

MEMO

To: Town Council

From: Greg Vitale, Director of Parks and Recreation

Date: June 22, 2015

Re: Additional Information - Community Park Phase IV Work Performed by Olthoff, Inc.

Information is still being gathered at this time. However, the following information is what is known:

- Some of the original phase I bids were awarded based on the lowest unit prices. Subsequent phases were considered contract extensions, which were awarded to the same contractors as long as they held those same prices. For subsequent phases, the contractors were given the specifications and asked to give estimates based on those unit prices that they promised to hold. Those estimates were then used as "not to exceed" prices for approval purposes.
- All work at Community Park has been approved. However, some of the approval dates took place after the work had already started.
- Olthoff's work was approved. On July 16, 2014 the Park Board approved a resolution not to exceed \$280,000, which authorized Olthoff, Inc. to perform underground work for the remainder of Community Park phase IV. The resolution was approved after the work in question was completed, and not before it started. This work was in the amount of \$166,794.27. The resolution was not originally located because the search timeline was before and during the construction, not after. Also, a contract was never located because staff was unaware at the time that the only unit priced contracts that existed were the original phase I contracts.
- Immediately following the completion of the work in question, Olthoff started additional grading services totaling \$101,290.28. The total for both rounds of work was \$268,084.55, which was below the \$280,000 threshold. This completed all of Olthoff's work for Phase IV.
- Attorney Feingold reviewed the information and gave a legal opinion that the Town should pay the contractor because a contract is implied or because of the doctrine of "quantum meruit."
- The Park Board will hold a special executive session to discuss this matter further on June 23.

**MUNSTER BOARD OF PARKS AND RECREATION
REGULAR MEETING
WEDNESDAY, JULY 16, 2014
MUNSTER TOWN HALL - CONFERENCE ROOM 'A'
6:30 P.M. – Regular Meeting**

AGENDA

I. CALL TO ORDER

II. PUBLIC INPUT

Open to the Public - 2 minutes maximum per person or 5 minutes for a group spokesman. The Board of Parks and Recreation President will recognize individuals on an alternating basis to allow the presentation of different views on the same topic. In addition, the President at its sole discretion may recognize individuals wishing to speak on different topics at any time. All speakers will be timed by the Director of Parks and Recreation. This portion of the meeting shall not exceed 15 minutes.

III. CONSENT AGENDA *(The items on the Consent Agenda are considered under one motion with a roll call vote. If a Member wishes to have an item removed from the agenda for further discussion, it will be considered separately under General Orders. The Chair will entertain a motion for approval).*

ADMINISTRATIVE MATTERS/CONSENT AGENDA

- | | |
|--|--------------|
| A. Park Vouchers Approved Register #14-7C: Totaling - | \$ 645.92 |
| Fund 204 Park Fund | \$ 645.92 |
| B. Park Vouchers Approved Register #14-7D: Totaling - | \$ 45,604.51 |
| Fund 204 Park Fund | \$ 44,156.69 |
| Fund 419 Park Bon Proceeds | \$ 1,291.82 |
| Fund 770 Park Donation-Non Reverting | \$ 156.00 |
| C. Park Vouchers Confirmed Register #14-7E: Totaling - | \$111,655.94 |
| Fund 204 Park Fund | \$111,655.94 |
| D. Park Voucher Approved Register #14-7F: Totaling - | \$ 9,373.57 |
| Fund 204 Park Fund | \$ 9,373.57 |
| E. Minutes of Regular Meeting – Approval of July 8, 2014 meeting | |
| F. Superintendent of Recreation Report | |
| G. Superintendent of Park Maintenance Report | |
| H. Centennial Park Golf Maintenance Report | |
| I. Centennial Park Golf Pro Report | |


J. Centennial Park Facilities Report

ITEMS FOR DISCUSSION/ACTION -

1. Report – Comparative Cash Balances and Bond Sales
2. Resolution 2014-20: Extension of Unit Prices – Community Park - Olthoff
3. Resolution 2014-21: Screening Charges – Community Park - Olthoff
4. Discussion on Park Director Search with GOVHR USA
5. Field Maintenance Memo

IV. ADJOURNMENT OF REGULAR MEETING

MEMORANDUM

TO: President and Members of the Park Board
FROM: Clay Johnson, Assistant Town Manager 
MEETING
DATE: July 16, 2014
RE: Resolutions 2014-20 & 21: Community Park Phase IV

Resolution 2014-20

Olthoff has pledged to hold their prices for the balance of Phase IV at the same cost as Phases II & III. These unit prices are summarized in the payoff invoices included in your materials. The scope of this work is less than those in previous phases as previous designs have prepared us for this phase of the project. Robinson is proposing an amount not to exceed \$280,000 for Phase IV of Community Park. These charges will be paid from Park Bonds.

Recommendation: Approve Resolutions 2014-20: Contract extension for Community Park Phase IV for underground infrastructure and grading to Olthoff, Inc.

