

DISTRICTS ALL

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 R. Niehaus, Village Manager

DATE: June 12, 2019 (B of T) Date: June 20, 2019

TITLE: FY 2019 Crack Sealing Program

SUBMITTED BY: Sean P. Kelly, P.E., Village Engineer

RESULTS:

Date Proposals Were Published	<u>3/7/2019 (Woodridge)</u>	Bidding Closed	<u>3/21/2019 (Woodridge)</u>
Total Number of Proposals Received	<u>2</u>		
Total Number of Proposers Meeting Specifications	<u>2</u>		
Bid Security Required	<u>X</u> Yes	<u> </u> No	
Performance Bond Required	<u>X</u> Yes	<u> </u> No	
Were Any Bids Withdrawn	<u> </u> Yes	<u>X</u> No	
Explanation:			
Waiver of Bids Requested?	<u>X</u> Yes	<u> </u> No	
If yes, explain: See attached Memo			
Award Recommended to Lowest Responsible Bidder?	<u>X</u> Yes	<u> </u> No	
If no, explain:			

FISCAL IMPACT:

Engineer's estimate/budget estimate \$157,362.00/\$161,000.00
 Amount of Award \$155,177.00

Crack Sealing:	\$148,000.00	Capital Improvement Project Fund	RM33
Commuter Parking Lots:	\$ 13,000.00	Capital Improvement Project Fund	RM38

BACKGROUND/RECOMMENDATION:


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.

Interoffice Memo

To: Scott R. Niehaus, Village Manager
Through: Carl S. Goldsmith., Director of Public Works 
From: Sean P. Kelly, P.E., Village Engineer
Date: June 12, 2019
Subject: FY 2019 Crack Sealing/Pavement Preservation Program

The Crack Sealing Program is designed to extend the life of asphalt and concrete pavements through application of a sealing agent to cracks and joints in the road.

This contract was competitively bid on March 21, 2019, through a joint purchase process developed by communities in the DuPage region. The process is based off of the Municipal Partnering Initiative (MPI) that has been successfully implemented in the northern suburbs. The MPI process has one community serve as the lead agency for the purposes of bidding the contract. Each participating community awards a contract based upon their identified quantities.

Under the General Terms and Conditions of the 2019 bid, it was requested of the bidders to submit a fixed price for Year Two (2020) and Year Three (2021). Each municipality may exercise the option to extend the contract with the same low bid contractor if they so choose without bidding again.

Budget:

<i>Program Name</i>	<i>Budget</i>
RM PROG 33 – Crack Sealing Program	\$148,000.00
RM PROG 38 – Commuter Parking Lots	\$ 13,000.00
<i>Total Funding</i>	\$161,000.00

Bid Participants: Burr Ridge, Darien, Downers Grove, DuPage County, Elmhurst, Lombard, Villa Park, West Chicago, Wheaton and Woodridge

Bid Results: Two (2) bids were received and opened at 10:00 a.m. on March 21, 2019, by the Village of Woodridge. The following table summarizes the bid results. Attached to this memo is the bid tabulation.

<i>Company</i>	<i>Amount</i>
Denler, Inc.	\$831,167.48
SKC Construction, Inc.	\$869,872.50
<i>Village of Lombard Portion of MPI</i>	\$80,450.00

This year, in addition to crack sealing, staff is again testing four additional pavement preservation products supplied by Denler in various locations throughout the Village. Please refer to the 2019 Pavement Preservation Maps provided. These treatments will be monitored and evaluated by staff to determine further use in coming years.

Based on Village of Lombard quantities and the unit prices submitted by Denler, Inc. for Year 1, the contract amount is \$155,177.00. The budgeted amount by the Village for this program is \$161,000.00.

An evaluation of the proposal is summarized below:

NO	ITEM	QUAN	UNIT	DENLER, INC	
				FY2019	
				UNIT PRICE	TOTAL
1	CRACK SEALING ASPHALT PAVEMENT	15,000	LB	\$1.190	\$17,850.00
2	FIBER-CRACK SEALING ASPHALT PAVEMENT	50,000	LB	\$1.180	\$59,000.00
3	CRACK & JOINT SEALING PCC PAVEMENT	1,500	LB	\$2.400	\$3,600.00
4	PAVIX CONCRETE & MASONRY SEALANT	61,371	SF	\$0.519	\$31,912.00
5	HAS HIGH DENSITY MINERAL BOND	42,000	SF	\$0.470	\$19,740.00
6	MASTIC ONE CRACK REPAIR	3,000	LB	\$2.900	\$8,700.00
7	TECHCRETE CONCRETE REPAIR	2,500	LB	\$5.760	\$14,375.00
					\$155,177.00

NOTE: Items 1, 2 & 3 are part of the MPI bid. The remaining items are sole-source items supplied by Denler, Inc. Pricing for Items 4 – 7 was obtained with an Agreed Upon Price (AUP) agreement with Denler.

