

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: March 29, 2011 (COW) (B of T) **Date:** April 7, 2011

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

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

BACKGROUND/POLICY IMPLICATIONS:

Professional services related to geotechnical engineering (soils), construction materials inspection and testing (asphalt & concrete), and environmental engineering (site mitigation) for CIP projects.

FISCAL IMPACT/FUNDING SOURCE:

Three New Blanket Purchase Orders: \$35,000 each; for Seeco, TSC and Terracon
Total of \$105,000/Various Project Funds and Accounts

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: David Hulseberg, Village Manager
Through: Carl Goldsmith, Director of Public Works *CG*
From: David A. Dratnol, P.E., Village Engineer *DA*
Date: March 29, 2011
Subject: Geotechnical Engineering, Construction Material Testing and
Environmental Services Contract

Following the current Public Works-Engineering consultant selection process, Testing Service Corporation (TSC), Terracon Consultants Inc. (Terracon) and Seeco Consultants, Inc. (Seeco) were determined to be the most qualified firms to provide Geotechnical Engineering, Construction Material Testing and Environmental Services to the Village of Lombard. Attached are three separate resolutions and six copies, (two for each firm) of the services contract agreement between the Village of Lombard and each selected firm.

As in the last selection process (for FY 2010 and FY 2011), to avoid possible conflicts of interest, multiple firms have been short-listed. In the past two firms were selected; however, with the evaluation results for this selection period being extremely close, it was decided to expand the list to three firms.

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 the Village of Lombard, one of the contract conditions is a conflict of interest clause, which 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 to the Village prior to rendering services. By having a second and third firm available, if there are potential conflicts of interest, the Village will still have a "qualified" engineer available to perform the necessary work.

The selection process, as has been past practice, was as follows: Twenty one qualified firms received the Request for Qualifications, and twelve firms replied. Four engineering staff members (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, Terracon and Seeco were the "most qualified" firms.

The Engineering Division has used the services contract format for the past seventeen years. Environmental related testing services have been included over the past eight years. TSC has been the consultant for this contract over the last fifteen years. Seeco Consultants have been short-listed for the last four years. Terracon had previously work for the Village in the early 1990's, under terms of one of the very first service contracts.

The terms of the agreement allow the Village to contract with any of the three "short-listed" firms. The scope of services includes performing all related geotechnical engineering, construction material testing and environmental work associated with any Village project. 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. Man-hour rates cost of common testing procedures and drilling costs along with the terms of contract are included in the agreement. The Village will request proposals for each job and determine whether TSC, Terracon or Seeco is the "best qualified" firm for the particular project/job. The contracts between the Village, TSC, Terracon and Seeco are effective for one year with a one-year Village option to renew.

March 29, 2011

Geotechnical Engineering, Construction Material Testing and Environmental Services Contract

Legistar: 110191

Construction material testing and geotechnical engineering are estimated for each project and are included as part of the overall engineering budget. Environmental services are typically utilized on an as needed basis and like other engineering services are budgeted for the project, whenever forecasted. Engineering is requesting an overall budget of \$105,000 for services associated with engineering/construction contracts for the Fiscal Year 2012 (\$35,000 for each firm). The Finance Department will establish three separate blanket purchase orders (one for each firm). The purchase orders will have separate line items for each job. The blanket purchase orders assist in monitoring the budgets for each firm and are utilized by both Engineering and Finance.

Please present this item to the President and the Board of Trustees for their review and approval at the next regular meeting on April 7, 2011. Upon approval, please return one fully executed agreement for TSC, Terracon and Seeco to engineering. Please note that three separate resolutions are attached (one for each firm).

c: File: M-12-01-G

H:PW/PW-ENG/ProfessionalServices/Geotechnical/FY/FY2012/

RESOLUTION

R_____

**A RESOLUTION AUTHORIZING AN AGREEMENT FOR
GEOTECHNICAL ENGINEERING, CONSTRUCTION MATERIAL TESTING
AND ENVIRONMENTAL SERVICES CONTRACT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received a proposed Agreement between the Village of Lombard and Testing Service Corporation, regarding the Geotechnical Engineering, Construction Material Testing and Environmental Services Contract 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 7th day of April, 2011, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 7th day of April, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

