd included that in their bid in the event that the Commissioners would decide...

Com. Blaney, In their alternate.

Atty. McClure, So if we chose the alternate we would have all Aeon units.

Mr. Kotsouros, Correct.

Atty. McClure, Alright so following that logic and the way D. A. Dodd bid it they complied with the base bid requirements, their responsive and lowest at this point.

Mr. Kotsouros, Correct.

Atty. McClure, They also then provided an alternative bid that if we wanted to have all Aeon units for the remaining we could do that. What did Mechanical Concepts do on along that line of thinking.

Mr. Kotsouros, They took a similar approach. D. A. Dodd had 4 of the Aeon units and the balance was York. Mechanical Concepts had the Aeon units and the balance was Carrier. And they provided no alternative.

Atty. McClure, And they provided no alternative?

Mr. Kotsouros, No alternative.

Atty. McClure, Well it seems like we're apples to apples and then I think you mentioned it but after we opened bids what do you require within 48 hours from trades that are bidding on the actual lines?

Mr. Kotsouros, We require that within 48 they submit their sub and products list, the comprehensive list of all the manufactures and products that they are using. All of the contractors did submit their information within the 48 hours. We also confirmed that all of their documentation, bid bond, financial statement, and acknowledgement of addenda are indicated on their bid form and then again we do conduct pre-award conferences and do a comprehensive review of all the bid documents, specifications and drawings to make sure that they did have a clear understanding and included everything in their bid.

Atty. McClure, And that is to make sure they are responsive.

Mr. Kotsouros, Correct.

Atty. McClure, And so we got those from D. A. Dodd and Mechanical Concepts and Arctic?

Mr. Kotsouros, Not Arctic because they were the third bidder so typically they would not submit that but we did have a conversation with them as well. Just to have an understanding of how all of the Bid Category #7 contractors looked at this as far as the mechanical, the air handling unit specifically they were all consistent.

Atty. McClure, So they provide those specs email or something along those lines?

Mr. Kotsouros, Yes.

Atty. McClure, Alright and do you guys share those with the other contractors?

Mr. Kotsouros, No.

Atty. McClure, Makes sense to me.

Com. Good, I would just like to make the point that Laura, I and Scott were sitting in all of these meetings when we were developing our bid packages and we went out of our way to make sure that there wasn't proprietary equipment on any of these jobs, because when you get into proprietary equipment and you have all Aeon in a building you're going to pay for it handsomely. This York and Carrier equipment is designed through its specifications to do the same work at the same level at the same performance level as this other equipment. What you will find out in the equipment world, HVAC equipment world that a lot of these pieces of equipment are designed specifically for special types of projects and needs and so there is a lot of different variations out there. There are a lot of different variations out there, a lot of different products. Certain companies try to hit a market and other companies that Carrier might not be able to compete with an Aeon in a makeup air system type situation. Having known this being in the construction business and going out and developing these bid packages we wanted to make sure that we had competition not just on the labor and materials, but also on the equipment. We wanted to create a competitive environment to get good bidding on the equipment too. So as far as I'm concerned the result of what we have is what we initially set out to accomplish. It's Mechanical Concepts prerogative but as far as I see it we're getting what we wanted. That was good competition and good pricing. I would also like to add to that based on our guidance and our bidding of where we thought this project would come in just on the base bid alone we're coming in right around under \$85,000.00. So based on what we guided on and versus what the numbers came back in on base bids we're \$85,000.00 below bid. There is a lot of good news here. We're off to a good start. York, Carrier, and Aeon they're all excellent. They are all top level pieces of equipment. So I don't think we're going to go bad on that. I would also like to let everybody know that when we sat down and specified all of this equipment our Building Facilities Department was involved in that too because they are the ones that are going to have to maintain this stuff for the next 20 years. I think we've had all hands on deck and I think we've looked at this thing the right way so I feel very comfortable in moving forward. My question to Atty. McClure is do we award this all at once or do we award this individually or how do you want to go about this?

