

DISTRICTS - ALL

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ Waiver of First Requested

Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David Hulseberg, Village Manager

DATE: May 24, 2011 (COW) (B of T) **Date:** June 2, 2011

TITLE: Annual Geotechnical Engineering, Construction Material Testing and
Environmental Services Contract
Amendment #4

SUBMITTED BY: David A. Dratnol, P.E. Village Engineer *DA*

BACKGROUND/POLICY IMPLICATIONS:

Two separate resolutions amending contracts with Testing Service Corporation and Seeco Consultants for Geotechnical Engineering, Construction Material Testing and Environmental Engineering Services.

FISCAL IMPACT/FUNDING SOURCE:

TSC
\$10,000 decrease to blanket (P.O. 066215)
Total revised contract amount (FY 10/11) = \$110,000
Various Project Funds

Seeco
\$25,000 increase to blanket (P.O. 066216)
Total revised contract amount (FY 10/11) = \$200,000
Various Project Funds

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

InterOffice Memo



To: David A Hulseberg, Village Manager
Through: Carl Goldsmith, Director of Public Works *CG*
From: David A. Dratnol, P.E., Village Engineer *DD*
Date: May 25, 2011
Subject: Geotechnical Engineering, Construction Material Testing
 Environmental Services Contract
 Amendment #4

Attached are two separate resolutions amending contracts with Testing Service Corporation (TSC) of Carol Stream and Seeco Consultants (SEECO) of Tinley Park. Both firms are currently under contract to provide Geotechnical Engineering, Construction Material Testing and Environmental Engineering services to the Village of Lombard on a work order basis for one year with a one year option to renew. The current contact covers fiscal years 2010 and 2011.

The Village Board has already approved a new contract for fiscal years 2012 and 2013. The new services contract for Geotechnical Engineering, Construction Material Testing and Environmental Engineering services were brought to the Village Board on April 7th.

Any necessary Geotechnical Engineering, Construction Material Testing and Environmental services are part of a project budget. The work done under the services contract draws upon the project budget. The Engineering Division is currently reconciling both accounts for the remaining work to be completed in Fiscal Year 2011. In evaluating the awarded work in relation to the remaining dollars in the current Purchase Orders, the FY 2011 budget for services needs to be amended. Three (3) project related items necessitate the proposed amendment to the contract.

1. Performing additional soils borings and corings for the Asphalt Paving and Patching and Concrete Rehab programs. Additional pavement corings and soil borings were needed as part of the investigative study in preparation for both the asphalt and concrete pavement summer of 2011 maintenance programs. The additional borings were related to the **Clean Construction or Demolition Debris (CCDD)** mandate from the State of Illinois. As part of Public Act 96-1416, (adopted into law on July 30, 2010) the IEPA requires that owners (Village) need to certify/document that construction/demolition sites have never been used for commercial or industrial purposes and that the material from the site is uncontaminated. If the owner does not have the documentation to support the site history, a licensed Professional Engineer must certify that the soil/debris is uncontaminated. Additionally, the soil cannot be from any area subject to prior remediation covered under programs as CERCLA or LUST. Dump sites also do "load inspections" of all incoming loads which can result in the dump rejecting load(s) which their detection device(s) deems contaminated. The rejected load(s) needs to be sent to a landfill and/or chemically tested. The "rejected" load cannot be sent back to the dump. This scenario generates laboratory and paperwork to properly document the rejected the spoil. Initial borings were performed, and because of one positive reading additional borings will be necessary to identify the exact limits of CCDD spoils.

2. Performing additional soils borings Great Western Trail Bridge. IDOT has requested a change to the foundation of the Grace Street Bridge (one of the three proposed bridges). The DuPage Water Commission has required the addition of a sheet pile curtain wall on both sides of St. Charles Road to protect and access their watermain. These changes require additional borings and extensive geotechnical analysis. This additional work was foreseen by both Village staff and the designer.

3. Performing an environmental assessment for the North Avenue Stand Pipe.

Environmental services related to determining the background levels of leads in the soils adjacent to the tower were needed prior to initiating the construction contract. The paint on the tank was also sampled for lead levels. The lead level findings will be compared to IEPA standards and made available to the contractor.

Based on the anticipated final billing from each consultant, an decrease of \$10,000 for TSC and an increase of \$25,000 for SEECO will be needed to cover the cost of services provided through May 31, 2011 (FY 2011). The total revised contract amount for TSC will be a not to exceed amount of \$110,000. The total revised contract for SEECO will be a not to exceed amount of \$200,000. The total contract amount is the allocated budget for two entire fiscal years (FY2010 & FY2011)

Please present this item to the President and the Board of Trustees for their review and approval at the next regular meeting on June 2, 2011. If approved, please return all paperwork to the Engineering Division for further processing.

R E S O L U T I O N
R _____ 12

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT INVOLVING AN INCREASE/DECREASE IN THE DOLLAR AMOUNT OF THE CONTRACT OF \$10,000 OR MORE AND/OR EXTENDING/SHORTENING THE TIME IN WHICH THE CONTRACT IS TO BE COMPLETED BY THIRTY (30) DAYS OR MORE

WHEREAS, pursuant to Illinois Compiled Statutes, Chapter 720, Section 5/33E-9, units of local government are required to make specific findings prior to authorizing any amendment relative to a contract which would increase or decrease the dollar amount of the contract by \$10,000 or more, or would extend or shorten the time in which the contract is to be completed by thirty (30) days or more; and

WHEREAS, staff has presented and recommended the proposed amendment to the contract between the Village of Lombard and Seeco Consultants Inc. regarding the FY 2010 & 2011 Geotechnical Engineering, Construction Material Testing and Environmental Services, as attached hereto as Exhibit "A" and made part hereof, (the "Amendment") to the Corporate Authorities of the Village of Lombard; and

WHEREAS, said Amendment attached hereto as Exhibit "A" would increase the dollar amount of the contract by \$25,000.00, when combined with previous amendments would increase, the total dollar amount of the contract to \$200,000.00

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That after reviewing the explanation of staff as to the necessity of and reasons for the Amendment attached hereto as Exhibit "A", the President and Board of Trustees find as follows:

- A That the circumstances which necessitated said Amendment were not reasonably foreseeable at the time the contract was entered into.
- B That the basis of the Amendment was not within the contemplation of the contract when the contract was signed.
- C That it is in the best interests of the Village of Lombard to approve the Amendment in its proposed form.
- D That to the extent that it may have been necessary to go to bid relative to the work contemplated by said Amendment, bidding is hereby specifically waived as to the Amendment work.

