

## RESOLUTION 2023-01

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION

**A RESOLUTION** of the Board of Directors of the Indianapolis Public Transportation Corporation selecting Construction Manager as Constructor (“CMc”) as the project delivery system to be utilized for construction of the East Campus Operations Center and Fleet Terminal Project.

**WHEREAS**, the Indianapolis Public Transportation Corporation (IPTC) is a municipal corporation pursuant to Indiana Code 36-9-4-10; and

**WHEREAS**, Indiana Code 36-19-4-14 establishes management of the Corporation by a Board of Directors; and

**WHEREAS**, as a local government public agency under Title 36 of the Indiana Code, pursuant to the provisions of Indiana Code §5-32, IPTC may design and construct the East Campus Operations Center and Fleet Terminal Project at 9503 E. 33<sup>rd</sup> Street, Indianapolis, IN Project (“Project”) utilizing any of the available project delivery systems for public projects, including design-bid-build, construction manager as advisor, construction manager as constructor or design-build.

**WHEREAS**, the CMc project delivery method is likely to garner interest from a larger pool of contractors as selection is based on qualifications and not simply the lowest bid; and

**WHEREAS**, the CMc project delivery method allows for early involvement preconstruction to better assist IPTC in controlling budget and schedule; and

**WHEREAS**, the CMc project delivery method provides greater transparency in project costs and allows for the opportunity of shared cost savings; and

**WHEREAS**, the CMc project delivery system has distinct advantages over other project delivery methods that may reduce risk to the corporation and improve project outcomes; and

**WHEREAS**, the IPTC Board of Directors having considered the project delivery options and being duly advised, finds that the Board of Directors has determined to construct the Project utilizing the construction manager as constructor method as provided in Ind. Code §5-32-1 et seq. (“CMc Statute”):

#### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION:**

Section 1. The Board of Directors desires to exercise its authority under Title 36 of the Indiana Code and the provisions of Indiana Code §5-32, to construct the Project utilizing the construction manager as constructor project delivery method.

Section 2. As the Project Owner, IPTC will develop the Owner criteria for the Project, including allowances, contingencies and unit price requirements, insurance and bonding requirements, Disadvantaged Business Enterprise (DBE) requirements, the CMC contract terms and conditions for performance, the procurement schedule and requirements for the Request for Proposals (“RFPs”), develop the factors and logistics for the procurement, develop the bid requirements and procedures to be followed by the CMc for the selection of the first-tier subcontractors, establish an Evaluation Committee for the purpose of evaluating and scoring the RFP submissions, make recommendations to the Board for the CMc Contract award and otherwise carry out the responsibilities and duties of IPTC under the CMc Statute.

Section 3. This Resolution shall be in full force and effect from and after its adoption and compliance with all laws pertaining thereto.

Section 4. If any section, paragraph, or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of any such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

**Adopted this 26th day of January 2023.**

BOARD OF DIRECTORS, INDIANAPOLIS  
PUBLIC TRANSPORTATION CORPORATION

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**Gregory F. Hahn**  
Chairman of the Board of Directors

Attest: \_\_\_\_\_

Jill D. Russell, Chief Legal Officer  
Indianapolis Public Transportation Corporation