

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: Scott Niehaus, Village Manager

DATE: February 26, 2014 (COW) (B of T) **Date:** March 6, 2014

TITLE: Geotechnical Engineering, Construction Material Testing and Environmental Services Contract

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

BACKGROUND/POLICY IMPLICATIONS:

Professional services for performing geotechnical engineering, construction material testing and environmental engineering for CIP projects.

FISCAL IMPACT/FUNDING SOURCE:

\$204,900.00 / Various Funds (as currently programmed in the CIP)

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.

MEMORANDUM



To: Scott Niehaus, Village Manager
Through: Carl Goldsmith, Director of Public Works *Cy*
From: David A. Dratnol, P.E., Village Engineer *DAD*
Date: February 21, 2014
Subject: Geotechnical Engineering, Construction Material Testing
and Environmental Services Contract

Following the standard Public Works-Engineering consultant selection process, Testing Service Corporation (TSC), Seeco Consultants, Inc. (SEECO) and Wang Engineering Inc. (Wang) were determined to be the most qualified firms to provide the stipulated services. Attached are six (6) copies (two (2) for each firm) of the Geotechnical Engineering, Construction Material Testing and Environmental Services Contract between the Village of Lombard and TSC, SEECO and Wang.

As in the last selection process (for FY 2010 thru 2013), to avoid any possible conflict of interest, three (3) firms have been short-listed. Typically, geotechnical/environmental firms work with many privately owned businesses (including engineers/developers/homebuilders), some of whom are long-term clients. When engineering firms are under contract with Public Works, a clause in the contracts states that the engineer agrees to perform no professional services during the term of the contract for any person, firm or corporation, for any project or work that may be subject to the Village's review/inspection, without notification prior to rendering services. By having a three firm "short-list", potential conflicts of interests can be avoided and the Village can still have an available firm to perform the necessary professional services.

The selection process was as follows: Seventeen (17) qualified firms received the Request for Proposals, and seven (7) firms replied. The four (4) engineers on staff (including myself) comprised the evaluation committee. Evaluation criteria consisted of contract terms and conditions, staffing, quality of work/references, and proposal content. Utilizing the selection criteria, the committee determined that TSC of Carol Stream, SEECO of Tinley Park and Wang of Lombard were the "most qualified" firms.

The Engineering Division has used the services contract format for over nineteen (19) years. Environmental related testing services have been included with this contract over the past eight (8) years. TSC has been the consultant for this contract over the last seventeen (17) years. SEECO has been short-listed for the last six years (6) years and Wang is new to the short list.

The terms of the contract allow the Village to contract with any of the three (3) engineering firms to perform all services related to geotechnical engineering, construction material testing and environmental services. This agreement helps to establish continuity of service and gives staff a short "go to" list for geotechnical engineering, construction material testing and environmental services. This format is much like the current short-list for design engineering, resident engineering and hydraulics/hydrology. Man-hour rates, cost of common testing procedures and terms of contract are included in this agreement. The Village will request proposals for each job and determine whether TSC, SEECO or Wang is the "most qualified" firm for a particular project/job. The contracts between the Village and TSC, SEECO and Wang will be in effective for one year with a one year option to renew.

Engineering is requesting a budget of \$204,900 for services associated with the work performed under this services contract. The budget will be monitored through the Village accounting software (NWS). Construction material testing and geotechnical engineering are estimated and budgeted for projects programmed in the CIP that would utilize either or both services. Environmental services are typically utilized on an as needed basis.

Please present this item to the President and the Board of Trustees for their review and approval at the next regular meeting on March 6, 2014. Upon approval, please return one fully executed contract for TSC, SEECO and Wang to Public Work-Engineering. Please note that three (3) separate resolutions are attached (one for each firm).

RESOLUTION

R _____

A RESOLUTION AUTHORIZING AN AGREEMENT

Geotechnical Engineering, Construction Material Testing and Environmental Services

WHEREAS, the Corporate Authorities of the Village of Lombard have received a proposed Agreement between the Village of Lombard and *Seeco Consulting Engineers, Inc.* regarding providing services related to Geotechnical Engineering, Construction Material Testing and Environmental Services as attached hereto, marked Exhibit "A" and made part hereof (the "Agreement"); and

WHEREAS, the Corporate Authorities deem it to be in the best interests of the Village of Lombard to approve said Agreement;

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 the Agreement attached hereto as Exhibit "A" is hereby approved.

SECTION 2: That the Village President and the Village Clerk be and hereby are authorized and directed to execute the Agreement attached hereto as Exhibit "A", as well as any and all other documents necessary to carry out the provisions of said Agreement.