SECTION 2: That having made the findings set forth in Section 1 above, the President and Board of Trustees hereby approve the Amendment attached hereto as Exhibit "A", and direct and authorize the Village President and Village Clerk to execute said Amendment on behalf of the Village.

Adopted this 2nd day of June, 2011,
pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 2nd day of June, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

AGREEMENT TO AMEND A CONTRACT

THIS AGREEMENT made and entered into this 2nd day of June 2011, by and between the **VILLAGE OF LOMBARD** (the "VILLAGE") and **SEECO CONSULTANTS INC.** (the "CONSULTANT").

WHEREAS, on March 19, 2009 the VILLAGE and CONSULTANT executed a contract regarding certain engineering services relative to the Geotechnical Engineering, Construction Material Testing and Environmental Services contract, which was amended on October 1, 2009, April 15, 2010 and on February 3, 2011 and;

WHEREAS, the VILLAGE and CONSULTANT have agreed to increase the amount of work to be performed by the CONSULTANT together with a resultant increase in the limit which the contract sum may not exceed;

NOW, THEREFORE, for and in consideration of the foregoing and various covenants in said agreement and the mutual covenants herein contained, it is agreed by and between the parties as follows:

SECTION 1: The aforementioned contract shall be amended to show a contract sum not to exceed \$200,000.00 for Fiscal Years 2010 and 2011.

SECTION 2: All other terms, covenants and conditions of said contract heretofore executed which are not amended or deleted herein shall remain in full force and effect.

IN WITNESS WHEREOF, the VILLAGE and CONSULTANT have caused this document to be signed by duly authorized officers who have set their hands and seals the day and year set forth above.

VILLAGE OF LOMBARD

By: _____
Village President

ATTEST:

By: _____
Village Clerk

SEECO CONSULTANTS INC.

By: _____

ATTEST:

By: _____

RESOLUTION
R _____ 12

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT INVOLVING AN INCREASE/DECREASE IN THE DOLLAR AMOUNT OF THE CONTRACT OF \$10,000 OR MORE AND/OR EXTENDING/SHORTENING THE TIME IN WHICH THE CONTRACT IS TO BE COMPLETED BY THIRTY (30) DAYS OR MORE

WHEREAS, pursuant to Illinois Compiled Statutes, Chapter 720, Section 5/33E-9, units of local government are required to make specific findings prior to authorizing any amendment relative to a contract which would increase or decrease the dollar amount of the contract by \$10,000 or more, or would extend or shorten the time in which the contract is to be completed by thirty (30) days or more; and

WHEREAS, staff has presented and recommended the proposed amendment to the contract between the Village of Lombard and Testing Service Corporation regarding the FY 2010 & 2011 Geotechnical Engineering, Construction Material Testing and Environmental Services, as attached hereto as Exhibit "A" and made part hereof, (the "Amendment") to the Corporate Authorities of the Village of Lombard; and

WHEREAS, said Amendment attached hereto as Exhibit "A" would decrease the dollar amount of the contract by \$10,000.00, when combined with previous amendments would increase, the total dollar amount of the contract to \$110,000.00

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That after reviewing the explanation of staff as to the necessity of and reasons for the Amendment attached hereto as Exhibit "A", the President and Board of Trustees find as follows:

- A That the circumstances which necessitated said Amendment were not reasonably foreseeable at the time the contract was entered into.
- B. That the basis of the Amendment was not within the contemplation of the contract when the contract was signed.
- C. That it is in the best interests of the Village of Lombard to approve the Amendment in its proposed form.
- D. That to the extent that it may have been necessary to go to bid relative to the work contemplated by said Amendment, bidding is hereby specifically waived as to the Amendment work.

SECTION 2: That having made the findings set forth in Section 1 above, the President and Board of Trustees hereby approve the Amendment attached hereto as Exhibit "A", and direct and authorize the Village President and Village Clerk to execute said Amendment on behalf of the Village.

Adopted this 2nd day of June, 2011,
pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 2nd day of June, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

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WHEREAS, the VILLAGE and CONSULTANT have agreed to increase the amount of work to be performed by the CONSULTANT together with a resultant increase in the limit which the contract sum may not exceed;

NOW, THEREFORE, for and in consideration of the foregoing and various covenants in said agreement and the mutual covenants herein contained, it is agreed by and between the parties as follows:

SECTION 1: The aforementioned contract shall be amended to show a contract sum not to exceed \$110,000.00 for Fiscal Years 2010 and 2011.

SECTION 2: All other terms, covenants and conditions of said contract heretofore executed which are not amended or deleted herein shall remain in full force and effect.

IN WITNESS WHEREOF, the VILLAGE and CONSULTANT have caused this document to be signed by duly authorized officers who have set their hands and seals the day and year set forth above.

VILLAGE OF LOMBARD

By: _____
Village President

ATTEST:

By: _____
Village Clerk

TESTING SERVICE CORPORATION

By: _____

ATTEST:

By: _____