

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: January 26, 2022 (COW) (B of T) **Date:** February 3, 2022

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

SUBMITTED BY: David Gorman, P.E. Assistant Director of Public Works *DG*

BACKGROUND/POLICY IMPLICATIONS:

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

FISCAL IMPACT/FUNDING SOURCE:

\$51,000 for FY2022 / Various Funds (as 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 *g*
 From: David P. Gorman, P.E., Assistant Director of Public Works *DPG*
 Date: January 26, 2022
 Subject: Geotechnical Engineering, Construction Material Testing
 and Environmental Services Contracts

Attached are six copies (two per firm) of Geotechnical Engineering, Construction Material Testing, and Environmental Services Contracts between the Village and SEECO Consultants, Rubino Engineering (Rubino), and Chicago Testing Laboratory (CTL). Three separate resolutions are also attached.

Following the Brooks Act (Public Law 92-582), also known as Qualifications Based Selection (QBS), the professional firms listed above were determined to be the most qualified firms (MQF) of the five that submitted.

The selection process involved five staff members voting on an initial list of nineteen interested and qualified firms. Seven firms were selected to submit qualifications. The same team then ranked the top three proposals to establish the shortlist. Evaluation criteria consisted of contract terms and conditions, staffing, quality of work/references, and proposal content. SEECO has been on the shortlist for fourteen years, Rubino for five, and CTL is a new addition. The term of the contract is three years, with a fourth-year option. Firms that fail to provide satisfactory service or neglect to provide a conflict of interest notifications are subject to be removed from the shortlist and disqualified from future work.

The Contract terms allow the Village to employ any of the three firms to perform services related to geotechnical engineering, construction material testing, and environmental services. The Village typically utilizes one or more of the above-listed services for each CIP project. Public Works will request proposals for each job and determine which firm is the most qualified. Man-hours and the scope of services are then negotiated with the MQF.

To avoid complications due to possible conflicts of interest and to maintain competition, three firms were selected for the shortlist. Usually, geotechnical/environmental firms work with many privately-owned businesses (including engineers/developers/homebuilders), some of whom are long-term clients. During the term of the contract with Public Works, firms agree not to perform professional services for any person, firm, or corporation, for any project or work that may be subject to the Village's review/inspection, unless notification is provided before rendering any services. Having three firms on the shortlist helps to ensure that the Village will have at least two firms eligible to submit proposals for requested services.

Construction material testing and geotechnical engineering are currently budgeted in the CIP as \$51,000 for 2022, \$50,000 for 2023, and \$74,000 for 2024. Environmental services are provided on an as-needed basis.

Please present this item to the President and the Board of Trustees at the next regular meeting on February 3, 2022. Upon approval, please return one fully executed contract for SEECO, Rubino, and CTL to Public Works.

Exhibit A

Legistar: 220037

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 Consultants, 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 3rd day of February 2022, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 3rd day of February 2022.

Keith Giagnorio
Village President

ATTEST:

Elizabeth Brezinski
Village Clerk



Exhibit A

Legistar: 220037

VILLAGE OF LOMBARD CONTRACT

This Agreement is made this 3rd day of February 2022, 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 outlined in the Contract Documents:

Geotechnical Engineering, Construction Material Testing, and Environmental Services

1. This Agreement 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 October 19, 2021, 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 – CIP Project (FY22 to FY 25)
- Appendix 5 – Sample Work Order Forms
- Appendix 6 - Local Government Prompt Payment Act
- Appendix 7 – Submittal Requirement Templates

b) ENGINEER's Proposal dated December 16, 2021.

c) Required Certificates and Signatures and Certificate of Insurance.

d) ENGINEER's Fee Schedule is effective from February 3, 2022, to December 31, 2022. Subject to resubmittal and approval by January 2nd of each contract year.

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 following 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.

Exhibit A

Legistar: 220037

IN WITNESS WHEREOF, the Village of Lombard, Illinois by Keith Giagnorio, Village President, and the ENGINEER have hereunto set their hands this 3rd day of February 2022.

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 _____, 2022.

Individual or Partnership _____ Corporation _____

By Position/Title

By Position/Title

SEECO CONSULTANTS, INC.

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this 3rd day of February, 2022.

Keith Giagnorio, Village President

Attest:

Elizabeth Brezinski, Village Clerk

Exhibit A

Legistar: 220037

VILLAGE OF LOMBARD ENGINEER'S CERTIFICATION

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

SEECO Consultants, 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 _____, 2022.