Adopted this 6th day of March 2014, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 6th day of March 2014.

Keith Giagnorio
Village President

ATTEST:

Janet Downer
Deputy Village Clerk

RESOLUTION

R _____

A RESOLUTION AUTHORIZING AN AGREEMENT

Geotechnical Engineering, Construction Material Testing and Environmental Services

WHEREAS, the Corporate Authorities of the Village of Lombard have received a proposed Agreement between the Village of Lombard and *Testing Service Corporation* regarding providing services related to Geotechnical Engineering, Construction Material Testing and Environmental Services as attached hereto, marked Exhibit "A" and made part hereof (the "Agreement"); and

WHEREAS, the Corporate Authorities deem it to be in the best interests of the Village of Lombard to approve said Agreement;

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 the Agreement attached hereto as Exhibit "A" is hereby approved.

SECTION 2: That the Village President and the Village Clerk be and hereby are authorized and directed to execute the Agreement attached hereto as Exhibit "A", as well as any and all other documents necessary to carry out the provisions of said Agreement.

Adopted this 6th day of March 2014, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 6th day of March 2014.

Keith Giagnorio
Village President

ATTEST:

Janet Downer
Deputy Village Clerk

RESOLUTION
R _____

A RESOLUTION AUTHORIZING AN AGREEMENT

Geotechnical Engineering, Construction Material Testing and Environmental Services

WHEREAS, the Corporate Authorities of the Village of Lombard have received a proposed Agreement between the Village of Lombard and *Wang Engineering Inc.* regarding providing services related to Geotechnical Engineering, Construction Material Testing and Environmental Services as attached hereto, marked Exhibit "A" and made part hereof (the "Agreement"); and

WHEREAS, the Corporate Authorities deem it to be in the best interests of the Village of Lombard to approve said Agreement;

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 the Agreement attached hereto as Exhibit "A" is hereby approved.

SECTION 2: That the Village President and the Village Clerk be and hereby are authorized and directed to execute the Agreement attached hereto as Exhibit "A", as well as any and all other documents necessary to carry out the provisions of said Agreement.

Adopted this 6th day of March 2014, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 6th day of March 2014.

Keith Giagnorio
Village President

ATTEST:

Janet Downer
Deputy Village Clerk



VILLAGE OF LOMBARD CONTRACT

CONTRACT DOCUMENT NUMBER M-14-01

This agreement is made this 6th day of March 2014, between and shall be binding upon the Village of Lombard, an Illinois Municipal Corporation hereinafter referred to as the "VILLAGE" and Seeco Consultants, Inc. hereinafter referred to as the "ENGINEER" and its successors.

Witnessed, that in consideration of the mutual promises of the parties delineated in the contract documents, the ENGINEER agrees to perform the services and the VILLAGE agrees to pay for the following services as set forth in the contract documents:

Geotechnical Engineering, Construction Material Testing and Environmental Services

1. This contract shall embrace and include all of the applicable contract documents listed below as if attached hereto or repeated herein:

a) Geotechnical Engineering, Construction Material Testing and Environmental Services Request for Proposal dated December 18, 2013 consisting of the following:

- Cover Sheet
- Table of Contents
- Solicitation Letter
- General Provisions
- Special Provisions
- Request For Proposal
- Submittal Requirement Instructions & Examples
- Proposal Form
- Appendix 1 – Fee Submittal Requirements
- Appendix 2 - Sample Form of Contract
- Appendix 3 - Engineer's Certification Form
- Appendix 4 - Local Government Prompt Payment Act
- Appendix 5 – Submittal Requirement Templates

b) ENGINEER's Proposal dated February 4, 2014

c) Required Certificates and Signatures and Certificate of Insurance

d) ENGINEER's Fee Schedule effective from March 6, 2014 to December 31, 2014

2. The VILLAGE agrees to pay, and the ENGINEER agrees to accept as full payment for the services, which are the subject matter of this contract in accordance with the General Provisions.

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

IN WITNESS WHEREOF, the Village of Lombard, Illinois by Keith Giagnorio, Village President, and the ENGINEER have hereunto set their hands this 6th day of March 2014

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 _____, 2014.

Individual or Partnership _____ Corporation _____

By _____ Position/Title _____

By _____ Position/Title _____

SEECO CONSULTING ENGINEERS INC.

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this _____ day of _____, 2014.