Atty. McClure, If the motion were to be to accept the recommendations that Skillman has provided I believe we could do it in one motion.

Com. Blaney, Do I need to read them all off or is it already in the record?

Atty. McClure, Let's read them off.

Com. Blaney, I would like to thank all of the people who bids in because we did get the competition we wanted and I think we have a really good plan moving forward here.

Com. Blaney, moved to approve the base bids for General Trades – Pangere Corporation \$796,959.00; Roofing – E. C. Babilla \$230,645.00; Metal, Studs and Drywall – Pangere Corporation \$398,792.00; Flooring – Midwest Tiles and Interiors \$322,638.00; Paint and Wall Covering Oosterbaan & Sons \$136,900.00; Plumbing – Keough Mechanical \$41,389.00; Mechanical – D.A. Dodd \$722,223.00; Electrical – Continental Electric \$554,150.00; for a total cost of \$3,230,696.00, Com. Good, second, motion carried.

Com. Good, August 8<sup>th</sup> here we come. Let the Fair begin Lori Daly. If you gentlemen would stay up here as we get into the announcement of the next item which is the bid package. We're basically announcing today the advertising for Bid Package 2 for the Valparaiso Courthouse. Could you guys give us a little brief overview of what that bid package is, the second bid package. We're already going on Bid Package 1, we're mobilized so this the next bid that is coming out. So give us a little briefing on what that bid package is thank you Dion.

Mr. Kotsouros, A brief snapshot of the Courthouse Bid Package 2. It's going to include updating some of the finishes and the restrooms on the interior of the building. It is also going to

include on the exterior on the north side removing the planters, putting some pavers, addressing landscaping, some tree removal, just really cleaning up the overall perimeter of the building and the exterior.

Com. Good, Does that also include the secured parking area for the judges too?

Mr. Kotsouros, Yes sir. We're going to redo that fencing and rework that whole area just make it work a little better logistically how to get in and out of that area and make it more secure overall in general.

Com. Good, So based on our schedule this Bid Package 2 is announced today. When will we accept bids, what is our schedule for that?

Mr. Kotsouros, It is anticipated that we will receive bids on August 7<sup>th</sup> and then we will come before you on August 14<sup>th</sup> to award and then start construction by the time we issue notice to proceeds and contracts the first week of September.

Atty. McClure, So we are going to have a Commissioners' meeting August 7<sup>th</sup> and August 14<sup>th</sup>?

Mr. Kotsouros, Correct.

Com. Good, So we will have a Special Meeting where we open bids and then a week later we will award if everything is okay.

Mr. Kotsouros, Correct.

Atty. McClure, Dion we've done that announcement but I think you have an update for some more that are coming down the pike and while we're here you might as well.

Com. Good, I was just going to ask that, thank you.

Mr. Kotsouros, More great news I will touch a few more milestone dates. The North Annex Bid Package 1 and what we're doing is there is going to be 2 bid packages. Bid Package 1 and Bid Package 2. Bid Package 1 really includes some site work, utilities, structural steel, the shell and the core overall so we can get started this fall. It is anticipated that we will advertise and documents will be available for that project around August 20<sup>th</sup> and then we would have a Commissioners' meeting on September 11<sup>th</sup> and then award contracts if everything comes in well on September 18<sup>th</sup> in anticipating starting construction October 1<sup>st</sup> for that project. Then Bid Package 2 which would be the balance of that which we are currently working the design team on that issue documents in December of this year and then receive bids in, I don't have a firm date yet but we would receive bids in January and then award in January and start construction in February.

Com. Good, Is that the same for the dual building with Portage Township, that is the same bid package?

Mr. Kotsouros, Yes sir.

Com. Good, So that is 2 buildings in that bid package.

Mr. Kotsouros, Correct.

Com. Good, I would also like to announce to everybody and for the record that right now based on our schedule when we started this Capital Improvement Plan right now we're basically right on schedule. We're hitting all of our dates, we're hitting all of our mile stones thanks to these gentlemen, thanks to us for attending many meetings, but I'm proud of that because this is a lot going on for 3 part time Commissioners. It's a lot going on but I'm just very proud that we're maintaining our schedule.

