

**CITY OF HOBART SANITARY DISTRICT BOARD OF COMMISSIONERS**  
**Resolution No. 2012-08**

**A Resolution to Improve an Agreement for a Guaranteed Cost Savings Contract  
for Improvements to the Hobart Wastewater System**

WHEREAS, the Board of Commissioners ("Board") of the City of Hobart Sanitary District ("District") previously authorized the solicitation for proposals for a Guaranteed Savings Contract for the performance of certain wastewater related improvements known as the "Nob Hill Clean Closure in the City of Hobart, Indiana"; and

WHEREAS, prior to authorizing notice of proposals to be duly advertised in the manner required by law as required by I.C. § 36-1-12.5-5 (c), the Board received the report of its consulting engineers, Butler, Fairman and Seufert, Inc., of Indianapolis, Indiana studying the feasibility of such project which will be awarded under the chapter of the Indiana Code governing Guaranteed Cost Saving contracts (I.C. § 36-1-12.5-1, *et seq.*); and

WHEREAS, the Board, having considered such report and having previously determined that the Clean Closure of the Nob Hill Pond can be best obtained through the use of a guaranteed savings contract provided that a qualified provider provides a written guarantee as required in subsection (d)(3) of I.C. § 36-1-12.5-5; and

WHEREAS, said advertisement for proposals was published as required by I.C. §5-3-1-1, *et seq.* in two (2) newspapers of general circulation in the City of Hobart, namely, the Times and the Post Tribune twice, on September 21 and September 28, 2012; and

WHEREAS, in response to said solicitation for proposals duly advertised, a single proposal was received from Bowen Engineering Corporation of Indianapolis, Indiana, and the Board finds that Bowen is a certified public works contractor under I.C. §4-13.6-4-1, *et seq.* as required by I.C. 36-1-12.5-5.3 (b) and that said proposal price is lower than the anticipated cost of continuing maintenance of the Nob Hill Pond including periodic repairs, pumping and incidental tasks necessary to maintain same; and

WHEREAS, the Board, having reviewed said proposal and having received the recommendation of Butler, Fairman and Seufert, Inc. (said recommendatiuon being attached hereto) recommending its approval, further finds, specifically, that

1. The threat to the environment is clear and there are necessary measures to prevent overtopping of the Nob Hill Pond into the receiving stream. The key measure involves utilizing a trash pump to discharge some of the pond water into Nob Hill Lift Station, which would require the District to incur energy costs for lift station operations, operational costs for setting up and maintaining the trash pump, and contracted services costs for wastewater treatment by the Gary Sanitary District. Upon clean closure, the environmental threat will be removed and prevention of overtopping will not be necessary. In Exhibit C of the

proposal, Bowen makes a finding of \$24,161.00 in associated energy and wastewater savings.

2. Further, as stated in Section 3.5 of the proposal, the District must proceed with the clean closure at some point since the District is obligated to do so by the Nob Hill Agreed Order with the Indiana Department of Environmental Management and the District had previously attempted clean closure earlier in 2012. Accordingly, I.C. §36-1-12.5-1, *et seq.* allows the District to account for the construction cost of clean closure as both an implementation cost now under the terms of the pending Guaranteed Cost Saving agreement as well as a future related capital expenditure reduction since it will not have to be done in the future. The Total Savings including future capital expenditure reduction savings is \$290,661.00, which is more than the amount of the pending agreement;

and

WHEREAS, the Board has received the opinion of Anthony DeBonis, Jr., City Attorney and Counsel to the Board, approving the form of said agreement and the Board now desires to approve the award of the Guaranteed Cost Saving Contract to Bowen Engineering through this Resolution.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Hobart Sanitary District that:

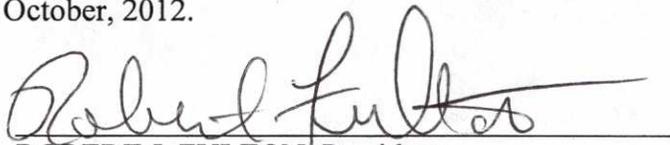
a. The Board determines that Bowen Engineering Corporation of Indianapolis, Indiana, the sole proposing entity for this project, is duly qualified as a provider for the services contained in said proposal, that the proposal of Bowen Engineering Corporation meets all statutory requirements of I.C. § 36-1-12.5-1 *et seq.*, and that the form of agreement entitled "Guaranteed Energy Savings Performance Contract" prepared by Butler, Fairman and Seufert, Inc. and submitted with said proposal conforms in all respects to the requirements of law.

b. The Board now awards said Guaranteed Savings Contract to Bowen Engineering Corporation of Indianapolis, Indiana and authorizes the Executive of the District, the President of the Board and the Secretary of the Board to execute and deliver same and that, upon such execution and delivery, said contract shall be a valid and subsisting agreement of the Sanitary District of the City of Hobart.

ALL OF WHICH is adopted as the Resolution of the Board of Commissioners of the Hobart Sanitary District on this 30th day of October, 2012.

ATTEST:

  
Ma LISA COX, Secretary

  
ROBERT J. FULTON, President