Keith Giagnorio, Village President

Attest:

Janet Downer, Deputy Village Clerk

VILLAGE OF LOMBARD ENGINEER'S CERTIFICATION

_____, having been first duly sworn depose and states as follows:
(Officer or Owner of Company)

Seeco Consulting Engineers Inc., having submitted a proposal for:

Geotechnical Engineering, Construction Material Testing and Environmental Services

Contract to the Village of Lombard, hereby certifies that said ENGINEER:

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 approve 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.

By:

Authorized Agent of ENGINEER

Subscribed and sworn to
before me this _____
day of _____, 2014.

Notary Public



VILLAGE OF LOMBARD CONTRACT

CONTRACT DOCUMENT NUMBER M-14-01

This agreement is made this 6th day of March 2014, between and shall be binding upon the Village of Lombard, an Illinois Municipal Corporation hereinafter referred to as the "VILLAGE" and Testing Service Corporation hereinafter referred to as the "ENGINEER" and its successors.

Witnessed, that in consideration of the mutual promises of the parties delineated in the contract documents, the ENGINEER agrees to perform the services and the VILLAGE agrees to pay for the following services as set forth in the contract documents:

Geotechnical Engineering, Construction Material Testing and Environmental Services

1. This contract shall embrace and include all of the applicable contract documents listed below as if attached hereto or repeated herein:

a) Geotechnical Engineering, Construction Material Testing and Environmental Services Request for Proposal dated December 18, 2013 consisting of the following:

- Cover Sheet
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- Appendix 1 – Fee Submittal Requirements
- Appendix 2 - Sample Form of Contract
- Appendix 3 - Engineer's Certification Form
- Appendix 4 - Local Government Prompt Payment Act
- Appendix 5 – Submittal Requirement Templates

b) ENGINEER's Proposal dated February 4, 2014

c) Required Certificates and Signatures and Certificate of Insurance

d) ENGINEER's Fee Schedule effective from March 6, 2014 to December 31, 2014

2. The VILLAGE agrees to pay, and the ENGINEER agrees to accept as full payment for the services, which are the subject matter of this contract in accordance with the General Provisions.

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

IN WITNESS WHEREOF, the Village of Lombard, Illinois by Keith Giagnorio, Village President, and the ENGINEER have hereunto set their hands this 6th day of March 2014

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 _____, 2014.

Individual or Partnership _____ Corporation _____

By _____ Position/Title _____

By _____ Position/Title _____

TESTING SERVICE CORPORATION

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this _____ day of _____, 2014.

Keith Giagnorio, Village President

Attest:

Janet Downer, Deputy Village Clerk

VILLAGE OF LOMBARD ENGINEER'S CERTIFICATION

_____, having been first duly sworn depose and states as follows:
(Officer or Owner of Company)

Testing Service Corporation, having submitted a proposal for:

Geotechnical Engineering, Construction Material Testing and Environmental Services

Contract to the Village of Lombard, hereby certifies that said ENGINEER:

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 approve 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.

By:

Authorized Agent of ENGINEER

Subscribed and sworn to
before me this _____
day of _____, 2014.

Notary Public



VILLAGE OF LOMBARD CONTRACT

CONTRACT DOCUMENT NUMBER M-14-01

This agreement is made this 6th day of March 2014, between and shall be binding upon the Village of Lombard, an Illinois Municipal Corporation hereinafter referred to as the "VILLAGE" and Wang Engineering, Inc. hereinafter referred to as the "ENGINEER" and its successors.

Witnessed, that in consideration of the mutual promises of the parties delineated in the contract documents, the ENGINEER agrees to perform the services and the VILLAGE agrees to pay for the following services as set forth in the contract documents:

Geotechnical Engineering, Construction Material Testing and Environmental Services

1. This contract shall embrace and include all of the applicable contract documents listed below as if attached hereto or repeated herein:

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IN WITNESS WHEREOF, the Village of Lombard, Illinois by Keith Giagnorio, Village President, and the ENGINEER have hereunto set their hands this 6th day of March 2014

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 _____, 2014.

Individual or Partnership _____ Corporation _____

By _____ Position/Title _____

By _____ Position/Title _____

WANG ENGINEERING INC.

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this _____ day of _____, 2014.

Keith Giagnorio, Village President

Attest:

Janet Downer, Deputy Village Clerk

**VILLAGE OF LOMBARD
ENGINEER'S CERTIFICATION**

_____, having been first duly sworn depose and states as follows:
(Officer or Owner of Company)

Wang Engineering Inc., having submitted a proposal for:

Geotechnical Engineering, Construction Material Testing and Environmental Services

Contract to the Village of Lombard, hereby certifies that said ENGINEER:

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 approve 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.

By:

Authorized Agent of ENGINEER

Subscribed and sworn to
before me this _____
day of _____, 2014.

Notary Public