

1 **BILL NO. S-20-01-04**

2 **SPECIAL ORDINANCE NO. S-\_\_\_\_\_**

3 **AN ORDINANCE** approving the awarding of  
4 **PURCHASE OF CREDITS THROUGH IDNR IN-LIEU**  
5 **FEE PROGRAM** by the City of Fort Wayne, Indiana, by  
6 and through its Department of Purchasing and  
7 **INDIANA DEPARTMENT OF NATURAL**  
8 **RESOURCES** for the **PARKS AND RECREATION.**  
9 **DEPARTMENT**

10 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF**  
11 **THE CITY OF FORT WAYNE, INDIANA;**

12 **SECTION 1.** That **PURCHASE OF CREDITS THROUGH IDNR IN-LIEU**  
13 **FEE PROGRAM** between the City of Fort Wayne, by and through its Department  
14 of Purchasing and **INDIANA DEPARTMENT OF NATURAL RESOURCES** for the  
15 **PARKS AND RECREATION**, respectfully for:

16 purchase of credits associated with the Indiana Department of Natural  
17 Resource In-Lieu Fee Program to fulfill the mitigation requirements of  
18 permits held for Riverfront Phase I;

19 involving a total cost of **FOUR HUNDRED TWENTY-ONE THOUSAND SIX**  
20 **HUNDRED EIGHTY AND 00/100 DOLLARS - (\$421,680.00)** all as more  
21 particularly set forth in said **PURCHASE OF CREDITS THROUGH IDNR IN-LIEU**  
22 **FEE PROGRAM** which is on file in the Office of the Department of Purchasing, and  
23 is by reference incorporated herein, made a part hereof, and is hereby in all things  
24 ratified, confirmed and approved.  
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**SECTION 2.** That this Ordinance shall be in full force and effect from  
and after its passage and any and all necessary approval by the Mayor.

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Carol Helton, City Attorney

**RIVERFRONT PHASE I: MITIGATION PROJECTS**

***COMPARING IN-LIEU vs CONSTRUCTION***

|                             | <u>IDNR IN-LIEU FEE</u> | <u>ESTIMATED CONSTRUCTION,<br/>MAINTENANCE, MONITORING</u> |
|-----------------------------|-------------------------|------------------------------------------------------------|
| OFF-SITE WETLAND MITIGATION | \$ 88,680.00            | \$ 438,423.22                                              |
| STREAMBANK MITIGATION       | \$ 333,000.00           | \$ 132,653.03                                              |
| <b>TOTALS:</b>              | <b>\$ 421,680.00</b>    | <b>\$ 571,076.25</b>                                       |



INSWMP

402 W. Washington Street, W256  
IN 46204

317-234-5447

# Invoice

| Date       | Invoice # |
|------------|-----------|
| 12/23/2019 | 71        |

|                                                                                  |
|----------------------------------------------------------------------------------|
| Bill To                                                                          |
| Fort Wayne Parks and Recreation<br>705 East State Blvd.<br>Fort Wayne, IN, 46805 |

| Description                                     | FID #             | DES #    |           | Terms               |
|-------------------------------------------------|-------------------|----------|-----------|---------------------|
|                                                 | Permit            | Quantity | Rate      | Amount              |
| Maumee Jurisdictional Wetland Mitigation Credit | LRE-01011-102-A15 | 1.1085   | 80,000.00 | 88,680.00           |
| Maumee Stream Mitigation Credit                 | LRE-01011-102-A15 | 740      | 450.00    | 333,000.00          |
| <b>Total</b>                                    |                   |          |           | <b>\$421,680.00</b> |

Bank Information ACH  
BMO Harris Bank NA  
111 West Monroe Street  
Chicago, IL 60603  
Phone: 855-259-8521

Account Name: Indiana Natural Resources Foundation  
Routing Number - 071000288  
Bank Account - 2949931

Please include the permit number in your ACH ADDENDA RECORDS or  
Detail. Additionally, notify Cheryl Hampton at [champton@dnr.in.gov](mailto:champton@dnr.in.gov)  
when sending the ACH.

# COUNCIL DIGEST SHEET

Enclosed with this introduction form is a tab sheet and related material from the vendor(s) who submitted bid(s). Purchasing Department is providing this information to Council as an overview of this award.