Resolution 2014-21

Olthoff has also quoted us a price for the use of their material screener. This price for the equipment alone remains the same as Phase III at \$550/per day. Labor charges account for two people for eight (8) hours of operation at \$3,000/day. The Town is not charged when the screener is in not in operation. These prices are the same as the previous phase and will be paid from Park Bond proceeds.

Recommendation: Approve Resolutions 2014-21: Contract extension for Community Park Phase IV for use of material screener and associated labor to Olthoff, Inc.

RESOLUTION 2014-20

**A RESOLUTION AUTHORIZING AN EXTENSION OF CONTRACT PRICES
FOR COMMUNITY PARK UNDERGROUND IMPROVEMENTS AND
GRADING**

WHEREAS, the Park Board has awarded a contract to Olthoff, Inc. for underground infrastructure and grading services for Community Park Phase III, and;

WHEREAS, the vendor has pledged to hold prices level with those offered in Phase III and carry them through Phase IV;

NOW, THEREFORE BE IT RESOLVED by the Park Board of the Town of Munster, Lake County, Indiana, that an extension for underground infrastructure and grading services for Community Park Phase IV to Olthoff, Inc. in an amount not to exceed \$280,000 from Park Bond Issues is approved.

RESOLVED this _____ day of _____, 2014 by a vote of _____ in favor and _____ opposed.

**PARK BOARD OF THE TOWN OF MUNSTER
LAKE COUNTY, INDIANA**

Marcus Olsen

President

ATTEST:

Dan Repay

Secretary

CONTRACT EXTENSION 6

CENTENNIAL PARK UNDERGROUND & EARTHWORK

The Town of Munster hereby approves the following change to the agreement with Olthoff, Inc., Chicago Heights, IL:

This work is required to complete the underground infrastructure in the area of Babe Ruth fields, as well as the areas between the completed fields. It also includes infrastructure improvements in the area north of the Little League Fields.

This work also includes the rough grading for the Babe Ruth fields that will bring the elevation to +/- 1" of the final grade for these fields.

Original Contract Sum:	\$833,372.21
Approved Extensions to Date	\$713,881.82
Previous Contract Amount	\$1,547,254.03
Total of Changes per Ext #6	\$280,000.00
Revised Contract Sum	\$1,827,254.03

**MUNSTER BOARD OF PARKS AND RECREATION
REGULAR MEETING
WEDNESDAY, JULY 16, 2014
MUNSTER TOWN HALL - CONFERENCE ROOM 'A'
6:30 P.M. – Regular Meeting**

MINUTES

I. CALL TO ORDER

The meeting was called to order by President Marcus Olsen at 7:03 p.m.

Park Board Members present: Marcus Olsen, President; Ron Ostojic, Vice President; Dan Repay, Secretary; Dave Cerven, Board Member; Dave Nellans and Joe Simonetto, Town Council Liaisons and John Friend, School Board Liaison

Staff in attendance: Tom DeGiulio, Town Manager & Director of Parks; Clay Johnson, Assistant Town Manager; Barb Holajter, Superintendent of Recreation; Jerry Rosko, Superintendent of Maintenance and Dave Shafer, Clerk Treasurer

II. PUBLIC INPUT

There was no public present.

III. CONSENT AGENDA (The items on the Consent Agenda are considered under one motion with a roll call vote. If a Member wishes to have an item removed from the agenda for further discussion, it will be considered separately under General Orders. The Chair will entertain a motion for approval).

ADMINISTRATIVE MATTERS/CONSENT AGENDA

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|
F. Superintendent of Recreation Report | |

Dan Repay asked about the break-ins at Munster Community Pool.

G. Superintendent of Park Maintenance Report

Dave Cerven asked about how bad the parking was during the St. Thomas More Festival. Jerry replied that cars were parked on the grass by the monument and up to the concession stand on the other side of the parking lot. The signs that Jerry installed were all torn off of the barricades.

H. Centennial Park Golf Maintenance Report

I. Centennial Park Golf Pro Report

J. Centennial Park Facilities Report

Dan Repay moved to approve the Consent Agenda. Motion passed 5-0.

ITEMS FOR DISCUSSION/ACTION -

1. Report – Comparative Cash Balances and Bond Sales
2. Resolution 2014-20 & 21: Extension of Unit Prices - Community Park - Olthoff, Inc.

Clay Johnson presented the report asking to extend the contract not to exceed \$280,000 for Phase IV of Community Park.

Resolution 2014-21: Screening Charges - Community Park - Olthoff, Inc.

Clay Johnson presented the resolution regarding the contract extension for Community Park Phase IV for use of the material screener and labor. Dave questioned the cost. Tom DeGiulio said he would get a break down and that the park board could hold off on Resolution 2014-21 until the next meeting.

Ron Ostojic moved to approve Resolution 2014-20: Contract extension for Community Park Phases IV for underground infrastructure and grading to Olthoff, Inc. and to table Resolution 2014-21. Motion passed 5-0.

