

REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION (BPTC) JUNE 14, 2013, 12:00 P.M.

In the Edward J. Kuntz Board Room of the Bloomington Transit Operating Facility, 130 W. Grimes Lane, Chairman McConn convened the special meeting of the Board of Directors of the Bloomington Public Transportation Corporation.

ROLL CALL

Board Members present: Chairman McConn, Vice Chairman McDaniel, Secretary Cartwright, and Board Member Obermeyer. Also present were Lewis May, General Manager, Brenda Underwood, Human Resources/Marketing Administration, Mike Rouker, City of Bloomington and there were no members of the public.

PETITIONS AND COMMUNICATIONS

There were no petitions and communications.

MESSAGES FROM BOARD MEMBERS

There were no messages from Board Members.

MESSAGES FROM THE MANAGER

Mr. May opened with an update of the Downtown Passenger Transfer Facility project. He noted as Board members are aware allegations have been presented against Lamar Construction from a group known as Worker's Freedom Coalition who made a visit to our offices, the construction site and City Hall to deliver their allegations. Mr. May noted that a 12-page brochure and other information was distributed to the Board previously which outlined their concerns, allegations and complaints. He said the allegations have been reviewed by legal counsel and that Mike Rouker, City Risk Management Attorney is present today to answer any questions. Mr. May noted the allegations were discussed directly with the staff of Lamar Construction, Stone City Ironworks and Gibraltar Construction Corporation. He said Lamar has been cooperative in providing information and responses to the allegations and provided data and documents as part of their response. Mr. May provided the Board a summary of documents and data as provided by Lamar Construction and a summary of what we've learned about Lamar from our own review.

Mr. May said he asked legal counsel to determine if we have grounds to declare Lamar as not being a responsible bidder under the Indiana Code 36-1-12-4(b)(11). Mr. May noted that legal counsel, Mike Rouker, states it would be very difficult to make a case that Lamar does not qualify as a responsible bidder under the provisions of Indiana Code 36-1-12-4(b)(11). He said City Legal is wary of asking Gibraltar to remove Lamar from the project as such an action would violate state legislature's intention in passing the public works projects bidding statute. Mr. May noted it's highly unusual for an owner such as BPTC to review the responsibility of a subcontractor to a subcontractor. Nevertheless, we asked for a delay in the steel erection to provide time to further review allegations, hear Lamar's response, and discuss the matter with

legal counsel. Mr. May noted that in conjunction with legal counsel, he has prepared a written document as included in the Board packet that summarizes our findings relative to the allegation and relative to Lamar's responsibility as per Indiana Code. Given the seriousness of the allegations, it's important that the Board carefully consider the information presented and decided what the best course of action in the matter is.

Chairman McConn noted that Lamar has had a record in the past that has gradually improved. He said there seems to be no clear issue that stands out that would give us reasonable grounds to request Lamar's removal from the project. Chairman McConn asked for input from other Board members and whether others may be interested in seeing a change. Vice Chairman McDaniel noted he thought from the very beginning that if we want to establish precedence when we start interfering with hiring subcontractors particularly after contracts have been signed we better have a good reason and he does not see it based on the information presented. Secretary Cartwright noted that he attended the meeting with Lamar, Stone City and Gibraltar and said he was satisfied with responses and satisfied with the information provided. Secretary Cartwright said he thinks Lamar is credible and responsible. He said he sees no grounds for discontinuing their contract and believes it could have negative consequences. Board Member Obermeyer said her concern at first was that they were blowing things off. She noted that they acknowledge they have had problems in the past, some of which are years ago, and that she is satisfied that they have satisfactorily corrected those problems.

MESSAGES FROM THE CONTROLLER

There were no messages from Controller Browning.

MINUTES

There were no minutes for approval.

CLAIMS

There were no claims for approval

OLD BUSINESS

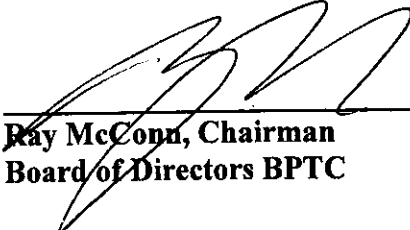
There was no Old Business.

NEW BUSINESS

Chairman McConn made a motion to accept Lamar Construction as the steel erection subcontractor to the subcontractor for the Downtown Transfer Facility. The motion was approved unanimously.

ADJOURNMENT

APPROVE:



06-25-13
**Ray McConn, Chairman
Board of Directors BPTC**

ATTEST:



06-25-13
**Alex B. Cartwright, Secretary
Board of Directors BPTC**