## RFPs & BIDS

|                               |                                                                     |
|-------------------------------|---------------------------------------------------------------------|
| Bid/RFP #                     | n/a                                                                 |
| Awarded To                    | Indiana Department of Natural Resources                             |
| Amount                        | \$421,680.00                                                        |
| Conflict of interest on file? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Number of Registrants         | 1                                                                   |
| Number of Bidders             | 1                                                                   |
| Required Attachments          | n/a                                                                 |

## EXTENSIONS

|                              |     |
|------------------------------|-----|
| Date Last Bid Out            | n/a |
| # Extensions Granted To Date |     |

## SPECIAL PROCUREMENT

|                                                            |  |
|------------------------------------------------------------|--|
| Contract #/ID<br>(State, Federal,<br>Piggyback--Authority) |  |
| Sole Source/<br>Compatibility Justification                |  |

## BID CRITERIA *(Take Buy Indiana requirements into consideration.)*

|                                        |                                                                                                 |
|----------------------------------------|-------------------------------------------------------------------------------------------------|
| Most Responsible,<br>Responsive Lowest | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <i>If no, explain below</i> |
| If not lowest, explain                 | No bidding process was required for credit purchase.                                            |

# COUNCIL DIGEST SHEET

## COST COMPARISON

|                                                                                                  |     |
|--------------------------------------------------------------------------------------------------|-----|
| <i>Increase/decrease amount<br/>from prior years<br/>For annual purchase<br/>(if available).</i> | n/a |
|--------------------------------------------------------------------------------------------------|-----|

## DESCRIPTION OF PROJECT / NEED

|                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Identify need for project &amp;<br/>describe project; attach<br/>supporting documents as<br/>necessary.</i> | Requirements of permits associated with Riverfront Phase I include mitigation of sensitive landscapes (i.e. wetlands) that were impacted in the project area. Construction, maintenance and monitoring of these projects, as required by permitting agencies, are costly and time-prohibitive, while also carrying the challenge of strict success criteria.<br>The DNR's In-Lieu Program is a fee-based program that is carried out through the fees collected from credit sales to applicants who elect to use the ILF program to fulfill their compensatory mitigation requirements. It is our intent to purchase these credits in an effort to fulfill the mitigation requirements of permits held for Riverfront Phase I. Information about the ILF program can be found at <a href="https://www.in.gov/dnr/heritage/8340.htm">https://www.in.gov/dnr/heritage/8340.htm</a> . |
|                                                                                                                | Attachment: Mitigation Cost Comparison In-Lieu vs Construction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## REQUEST FOR PRIOR APPROVAL

|                                                                            |     |
|----------------------------------------------------------------------------|-----|
| <i>Provide justification if<br/>prior approval is being<br/>requested.</i> | n/a |
|                                                                            |     |
|                                                                            |     |
|                                                                            |     |
|                                                                            |     |

## FUNDING SOURCE

|                             |                              |
|-----------------------------|------------------------------|
| <i>Account Information.</i> | 455RVER-536R03: \$421,680.00 |
|                             |                              |
|                             |                              |

# MEMORANDUM

**To:** City Council Members, City of Fort Wayne  
**From:** Chad Shaw  
**CC:** File  
**Subject:** Purchase of Credits through IDNR In-Lieu Fee Program  
**Date:** January 6, 2020

The Fort Wayne Parks and Recreation Department is requesting approval for the purchase of credits associated with the Indiana Department of Natural Resource In-Lieu Fee Program.

The DNR's In-Lieu Program is a fee-based program that is carried out through the fees collected from credit sales to applicants who elect to use the ILF program to fulfill their compensatory mitigation requirements. It is our intent to purchase these credits in an effort to fulfill the mitigation requirements of permits held for Riverfront Phase I. Information about the ILF program can be found at <https://www.in.gov/dnr/heritage/8340.htm>.

Requirements of permits associated with Riverfront Phase I include mitigation of sensitive landscapes (i.e. wetlands) that were impacted in the project area. Construction, maintenance and monitoring of these projects, as required by permitting agencies, are costly and time-prohibitive, while also carrying the challenge of strict success criteria.

A cost comparison identifying both the cost of ILF credits and the estimated costs associated with construction, maintenance and monitoring of mitigation projects is identified on the attached spreadsheet. We recognize the monetary savings associated with the in-lieu program, and request that we may purchase credits to satisfy the mitigation requirements set forth by the permitting agencies for the cost of \$421,680.00. A budget of \$500,000 for assumed mitigation costs was established during the planning stages of Riverfront Phase I.

Funding breakdown:

455RVER-536R03: \$421,680.00

We respectfully request your approval so that we may proceed with the purchase of these credits. If you have any questions, please feel free to contact me at 427-6027.

Thank you in advance.

Chad Shaw  
Superintendent of Parks Planning, Landscape and Horticulture  
Fort Wayne Parks and Recreation