RESOLUTION

R_____

**A RESOLUTION AUTHORIZING AN AGREEMENT FOR
GEOTECHNICAL ENGINEERING, CONSTRUCTION MATERIAL TESTING
AND ENVIRONMENTAL SERVICES CONTRACT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received a proposed Agreement between the Village of Lombard and Terracon Consultants, Inc. regarding the Geotechnical Engineering, Construction Material Testing and Environmental Services Contract 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 7th day of April, 2011, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 7th day of April, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

RESOLUTION

R _____

**A RESOLUTION AUTHORIZING AN AGREEMENT FOR
GEOTECHNICAL ENGINEERING, CONSTRUCTION MATERIAL TESTING
AND ENVIRONMENTAL SERVICES CONTRACT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received a proposed Agreement between the Village of Lombard and Seeco Consultants, Inc. regarding the Geotechnical Engineering, Construction Material Testing and Environmental Services Contract 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 7th day of April, 2011, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 7th day of April, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

VILLAGE OF LOMBARD CONTRACT

CONTRACT DOCUMENT NUMBER M-12-01

This agreement is made this 6th day of April 2011, 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 consisting of the following:

- i) Cover Sheet
- ii) Table of Contents
- iii) General Provisions
- iv) Special Provisions
- v) Request for Proposal dated January 7, 2011
- vi) Addendum #1, dated February 11, 2011
- vii) ENGINEER's Proposal dated February 18, 2011

(b) Required Certificates and Signatures and Certificate of Insurance

(c) ENGINEER's Fee Schedule dated March 25, 2011

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 William J. Mueller, Village President, and the ENGINEER have hereunto set their hands this 6th day of April 2011

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 _____, 2011.

Individual or Partnership _____ Corporation _____

By Position/Title

By Position/Title

TESTING SERVICE CORPORATION

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this _____ day of _____, 2011.

William J. Mueller, Village President

Attest:

Brigitte O'Brien, 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 _____, 2011.

Notary Public

VILLAGE OF LOMBARD CONTRACT

CONTRACT DOCUMENT NUMBER M-12-01

This agreement is made this 6th day of April 2011, between and shall be binding upon the Village of Lombard, an Illinois Municipal Corporation hereinafter referred to as the "VILLAGE" and Terracon 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 consisting of the following:

- i) Cover Sheet
- ii) Table of Contents
- iii) General Provisions
- iv) Special Provisions
- v) Request for Proposal dated January 7, 2011
- vi) Addendum #1, dated February 11, 2011
- vii) ENGINEER's Proposal dated February 18, 2011

(b) Required Certificates and Signatures and Certificate of Insurance

(c) ENGINEER's Fee Schedule dated March 28, 2011

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 William J. Mueller, Village President, and the ENGINEER have hereunto set their hands this 6th day of April 2011

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 _____, 2011.

Individual or Partnership _____ Corporation _____

By _____ Position/Title _____

By _____ Position/Title _____

TERRACON CONSULTANTS, INC.

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this _____ day of _____, 2011.

William J. Mueller, Village President

Attest:

Brigitte O'Brien, Village Clerk

**VILLAGE OF LOMBARD
ENGINEER'S CERTIFICATION**

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

Terracon 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 _____, 2011.

Notary Public

VILLAGE OF LOMBARD CONTRACT

CONTRACT DOCUMENT NUMBER M-12-01

This agreement is made this 6th day of April 2011, 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 consisting of the following:

- i) Cover Sheet
- ii) Table of Contents
- iii) General Provisions
- iv) Special Provisions
- v) Request for Proposal dated January 7, 2011
- vi) Addendum #1, dated February 11, 2011
- vii) ENGINEER's Proposal dated February 18, 2011

(b) Required Certificates and Signatures and Certificate of Insurance

(c) ENGINEER's Fee Schedule dated March 28, 2011

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 William J. Mueller, Village President, and the ENGINEER have hereunto set their hands this 6th day of April 2011

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 _____, 2011.

Individual or Partnership _____ Corporation _____

By Position/Title

By Position/Title

SEECO CONSULTANTS, INC.

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this _____ day of _____, 2011.

William J. Mueller, Village President

Attest:

Brigitte O'Brien, Village Clerk

**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 _____, 2011.

Notary Public