


**VILLAGE OF LOMBARD**  
**REQUEST FOR BOARD OF TRUSTEES ACTION**  
For Inclusion on Board Agenda  
Bids and Proposals

TO : President and Village Board of Trustees  
FROM : Scott Niehaus, Village Manager  
DATE : July 5, 2018 Agenda Date July 19, 2018  
TITLE : Waiver of Bids - Duke's Root Control, Inc.  
Sewer Root Control  
SUBMITTED BY: Brian Jack, Utilities Superintendent 

**RESULTS:**

Date Bids Were Published \_\_\_\_\_ Bidding Closed \_\_\_\_\_  
Total Number of Bids Received \_\_\_\_\_  
Total Number of Bidders Meeting Specifications \_\_\_\_\_  
Bid Security Required \_\_\_\_\_ Yes \_\_\_\_\_ No  
Performance Bond Required \_\_\_\_\_ Yes \_\_\_\_\_ No  
Were Any Bids Withdrawn \_\_\_\_\_ Yes \_\_\_\_\_ No  
Explanation:  
Waiver of Bids Requested? \_\_\_\_\_ X Yes \_\_\_\_\_ No  
If yes, explain:  
Award Recommended to Lowest \_\_\_\_\_ Yes \_\_\_\_\_ No  
Responsible Bidder?  
If no, explain:

**FISCAL IMPACT:**

Engineer's estimate/budget estimate \$50,000.00  
Amount of Award \$40,000 Water/Sewer Capital Reserve Fund (520.790.715.75350 RM PROG 10)

**BACKGROUND/RECOMMENDATION:**

Waive bids and award a contract for sewer root control chemical treatment for amount not to exceed \$40,000 in FY 2018.

Has Recommended Bidder Worked for Village Previously X Yes \_\_\_\_\_ No  
If yes, was quality of work acceptable X Yes \_\_\_\_\_ No  
Was item bid in accordance with Public Act 85-1295? \_\_\_\_\_ Yes X No  
Waiver of bids - Public Act 85-1295 does not apply X Yes

**REVIEW (as needed):**

Village Attorney XX \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director XX \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager XX \_\_\_\_\_ Date \_\_\_\_\_

**NOTE: All materials must be submitted to and approved by the Village Manager's Office by 4:30 pm, Wednesday, prior to the Board Agenda distribution.**



## MEMORANDUM

**To:** Scott Niehaus, Village Manager  
**From:** Brian Jack, Utilities Superintendent *BJ*  
**Through:** Carl S. Goldsmith, Director of Public Works *CG*  
**Date:** July 5, 2018  
**Subject:** Waiver of Bids - Sewer Root Control Program FY 2018

### Background

Approximately 35% of the sanitary sewer overflows (SSO) that have occurred in Lombard during the past 14 years have been due tree roots clogging the sewer mains. The Underground Utilities Division of the Department of Public Works cleans approximately 25% of the sanitary sewer mains less than 15 inches in diameter each year. Many of the mains require root cutting to clean the line because the mains were installed in the parkways or backyards where roots are more prevalent. The Village continues to line these sewers to eliminate the root intrusion permanently and has completed the entire rear yard sewer lining as of 2018. The remaining sewers continue to be chemically treated to reduce root growth at a fraction of the cost of lining or replacement until these can be lined. Underground Utilities has limited in-house capabilities to chemically treat the sewer mains with its existing equipment and has determined the process to be better suited for contracting out.

Duke's Root Control, Inc. of Syracuse, NY began chemically treating select sanitary sewer mains in the fall of 2007. Their patented and proprietary chemical is the only diquat-based herbicide registered by the USEPA for controlling tree roots in sanitary sewers. This exclusive chemical has less of an environmental impact and is safer to use than that of other root chemical control companies, supporting the Village's emphasis on sustainability. There are no adverse effects on wastewater treatment plants, and will not disrupt the wastewater treatment process. The active ingredient is USEPA approved for aquatic use and is commonly used in ponds to control algae growth. Other chemical root control companies use chemicals that contain metam sodium as restricted use chemical that is high acute toxicity. The USEPA classified this chemical as restricted to protect people from exposure, and wastewater treatment plants of potential harmful effects to the treatment plant process. The USEPA also classifies metam sodium as likely to be carcinogenic in humans. Duke's Root Control is currently the only company to use a chemical that does not contain metam sodium. The company is professional, has performed satisfactorily, and provides a guarantee for two years from the date of initial application and three years from the date of the second application.

An added benefit of Duke's exclusive dense foam chemical treatment is that it packs more active chemicals in the spaces between the air bubbles and has a longer retention time than other products on the market. The foam also adheres to roots better and travels up sewer lateral lines treating more than just the sewer main, but building sewer laterals as well giving an added benefit to residents and businesses.

Since the beginning of the program, approximately 30 miles (20%) of the sewer system has been treated. During this time, none of the sewers have experienced subsequent backups. Prior to the escalated flushing program and chemical treatment program, the Village averaged more than 2 SSOs per year due to roots; since 2008, the Village has averaged less than 1 SSO per year. After three years of treatment, the main sewer is lined and other sewers are identified to begin the treatment process.

The Village annually budgets \$50,000 for Sewer Root Control in the Water & Sewer Capital Reserve Fund. Attached is a proposal from Duke's Root Control for pricing through December 2018. Amounts vary per year, and 2018 is anticipated to be a contract not to exceed \$40,000.

**Recommendation**

Please request the Board of Trustees to waive bids and award a contract in an amount not to exceed the budgeted amount of \$40,000 for FY 2018 for sewer root control to Duke's Root Control, Inc. of Syracuse, NY at their July 19, 2018 meeting.