Staff recommends awarding this contract to Denler, Inc. in the amount of \$155,177.00 for FY2019. Work will be performed on a work order basis. Payments to the Contractor will be based on the actual work performed at the awarded contract unit prices.

Please present this item to the President and Board of Trustees for review and approval at the next regularly scheduled meeting. If approved, please return two (2) executed copies of the contract to PW Engineering for further processing.

VILLAGE OF LOMBARD CONTRACT

CONTRACT DOCUMENT NUMBER RM PROG 33 FY 19

This agreement is made this _____ day of _____, 2019, between and shall be binding upon the Village of Lombard, an Illinois municipal corporation (hereinafter referred to as the "Village") and _____ Denler, Inc. (hereinafter referred to as the "Contractor") and their respective successors.

Witnessed, that in consideration of the mutual promises of the parties delineated in the Contract Documents, the Contractor agrees to perform the services and the Village agrees to pay for the following services as set forth in the Contract Documents:

FY 2019 CRACK SEALING PROGRAM

This Project will consist of the sealing of cracks and joints throughout the village.

1. This Contract shall embrace and include all of the applicable Contract Documents listed below as if attached hereto or repeated herein:
 - a. FY 2019 CRACK SEALING PROGRAM incorporates 2019-07 Crack Sealing and Seal Coating Services:
 - i) Cover Sheet
 - ii) Notice to Bidders on Contract Document Number RM PROG 33 - Legal Notice
 - iii) Submission Information, dated March 21, 2019
 - iv) General Terms and Conditions
 - v) Labor Statutes, Records and Rates
 - vi) Technical Terms and Conditions
 - vii) Contractor References
 - viii) Disqualification of Certain Bidders
 - ix) Anti-Collusion Affidavit and Contractor's Certification
 - x) Conflict of Interest
 - xi) Tax Compliance Affidavit
 - xii) Sub-Contractor Information
 - xiii) Participation Affidavit
 - xiv) Appendix A Agreement Acceptance RFB # 2019-07 Crack Sealing Services Acceptance
 - xv) Technical Terms and Conditions (Appendix A)
 - b. The Contractor's Bid Proposal Dated: March 21, 2019
 - c. Required Performance and Payment Bonds and Certificate(s) of Insurance.

2. The Village agrees to pay, and the Contractor agrees to accept as full payment the amount as shown on the Contractor's Bid Proposal, which is made a part hereof, subject to such additions and deletions as agreed to by the parties hereto.
3. The Contractor shall commence work under this Contract upon written Notice to Proceed from the Village and shall complete work under this contract within 37 calendar days from the date of the Notice to Proceed. Time is of the essence in regard to this Contract, and the Contractor agrees to achieve completion within the time permitted by all proper and appropriate means including working overtime without additional compensation.
4. Pursuant to the provisions of Section 5 of the Mechanics' Lien Act of Illinois, prior to making any payment to the Contractor under this Contract, the Village demands that the Contractor furnish a written statement of the names of all parties furnishing labor and/or materials under this Contract and the amounts due or to become due each. This statement must be made under oath or be verified by affidavit. The Village shall not issue final payment nor shall any retained percentage become due until releases and waivers of lien have been supplied as the Village designates.
5. 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, and the Contractor have each hereunto caused this Contract to be executed by their respective duly authorized representatives this ____ day of _____ 2019.

If an individual or partnership, the individual or all partners shall sign or, if a corporation, an officer(s) duly authorized shall sign.

Denler, Inc.
Print Company Name

Individual or Partnership _____ Corporation

Accepted this 11 day of June, 2019.

By [Signature] _____ Position/Title President

By _____ Position/Title _____

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this ____ day of _____, 2019.

Keith T. Giagnorio, Village President

Attest:

Sharon Kuderna, Village Clerk

VILLAGE OF LOMBARD

CONTRACTOR'S CERTIFICATION

David S. Denler, having been first duly sworn depose and states as follows:
(Officer or Owner of Company)

Denler, Inc., having submitted a proposal for:
(Name of Company)

FY 2019 CRACK SEALING PROGRAM

to the Village of Lombard, 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 All Employee Drivers (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: [Signature]
Authorized Agent of Contractor

Subscribed and sworn to
before me this 1.
day of June, 2019.

[Signature]
Notary Public



