

LA PORTE COUNTY PUBLIC LIBRARY  
BOARD OF TRUSTEES MEETING  
MINUTES September 20, 2018

The Board of Trustees of the La Porte County Public Library met in special session on Thursday, September 20, 2018 at the Main Library.

**PRESENT**

Scott Siefker - President  
Dava Buell - Vice President  
Karen Ellison - Board Secretary  
Marie Gilliland  
James Dermody  
Gregg Fuhlenbrock

**ABSENT**

Sylvia Smith

**ALSO IN ATTENDANCE**

Fonda Owens - Director  
Mark Phillips- Legal Counsel  
Cynthia Lane - Treasurer

**CALL TO ORDER**

President Siefker called the meeting to order at 5:30.

**PUBLIC FORUM**

President Siefker called for questions/comments from the public. There were none.

**Sale of Property for Intersection Work at 400 N. and Johnson Road**

Bill Jones from Right of Way Jones, Inc. explained that he has been hired by La Porte County to secure the sale of property for intersection work at 400 N. and Johnson Road. The work will align turn lanes at this intersection and in order to complete the work, a small section of the driveway into the Coolspring Branch location is needed. Mr. Jones explained that there is a total of 17 parcels of land that are needed all together to complete this intersection work and the Library's property is the last section to acquire.

Several members of the Board and attorney Mark Phillips asked Mr. Jones questions regarding the exact location the County wanted to purchase and any concrete work that would be included to restore the driveway. The consensus of the board was to review the parcel area with Mr. Jones at the Coolspring Branch before taking any further action.

Following discussion, a motion was made by Marie Gilliland and seconded by Karen Ellison to table any action until the next regular Board meeting on September 27, 2018. The vote was taken and the motion carried.

**Resolution to Establish Responsible and Responsive Bidding Practices**

The Board reviewed the draft of the resolution prepared by Mark Phillips and Fonda Owens as directed by the Board at the August meeting. Following discussion, Karen Ellison made a motion and Marie Gilliland seconded to adopt the following resolution to establish responsible and responsive bidding practices for public works projects as amended:

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**Resolution to establish La Porte County Public Library Responsible and Responsive Bidding Practices  
on Public Work Projects**

WHEREAS, La Porte County Public Library (herein, "Library" or "the Library") is required by Ind. Code § 36-1-12-4 (b) (8) to award the contract for certain public work or improvement projects to the "lowest responsible and responsive bidder" or alternatively to reject all bids; and,

WHEREAS, the Indiana Legislature has, in Ind. Code §§ 36-1-12-4 (b) (10) and 36-1-12-4 (b) (11) identified those criteria to be used by public agencies such as the Library to determine if a bidder is a responsive bidder and/or a responsible bidder; and,

WHEREAS, the Library is required by Ind. Code § 36-1-12-4 (b) (1) to adopt plans and specifications for public work projects that avoid unduly limiting competition; and,

WHEREAS, the Board of Trustees of the La Porte County Public Library has considered input for such a resolution from various sources and has considered its own recent experience; and,

WHEREAS, the Board of Trustees of the La Porte County Public Library desires to adopt a resolution that meets the Indiana statutory requirements to identify "responsive and responsible" bidders on Library public work and that incorporates certain other considerations deemed by the Library to be in the best interests of the taxpayers and public it serves and,

WHEREAS, it is declared by the Board of Trustees of the La Porte County Public Library this "La Porte County Public Library Responsible and Responsive Bidding Practices on Public Work Projects" resolution will assure efficient use of taxpayer dollars, will promote public safety, and is in the public interest.

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** This Resolution which is entitled "La Porte County Public Library Responsible and Responsive Bidding Practices on Public Work Projects", is hereby adopted and shall read as follows:

**I. Bid Submission Requirements**

Contractors proposing to submit bids on any La Porte County Public Library ("Library") project that meets the then applicable definition of a public work project must, as a part of its bid submission, submit a sworn declaration that includes (where applicable) the following information and disclosures:

- A. A print-out of the Indiana Secretary of State's on-line records for the bidder dated within sixty (60) days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply.
- B. A list identifying all former business names of the bidder.

