

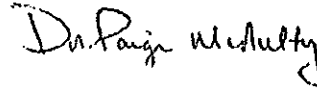
**EXCERPTS OF MINUTES OF A MEETING
OF THE
EMERGENCY MANAGER
OF
GARY COMMUNITY SCHOOL CORPORATION**

A meeting of the representatives of the MGT Consulting Group, as the Manager (the "Manager") of the Gary Community School Corporation (the "School Corporation") was held at the School Corporation Central Office at the West Side Leadership Academy, Gary, Indiana on September 21, 2020.

The following were present: Dr. Paige McNulty and Mr. Eric Parish.

The Manager discussed adopting a responsible bidder policy. After discussion of the policy the resolution attached as Exhibit A was adopted.

There being no further business to come before the meeting, the meeting was adjourned.



Manager Dr. Paige McNulty

EXHIBIT A

RESPONSIBLE BIDDER PREFERENCE POLICY

WHEREAS, Indiana Code 6-1.1-20.3-6.8 designated Gary Community School Corporation (the "School Corporation") as a distressed political subdivision and the Distressed Unit Appeal Board selected MGT Consulting Group as the manager (the "Manager"); and

WHEREAS, pursuant to Indiana Code 6-1.1-20.3-8.5, the manager of a distressed political subdivision shall assume and exercise all of the power, authority and responsibilities of both the executive and fiscal body of the political subdivision, which includes the power and authority to adopt resolutions relating to or affecting the fiscal stability of the political subdivision; and

WHEREAS, the Manager now desires to adopt a resolution to adopt a responsible bidder policy. Now therefore,

BE IT RESOLVED, that the School Corporation adopts this Responsible Bidder policy for Submitting Bids to Perform Capital or Construction Work.

I. Bid Submission

Contractors proposing to submit bids on any School Corporation capital or construction project estimated to be at least one-hundred fifty thousand dollars (\$150,000.00) shall be required to include with a bid the following information:

- (A) A copy of 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;
- (C) Any determinations by a court or governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts;
- (D) A statement on staffing capabilities, including labor sources;
- (E) Evidence of participation in apprenticeship training programs applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization; and evidence that any applicable apprenticeship program has graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprenticeable crafts dedicated exclusively to the transportation of material and equipment to and from the capital or construction project.

The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who

will perform work on the capital or construction project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the bidder will perform on the project. Additional evidence of participation and graduation requirements may be requested by the School Corporation at its discretion.

- (F) A copy of a written plan for employee drug testing that: (i) covers all employees of the bidder who will perform work on the capital or construction project; and (ii) meets, or exceeds, the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6;
- (G) The name and description of the management experience of each of the bidder's project managers and superintendents that bidder intends to assign to work on the project;
- (H) Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; 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, office or manager employed by the bidder;
- (I) Evidence that the bidder is utilizing a surety company on the United States Department of Treasury's Listing of Approved Sureties;
- (J) A written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the last five years;
- (K) A statement that individuals who will perform work on the capital or construction project on behalf of the bidder will be properly classified as either (i) an employee or (ii) an independent contractor, under all applicable state and federal laws and local ordinances;
- (L) A list of projects of similar size and scope of work that the bidder has performed in the State of Indiana within three (3) years prior to the date on which the bid is due; and
- (M) For contracts estimated to cost at least three hundred thousand dollars (\$300,000), certification that the bidder and all subcontractors are qualified under IC 4-13.6-4 or IC 8-23-10.
- (N) A written list that discloses the name, address, and type of work for each subcontractor the bidder intends to employ on any part of the capital or construction project, including individuals performing work as independent contractors.

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

II. Post-Bid Submissions from Subcontractors

Each subcontractor of any tier shall be required to submit the required information of Section I of this Resolution, but subcontractors shall submit the required information to the successful bidder, who shall then submit said information to the School Corporation prior to the subcontractor's first day of work on the capital or construction project.

Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default or breach by the successful bidder. However, payment shall be withheld from any subcontractor who fails to timely submit said information until such information is submitted and approved by the School Corporation. Additionally, the School Corporation may require the successful bidder and/or relevant subcontractor to remove a subcontractor from the project and replace it with a responsive and responsible subcontractor.

The disclosure of a subcontractor by a bidder or a subcontractor shall not create any rights in the disclosed subcontractor. Thus, a bidder and/or a subcontractor may substitute another subcontractor for a disclosed subcontractor by giving the School Corporation written notice of the name, address, and type of work the substitute subcontractor will perform. The substitute subcontractor is subject to all of the obligations of a subcontractor.

III. Validity of Pre-Qualification Classification

Upon designation by the School Corporation that a bidder's or subcontractor's submission is complete and timely, and upon any further consideration deemed necessary by the School Corporation, the bidder or subcontractor may be pre-qualified for future School Corporation capital or construction projects. Pre-qualification shall exempt the bidder or subcontractor from the comprehensive submission requirements contained herein for a period of twelve (12) months. Thereafter, bidders or subcontractors who are pre-qualified must submit a complete application for continuation of pre-qualified standing, on a form provided by the School Corporation.

Any material changes to a contractor's status, at any time, must be reported in writing within ten (10) days of its occurrence to the School Corporation. The pre-qualification designation is solely within the discretion of the School Corporation and the School Corporation specifically reserves the right to change or revoke the designation for a stated written reason(s).

Denial of pre-qualification shall be in writing and shall be forwarded to the contractor within seven (7) working days of such decision. Any contractor denied or losing pre-qualification status may request reconsideration of the decision by submitting such request in writing to the School Corporation within five (5) business days of receipt of notice of denial.

IV. Incomplete Submissions by Bidders

It is the sole responsibility of the bidder to comply with all submission requirements herein no later than the public bid opening. Submissions deemed inadequate, incomplete, or untimely by the School Corporation shall result in the automatic disqualification of the bid.

V. Certified Payroll

For capital or construction projects in which the cost is at least one-hundred fifty thousand dollars (\$150,000), the successful bidder and all subcontractors working on a capital or construction project shall submit a certified payroll report utilizing federal form WH-347 or its successor form, which must be prepared on a weekly basis and submitted to the School Corporation within ten (10) calendar days after the end of each week in which the successful bidder or subcontractor performed on the capital or construction project. Certified payroll

reports shall identify the job title and craft of each employee on the project, e.g. journeyman electrician or apprentice electrician. In the event any successful bidder or subcontractor uses independent contractors to perform work on the project, such individual must be identified on the federal form WH-347 or successor form with the same information as is required for employees.

The School Corporation may withhold payment due for work performed by a successful bidder or subcontractor for failure to timely submit their respective certified payroll reports until such time as the reports are submitted. The School Corporation shall not withhold payment to a successful bidder or subcontractor for failure of the successful bidder or one or more other subcontractors to timely submit their certified payroll reports.

VI. Public Records

All information submitted by a bidder or a subcontractor pursuant to this Resolution, including certified payrolls, are public records subject to review pursuant to the Indiana Access to Public Records law (IC 5-14-3).

VII. Penalties for False, Deceptive, or Fraudulent Statements/Information

Any bidder or subcontractor 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 School Corporation may be disqualified from bidding or working on all School Corporation projects for a period of three (3) years.

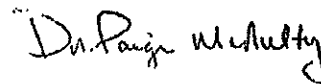
VIII. Conflicting Resolutions

Any ordinance or provision of any resolution in conflict with the provisions of this Resolution is hereby repealed.

IX. 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; such provisions shall remain in full force and effect.

Passed and adopted this 21 day of September 2020.



Dr. Paige McNulty Manager