3. Tournament Field Maintenance

Tom DeGiulio presented the arrangement for tournament maintenance. He explained that the town gets the rental fees of the fields and then pays girls softball for field work, while park maintenance does other jobs such as the trash. Tom has been paying out of his pocket and asked to be reimbursed upon presenting receipts. Marcus Olsen replied that the arrangement seemed irregular. Ron questioned the liability of having others do the field work. Dave Nellans suggested that the park department take in the rent and then cut a check to girls' softball. Tom suggested that the organization cut two checks: one to the town for \$600 and one for \$300 to girls' softball for

maintenance. Dave Nellans mentioned that the original discussion was that we were the only ones to maintain the fields. Tom replied that we do not have the staff or the funds to maintain the fields for a tournament. Leagues are responsible for getting their fields ready to play; lining, dragging and striping the fields and sometimes cutting the grass. All other repair work to the fields will be done in the fall by the town. John Friend replied that we get compliments all of the time on our fields. Dave Nellans questioned who inspects the fields. Jerry replied that he constantly inspects the fields and said that the organizations are doing exactly what they should be doing. Marcus said that we need a policy that is transparent and tractable. Tom will work with Dave to set up the guidelines. Dave Shafer asked about the player fees. Tom replied that player fees should have been received from the leagues.

4. Discussion on Park Director Search with GOVHR USA

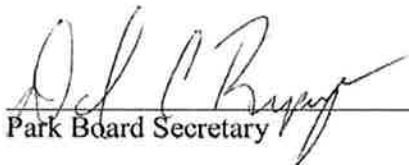
Heidi Vorhees and Terry Porter from Vorhees & Associates led a discussion with the park board regarding the experience and qualifications desired of the new park director.

IV. ADJOURNMENT OF REGULAR MEETING

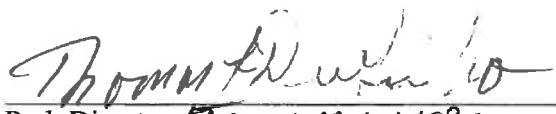
Dave Cerven moved for adjournment at 8:26 p.m. Motion passed 5-0.

Next board meeting: Tuesday, August 5, at 12:00 p.m., at The View Restaurant.

Next regular board meeting: Tuesday, August 19, at 7:00 p.m., at Munster Town Hall.


Park Board Secretary

8-19-14
Date


Park Director *Town Manager*

8/19/14
Date

RESOLUTION 2014-20

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FOR COMMUNITY PARK UNDERGROUND IMPROVEMENTS AND
GRADING**

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WHEREAS, the vendor has pledged to hold prices level with those offered in Phase III and carry them through Phase IV;

NOW, THEREFORE BE IT RESOLVED by the Park Board of the Town of Munster, Lake County, Indiana, that an extension for underground infrastructure and grading services for Community Park Phase IV to Olthoff, Inc. in an amount not to exceed \$280,000 from Park Bond Issues is approved.

RESOLVED this 17 day of July, 2014 by a vote of 5 in favor and 0 opposed.

PARK BOARD OF THE TOWN OF MUNSTER
LAKE COUNTY, INDIANA



Marcus Olsen President

ATTEST:



Dan Repay Secretary

SPECIAL PROVISIONS

The following Special Provisions supplement the latest edition of the Indiana Department of Transportation Standard Specifications (hereinafter referred to as the Standard Specifications), the latest editions of the "Supplemental Specifications in effect on the date of the invitation for bids which apply to and govern the proposed improvement in Lake County, and in case of conflict with any part, or parts, of said specifications, the said special provisions shall take precedence and shall govern..

SCOPE OF WORK

The work shall generally consist of the construction of new storm sewer, sanitary sewer, and water main in Community Park. The Contractor shall be responsible to sufficiently familiarize himself with the local conditions prior to bidding the project. This work is the initial phase of a multi-year project that includes hardscapes, buildings, baseball fields and road work that will be completed under separate contracts. An initial phase has been awarded to remove and/or relocate the trees shown on the plans. It is imperative Work will be completed in stages to ensure that inconveniencies to park users are kept to a minimum. Coordination and cooperation between contractors will be required to ensure work stays on schedule. Although there should not be any conflicts with existing contracts, there will be additional contracts awarded that depend upon the timely completion of this work.

ADJUSTMENT OF QUANTITIES

This project is a unit price contract. The Town of Munster reserves the right to adjust quantities or delete line items from the contract. No adjustment to unit prices will be allowed based on the adjustment or elimination of quantities or entire pay items.

PROPOSALS AND PROPOSAL FEE

Proposals will be issued to prequalified bidders for a specified length of time and may be obtained from the office of Robinson Engineering, Ltd. 17000 South Park Avenue; South Holland, Illinois upon payment of One Hundred dollars (\$100.00), which is not refundable. However, no proposals will be issued after 5:00PM local time one business day prior to the bid opening.

WORK HOURS

The following work hours shall be kept unless written permission is received from the Town of Munster. The Contractor may prosecute work between the hours of 7:00 a.m. and dusk each workday. However, no work will be permitted on Sundays, or on holidays, without prior written permission of the Town. Any hours of operation specifically applied by any of the permitting agencies will supersede these hours when doing work at the location covered by the aforementioned permit.

MAINTENANCE OF ROADWAYS

Beginning on the date that work begins on this project, the Contractor shall assume responsibility for