1020 Hiawatha Blvd., West  
Syracuse, NY 13204-1131  
1-800-44-ROOTS  
(315) 472-4781  
FAX (315) 475-4203

April 3, 2018

Mr. Shaun Stillwell  
Utilities Supervisor  
Village of Lombard  
255 East Wilson Avenue  
Lombard, IL 60148

Dear Mr. Stillwell:

Thank you for expressing interest in Duke's foaming root control service. As per your request for quotation, Duke's Root Control, Inc. will treat any sewers for the unit prices listed below:

Pipe Size	Unit Price
6 inch	\$1.59/foot
8 inch	\$1.59/foot
10 inch	\$1.76/foot
12 inch	\$1.92/foot
15 inch	\$2.73/foot
18 inch	\$3.97/foot

Prices are computed per linear foot, manhole to manhole, and Duke's standard guarantee applies to all sanitary sewers treated. Please note that a \$3,000 minimum is required.

If you require any further information, please call 1-800-447-6687. Thank you for your interest in our service.

Sincerely,

Chad Smeltzer

# VILLAGE OF LOMBARD

## Sewer Root Control Program FY 2018

This agreement is made this 19<sup>th</sup> day of July, 2018, by and between, and shall be binding upon, the Village of Lombard, an Illinois Municipal Corporation hereinafter referred to as (the "Village") and (Duke's Root Control of Syracuse, NY) hereinafter referred to as (the "Contractor").

Witnesseth That in consideration of the mutual promises of the parties delineated in the Contract Documents, the Contractor agrees to sell and the Village agrees to pay for the following described items as set forth in the Contract Documents:

Provide labor, equipment, and materials for Sewer Root Control in an amount not to exceed  
\$40,000

1. This Contract shall embrace and include all of the applicable Contract Documents listed below as if attached hereto or repeated herein:
  - a. The Contractor's Proposal dated April 3, 2018.
  - b. Required Certificate of Insurance, Indemnification, Venue, Other Contractor Responsibilities
2. The Village agrees to pay, and the Contractor agrees to accept as full payment for the items which are the subject matter of this Contract amount not to exceed \$40,000.00 paid in accordance with the provisions of the Local Government Prompt Payment Act and the provisions of the Contract Documents.
3. Risk of loss, destruction or damage of or to goods under this Contract shall be on contractor until delivery of the goods to the Village and acceptance of the goods by the Village.
4. The Contractor agrees to perform the terms of this Contract according to the following schedule set forth in their quotation after the Notice to Proceed has been delivered. Time is of the essence of this Contract.
5. The Contractor represents and warrants that it will comply with all applicable Federal, State and local laws concerning prevailing wage rates regarding installation services provided under this Contract and all Federal, state and local laws concerning equal employment opportunities.
6. The Contractor shall deliver the goods under this Contract by December 31, 2018.
7. In executing this Contract, Contractor agrees that it has examined the site of the work and the conditions existing therein, has examined the Contract Documents and taken and compared field measurements and conditions with those Documents.

8. This Contract represents the entire agreement between the parties and may not be modified without the written approval of both parties.

9. Where the terms of this Contract conflict with the provisions of the Contract Documents, the Contract Documents shall be binding.

IN WITNESS WHEREOF, the Village of Lombard, Illinois by Village Manager, and the Contractor have hereunto set their hands this 19<sup>th</sup> day of July, 2018.

If an individual or partnership, all individual names of each partner shall be signed or if a corporation, an officer duly authorized shall sign here:

Accepted this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Individual or Partnership \_\_\_\_\_ Corporation \_\_\_\_\_

\_\_\_\_\_  
By \_\_\_\_\_ Position/Title

\_\_\_\_\_  
By \_\_\_\_\_ Position/Title

\_\_\_\_\_  
Print Company Name

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this 19<sup>th</sup> day of July, 2018.

\_\_\_\_\_  
Keith Giagnorio  
Village President

Attest:

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk

**VILLAGE OF LOMBARD  
CONTRACTOR'S CERTIFICATION**

\_\_\_\_\_, having been first duly sworn, depose and states as follows:

I am the \_\_\_\_\_ (Officer or Owner of Company)  
\_\_\_\_\_ (Title) for \_\_\_\_\_ (Name of Company),

(the "Contractor"), which has submitted a proposal for 2016 SCADA Control Room Redesign Project to the Village of Lombard and, having personal knowledge of the matters certified to herein, and being authorized by the Contractor to make the certifications set forth herein, hereby certifies that said Contractor:

1. has a written sexual harassment policy in place, in full compliance with 775 ILCS 5/2-105(A) (4);
2. is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, or if it is:
  - a. it is contesting its liability for the tax or the amount of tax in accordance with procedures established by the appropriate revenue Act; or
  - b. it has entered into an agreement with the Department of Revenue for payment of all taxes due and is currently in compliance with that agreement;
3. is in full compliance with the Federal Highway Administration Rules on Controlled Substances and Alcohol Use and Testing, 49 CFR Parts 40 and 382, and that  
(Name of employee/driver or "all employee drivers")

is/are currently participating in a drug and alcohol testing program pursuant to the aforementioned rules; and

4. is not barred from contracting with any unit of state or local government as a result of a violation of either Section 33E-3 or 33E-4 of Article 33E of the Illinois Criminal Code of 1961.

By: \_\_\_\_\_  
Authorized Agent of Contractor

Subscribed and sworn to  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2018.

Notary Public