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- C. Copies of any determinations by a court or governmental agency within the ten years preceding the submission of the bid for violations by bidder of federal, state, or local laws relating to alleged criminal violations, violations of contracting or antitrust laws, violations of tax or licensing laws, violations of environmental laws, violations of the Occupational Safety and Health Act (OSHA), or violations of the federal Davis-Bacon Acts;
- D. A list of prior public work projects where bidder has performed work, if any. (The failure to have prior work experience on a public work project will not result in disqualification of a bidder.)
- E. Copies of any required professional or trade licenses of bidder applicable to the bid being submitted; and disclosure of any suspension or revocation within the previous five years of any professional or trade license held by the company, or of any director, officer or manager employed by the bidder;
- F. Proof that the bidder utilizes E-Verify to determine the eligibility of its employees to work on the project.
- G. Any other information required by the bid documents.

The Library reserves the right to demand supplemental information from the bidder, additional verification of any information provided by the bidder, and may also conduct random inquiries of the bidder's current and prior customers.

**II. Incomplete Submissions by Bidders**

It is the sole responsibility of the potential bidder to comply with all submission requirements applicable to the bidder in Section I above by no later than the public bid opening. Submissions deemed inadequate, incomplete, or untimely by the Library may result in the rejection of the bid.

**III. Responsive and Responsible Bidder Determination**

The Library, after review of complete and timely submissions, shall, in its sole discretion, after taking into account all information in the submission requirements, determine whether a bidder is responsive and responsible. In making its determination of whether a bidder is a responsive bidder, the Library will consider the following statutorily prescribed factors:

- A. Whether the bidder has submitted a bid or quote that conforms to the job specifications;
- B. Whether the bidder has submitted a bid that complies with the invitation to bid and instructions to bidders; and
- C. Whether the bidder has complied with the applicable statutes, ordinances, resolutions or rules pertaining to the award of a public work contract.

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In determining whether a bidder is a responsible bidder, the Library will consider the following statutorily prescribed factors:

- A. The ability and capacity of the bidder to perform the work;
- B. The integrity, character, and reputation of the bidder; and
- C. The competence and experience of the bidder.

In addition to the above statutory criteria, the Library will also consider (none of which are automatically disqualifying):

- 1. its experience with the bidder,
- 2. whether the bidder is from La Porte County, Indiana,
- 3. how many full time employees of the bidder reside in La Porte County, Indiana,
- 4. whether the bidder supports or encourages apprenticeships and/or training of students through cooperative efforts with building and trades programs sponsored by La Porte County educational organizations, and/or
- 5. A copy of the bidder's written plan for employee drug testing that covers all employees of the bidder who will perform work on the public work project.

The Library specifically reserves the right to utilize all information provided in the bidder's submission or any information obtained by the Library through its own independent verification of the information provided by the bidder.

**IV. Penalties for False, Deceptive, or Fraudulent Statements/Information**

Any bidder that willfully makes, or willfully causes to be made, a false, deceptive or fraudulent statement, or willfully submits false, deceptive or fraudulent information in connection with any submission made to the Library shall be disqualified from bidding on all Library projects for a period of three (3) years.

**V. Severability**

If any provision of this Resolution is found to be invalid, the remaining provisions of this Resolution shall not be affected by such a determination. These other provisions of this Resolution shall remain in full force and effect without the invalid provision.

This Resolution, which is entitled "La Porte County Public Library Responsible and Responsive Bidding Practices on Public Work Projects," is hereby adopted by the Board of Trustees of the La Porte County Public Library on the 20th day of September, 2018.

The vote was taken and the motion carried.

**QUESTIONS OR COMMENTS FROM THE PUBLIC**

President Siefker called for questions or comments from the public.

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Marcella Kunstek from the Indiana-Illinois-Iowa Foundation for Fair Contracting stated that she was very pleased that the board had adopted the Responsible and Responsible Bidding Practices Resolution. It has been her experience that these types of resolutions have worked well for other governmental units who engage in public works projects. Ms. Kunstek also mentioned that their organization would be very happy to work with the Board during a construction project such as review of bids, visits to work sites, etc. She has worked with companies including Larson & Danielson and Tonn and Blank.

**COMMENTS FROM THE BOARD**

President Siefker called for comments from the board. There were none.

**ADJOURNMENT**

President Siefker adjourned the meeting 6:55 pm.