


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 : May 8, 2023 Agenda Date May 18, 2023

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Were Any Bids Withdrawn _____ Yes _____ No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 \$44,161.27 Water/Sewer Capital Res Fund (520.790.715.75350 RM PROG 10)

BACKGROUND/RECOMMENDATION:

Requesting a waiver of bids as Dukes Root Control uses 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. Waive bids and award a contract for sewer root control chemical treatment for amount not to exceed \$44,161.27 in FY 2023.

Has Recommended Bidder Worked for Village Previously X Yes _____ No

If yes, was quality of work acceptable X Yes _____ No

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
Through: Carl Goldsmith, Director of Public Works
Date: May 8, 2023
Subject: Waiver of Bids – Sewer Root Control Program FY 23

Background

Approximately 35% of the sanitary sewer overflows (SSO) that have occurred in Lombard during the past 15-20 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. 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 40 miles (27%) 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 two SSOs per year due to roots; since 2008, the Village has averaged less than one SSO per year. After three years of treatment, the main sewer is lined, and other sewers are identified to begin the treatment process. Duke's Root Control provides a three-year warranty on treated lines if there is a blockage due to roots in which they will re-treat the affected sewer segment at no cost.

The Village also completed a system wide sanitary sewer acoustical inspection survey (SL-RAT) and has used this data to identify additional locations for lining. This expansion of treatment area will continue to reduce system blockages due to roots.

The Village annually allocates \$30,000 to \$50,000 for Sewer Root Control in the Water & Sewer Capital Reserve Fund RM PROG 10 Sewer Maintenance and Improvements. The amount spent each year varies due to the three-year cycle of root treatment locations. Attached is a proposal from Duke's Root Control for root treatment for the 2023 segments.

Recommendation

Please request the Board of Trustees to waive bids and award a contract in an amount not to exceed the budgeted amount of \$44,161.27 for FY 2023 for sewer root control to Duke's Root Control, Inc. of Syracuse, NY.



3983 Eastbourne Dr Syracuse, NY 13206

SALES QUOTATION

Document Number **989** Document Date **04/11/2023** Page **1/1**

Customer No. **C-000362** Contact / Phone / Email **Christina**

apar@villageoflombard.org

Your Contact **Pat Cahill** Payment Terms **Net 30**

PCahill@dukes.com

Shipping Type FOB Point

LOMBARD, VILLAGE
255 EAST WILSON AVENUE

LOMBARD IL 60148
USA

Delivery Address
LOMBARD, VILLAGE
255 EAST WILSON AVENUE
VILLAGE OF LOMBARD
LOMBARD IL 60148
USA

Description	Quantity	UoM	Price	Total
8" PIPE SEWER ROOT CONTROL	10,789	FT	\$ 1.87	\$ 20,175.43
Item Code: V-F-APL-SEWRC-01X08FT				
10" PIPE SEWER ROOT CONTROL	3,442	FT	\$ 2.06	\$ 7,090.52
Item Code: V-F-APL-SEWRC-01X10FT				
12" PIPE SEWER ROOT CONTROL	3,048	FT	\$ 2.24	\$ 6,827.52
Item Code: V-F-APL-SEWRC-01X12FT				
15" PIPE SEWER ROOT CONTROL	666	FT	\$ 3.13	\$ 2,084.58
Item Code: V-F-APL-SEWRC-01X15FT				
18" PIPE SEWER ROOT CONTROL	1,778	FT	\$ 4.49	\$ 7,983.22
Item Code: V-F-APL-SEWRC-01X18FT				

Quotation Subtotal: **\$ 44,161.27**

Total Amount: **\$ 44,161.27**

Plus applicable Sales Tax

Quotation Valid Until: 06/30/2023

Website: www.dukes.com

Tax ID No.: 75-3026801

VILLAGE OF LOMBARD

Sewer Root Control Program FY 2023

This agreement is made this 18th day of May, 2023, 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
\$44,161.27

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 11, 2023
 - 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 \$44,161.27 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, 2023.
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 18th day of May, 2023.

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 4th day of May, 2023.

Keith Giagnorio
Village President

Attest:

Elizabeth Brezinski
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 _____, 2023.

Notary Public