Notary Public

Exhibit B

Legistar: 220037

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 *Rubino Engineering, Inc.* regarding providing services related to Geotechnical Engineering, Construction Material Testing and Environmental Services as attached hereto, marked Exhibit "B" 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 "B" 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 "B", as well as any and all other documents necessary to carry out the provisions of said Agreement.

Adopted this 3rd day of February 2022, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 3rd day of February 2022.

Keith Giagnorio
Village President

ATTEST:

Elizabeth Brezinski
Village Clerk



Exhibit B

Legistar: 220037

VILLAGE OF LOMBARD CONTRACT

This Agreement is made this 3rd day of February 2022, between and shall be binding upon the Village of Lombard, an Illinois Municipal Corporation hereinafter referred to as the "VILLAGE" and Rubino 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 outlined in the Contract Documents:

Geotechnical Engineering, Construction Material Testing, and Environmental Services

1. This Agreement 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 October 19, 2021, 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 – CIP Project (FY22 to FY 25)
- Appendix 5 – Sample Work Order Forms
- Appendix 6 - Local Government Prompt Payment Act
- Appendix 7 – Submittal Requirement Templates

b) Addendum #1 dated December 6, 2021

c) ENGINEER's Proposal dated December 16, 2021.

d) Required Certificates and Signatures and Certificate of Insurance.

e) ENGINEER's Fee Schedule is effective from February 3, 2022, to December 31, 2022. Subject to resubmittal and approval by January 2nd of each contract year.

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 following 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.

Exhibit B

Legistar: 220037

IN WITNESS WHEREOF, the Village of Lombard, Illinois by Keith Giagnorio, Village President, and the ENGINEER have hereunto set their hands this 3rd day of February 2022.

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 _____, 2022.

Individual or Partnership _____ Corporation _____

By Position/Title

By Position/Title

RUBINO ENGINEERING INC.

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this 3rd day of February, 2022.

Keith Giagnorio, Village President

Attest:

Elizabeth Brezinski, Village Clerk

Exhibit B

Legistar: 220037

VILLAGE OF LOMBARD ENGINEER'S CERTIFICATION

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

Rubino 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 _____, 2022.

Notary Public

Exhibit C

Legistar: 330037

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 *Chicago Testing Laboratory, Inc.* regarding providing services related to Geotechnical Engineering, Construction Material Testing and Environmental Services as attached hereto, marked Exhibit "C" 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 "C" 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 "C", as well as any and all other documents necessary to carry out the provisions of said Agreement.

Adopted this 3rd day of February 2022, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 3rd day of February 2022.

Keith Giagnorio
Village President

ATTEST:

Elizabeth Brezinski
Village Clerk



Exhibit C

Legistar: 220037

VILLAGE OF LOMBARD CONTRACT

This Agreement is made this 3rd day of February 2022, between and shall be binding upon the Village of Lombard, an Illinois Municipal Corporation hereinafter referred to as the "VILLAGE" and Chicago Testing Laboratory, 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 outlined in the Contract Documents:

Geotechnical Engineering, Construction Material Testing, and Environmental Services

1. This Agreement 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 October 19, 2021, consisting of the following:

- Cover Sheet
- Table of Contents
- Solicitation Letter
- General Provisions
- Special Provisions
- Request For Proposal
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- Appendix 6 - Local Government Prompt Payment Act
- Appendix 7 – Submittal Requirement Templates

b) Addendum #1 dated December 6, 2021

c) ENGINEER's Proposal dated December 16, 2021.

d) Required Certificates and Signatures and Certificate of Insurance.

e) ENGINEER's Fee Schedule is effective from February 3, 2022, to December 31, 2022. Subject to resubmittal and approval by January 2nd of each contract year.

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 following 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.

Exhibit C

Legistar: 220037

IN WITNESS WHEREOF, the Village of Lombard, Illinois by Keith Giagnorio, Village President, and the ENGINEER have hereunto set their hands this 3rd day of February 2022.

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 _____, 2022.

Individual or Partnership _____ Corporation _____

By Position/Title

By Position/Title

CHICAGO TESTING LABORATORY, INC.

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this 3rd day of February, 2022.

Keith Giagnorio, Village President

Attest:

Elizabeth Brezinski, Village Clerk

Exhibit C

Legistar: 220037

VILLAGE OF LOMBARD ENGINEER'S CERTIFICATION

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

Chicago Testing Laboratory, 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 _____, 2022.

Notary Public