Com. Blaney, Thank you Scott.

Com. Good, And Scott too he has been there right with us. It is a lot to keep grinding and keep moving forward, but we're up to it and we're going to keep pushing and hopefully the numbers are going to keep getting better. So that is what we're all about here, good news. Anything else you gentlemen would like to add?

Mr. Kotsouros, I would just like to thank the Commissioners and their staff for their patience. You're right there are several meetings. It is just part of the process but as you can

see on Expo we did receive 28 bids. The process works. Multiple bid categories and that is a project that is under your budget.

Com. Good, Thank you gentlemen, have a great day!

Atty. McClure, Thank you Scott and Dion.

### **Portage Health Department Office Space Lease**

Com. Good, As some of you may or may not know the County has been dealing with our Health Department location, which is in Portage North County Health Department space and the buildings that we just talked about that we're going to be going out to bid on in Portage in the next several months actually the second building will be the building where the Health Department will be going, but while we have to build their space they don't have anywhere to be so what we're going to do is look at maybe extending this lease for however long we need to keep them in there until we get the new building done and can move them over. The first that we're going to talk about on this lease since that seems to have the eye of many people out here on how the County handles leases now. We requested from our County Assessor a rental analysis for this building and this location in Portage and out of that rental analysis Scott would you like to give us a little bit of a range on range on what we're looking at here to see if we are within market.

Atty. Scott, I reached out to our Porter County Assessor and provided him with a lease and asked him to do a rental analysis. He did provide one in an email and I provided that to all of the Commissioners. This is a gross lease that we would have Porter Hospital. It is \$21.92 per foot that does include utilities and taxes, etc. are being paid as part of the lease payment. I provided that to the Assessor, the Assessor then went out and found a few rental comparable of medical use buildings and ultimately his opinion is that a fair range for medical office space would be from \$20.50 to \$29.50 per square foot. So our lease at \$21.92 per foot falls within his purposed acceptable range. I would also point out that as part of the negotiation on this lease since we don't have a crystal ball and know exactly when the Health Department will be able to move into the new space that is being built we were little shy on giving another years lease and having us until August or September of next year. So we were able to negotiate with the hospital a 90 day early termination. Basically what that means that at any point in time when we start to see how things are shaping up out there and we start to get that time horizon that we know when the Health Department would be able to move we would be able to give 90 days' notice and be able to vacate the space and not be liable for the lease moving forward. Ultimately this is where the Portage Health Dept. is currently residing and has been residing. Last year at this time we knew we were working on the Capital Plan and did not know exactly when this building would be done at that point. So we only did 1 years' lease last year for an amount that was slightly lower than this years' amount, but a very small increase from year to year and we also have the 90 day window.

Com. Good, So we are on the low end of the spectrum and we're on a 1 year lease, which also plays into the lease rate too. So I think we're well within our range here to put this to bed and get this done.

Com. Good, moved to approve the First Amendment to the medical office space lease with Porter Hospital and the Porter County Health Department at 3630 Willowcreek Rd. in Portage, Com. Blaney, second, motion carried.

### **Commissioners' Certificate Sale Discussion**

Atty. McClure, When we were going through the process leading up to the Certificate Sale we did produce and pass a resolution to remove certain parcels from the Certificate Sale and to have those potentially given to different departments either within our local county government or within other municipalities whether that be a conservancy district and or a another city or town. That passed in the meantime what we've done is some issues came to light and we went back and had the Auditors office and they fully cooperated and got the work done and went through that parcel list to make sure that the assumption of the Commissioners at the time and myself was correct that these properties had been on several tax sales and were failing to sell for one reason or another and therefore kind of giving the underlying justification for moving forward with getting these pushed out to local municipalities or to our own local departments. Through that process it unfortunately became clear that we had several parcels of property that had only been on one tax sale and I'm using those terms as terms of art. There is a difference between a tax sale and a certificate sale, but they had only been on one tax sale. While that meets the letter of the law and would be lawful to do so in talking with the Commissioners and that is why we had the report done, I'm not sure that was their intention at the time when we were doing that resolution. So what we have now is a list of all of those parcels that we took off. We have a fair amount of those that were only on one tax sale and

those were for all different reasons. Sometimes there were underlying property issues that had been pulled off of the tax sale. Some of those had pending litigation that had them pulled off of tax sales. So you can have a situation where a piece of property had maybe been through 4 to 8 tax sales but had only actually ever made it to 1 tax sale officially. That was the information the Commissioners requested. That is the ultimate answer so now basically the Commissioners need some direction as to how you want to deal with that at this point.

Com. Blaney, I think we should take them off of the list for now. They should have the opportunity to be dealt with at more than one tax sale.

Com. Good, Seems like that to me.

Atty. McClure, So what I will do if you guys can make a motion and a second on that then we will revise and provide an addition resolution putting those back, those that are one or less back through our system which would then put them up for the regular tax sale that would come in October 16<sup>th</sup> that would allow any people that would want purchase those pieces of property to purchase those at the tax sale and move from there. I will get together with Mr. Freeman who has been dealing with this tax sale issue and we will have him do the resolution to remove the ones that were one or less and the ones that were two or more can remain. Ultimately what I think the Commissioners were doing and they can speak for themselves we have a significant back log of properties that have been sitting through tax sales and certificate sales and we're trying to whittle those down and get to the bottom of whatever the issue with individual pieces of property. Some of these are just small pieces, little triangles, little squares, little 10 ft. sections in places and some of them have all different issues. The point of this was if they've been through several tax sales and through at least one Commissioners' Certificate Sale that is probably the fair enough opportunity for the public to purchase them and to also get them ultimately back on the tax rolls and those that were only on one that is not exactly the way it would look like if you're looking at how much taxes had been built up on them. If you start doing the math and you think they've been through 4, 5 or 6 tax sales and they really have only been through one tax sale.

Com. Blaney, When I make this motion how do I make it in such a way that the one or less.....

Atty. McClure, The one or less go back into the system. The two or more remain on the resolution as we previously passed.

Com. Blaney, Then if these one or less ones go through again they will automatically go into....we don't have anyone that wants them.

Atty. McClure, At this point the ones that we would be putting back would go through the tax sale. If they don't sell at tax sale then they will come back up at our certificate sale but then they will meet at two or more and they will be back in the system.

Com. Good, Will this resolution have parcel numbers on it too.

Atty. McClure, Yes.

Com. Good, So they will attach to the resolution once.....

Com. Blaney, I don't have the parcel numbers.

Com. Good, No we're moving to create a resolution and then once we get the resolution drafted then we will add the parcel numbers to that resolution, right?

Atty. McClure, Thank you.

Com. Blaney, move to approve to amend a resolution to remove any properties from the resolution that have only been at one tax sale or less and to keep any that have been through two or more tax sales as part of the resolution, Com. Good, second, motion carried.

Com. Good, This would be on the August 14<sup>th</sup> agenda?

Atty. McClure, Yes and we will start the process of putting them back and then they will be up for the tax sale coming in October 16<sup>th</sup>.

Com. Good, So will this be two readings?

Atty. McClure, No.

Com. Good, So the amendment would be passed at the August 14<sup>th</sup> meeting.

Atty. McClure, Correct.

Com. Good, We will see that on the August 14<sup>th</sup> agenda.

Atty. McClure, Correct.

With no further business the meeting was adjourned at 10:40 a.m.

BOARD OF COMMISSIONERS  
PORTER COUNTY, INDIANA

\_\_\_\_\_  
Jeffrey J. Good

\_\_\_\_\_  
Laura M. Blaney

\_\_\_\_\_  
Absent  
Jim Biggs

Attest: \_\_\_\_\_  
Vicki Urbanik, Auditor