

DISTRICTS - ALL

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: January 27, 2011 (COW) (B of T) **Date:** February 3, 2011

TITLE: Annual Geotechnical Engineering, Construction Material Testing and Environmental Services Contract Amendment #3

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

BACKGROUND/POLICY IMPLICATIONS:

Two separate resolutions amending contracts with Testing Service Corporation and Seeco Consultants for Geotechnical Engineering, Construction Material Testing and Environmental Engineering Services.

FISCAL IMPACT/FUNDING SOURCE:

TSC

\$15,000 increase to blanket (P.O. 066215)
Total revised contract amount (FY 10/11) = \$120,000
Various Project Funds

Seeco

\$30,000 increase to blanket (P.O. 066216)
Total revised contract amount (FY 10/11) = \$175,000
Various Project Funds

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.

InterOffice Memo



To: David A Hulseberg, Village Manager
Through: Carl Goldsmith, Director of Public Works *CJ*
From: David A. Dratnol, P.E., Village Engineer *Drat*
Date: January 25, 2011
Subject: Geotechnical Engineering, Construction Material Testing
 Environmental Services Contract
 Amendment #3

Attached are two separate resolutions amending contracts with Testing Service Corporation (TSC) of Carol Stream and Seeco Consultants (SEECO) of Tinley Park. Both firms are currently under contract to provide Geotechnical Engineering, Construction Material Testing and Environmental Engineering services to the Village of Lombard on a work order basis for one year with a one year option to renew. The current contact covers fiscal years 2010 and 2011.

Public Works has already sent out a request for proposal (RFP) regarding these services for fiscal years 2012 and 2013. The new services contract for Geotechnical Engineering, Construction Material Testing and Environmental Engineering services will be brought to the Village Board in April.

Any needed Geotechnical Engineering, Construction Material Testing and Environmental services are part of a project budget. The work done under the services contract draws upon the project budget. In evaluating the anticipated work in relation to the remaining dollars in the current Purchase Orders, the FY 2011 budget for services needs to be amended. Five (5) prevalent factors precipitate the proposed amendment to the contract.

- 1. Concrete testing for ultra-thin white-topping in the North Avenue Industrial Park.** SEECO was retained to evaluate test the concrete pavement within the North Industrial Park Ultra-Thin White-topping project. The initial budget for the construction testing work was slightly underestimated.
- 2. Performing soils borings and corings for the Asphalt Paving and Patching and Concrete Rehab programs.** Pavement corings and soil borings need to be performed as part of the investigative study in preparation for both the asphalt and concrete pavement maintenance programs that will be done in the summer of 2011.
- 3. Clean Construction or Demolition Debris (CCDD).** Recently, as part of Public Act 96-1416, (adopted into law on July 30, 2010) the IEPA requires that owners (Village) need to certify/document that construction/demolition sites have never been used for commercial or industrial purposes and that the material from the site is uncontaminated. If the owner does not have the documentation to support the site history, a licensed Professional Engineer must certify that the soil/debris is uncontaminated. Additionally, the soil cannot be from any area subject to prior remediation covered under programs as CERCLA or LUST. Dump sites also do "load inspections" of all incoming loads which can result in the dump rejecting load(s) which their detection device(s) deems contaminated. The rejected load(s) needs to be sent to a landfill and/or chemically tested. The "rejected" load cannot be sent back to the dump. This scenario generates laboratory and paperwork to properly document the rejected the spoil. The implementation of above regulation was immediate upon the Governor signing the legislation and occurred in the middle of construction season. The time frame did not allow the Village of Lombard or other municipalities to plan on nor budget for the implementation of the new regulation. Therefore, the new regulation concerning the disposal of construction debris was not accounted for in the respective project budgets and in turn not accounted for in Geotechnical Engineering, Construction Material Testing and Environmental Engineering services budget.

4. Great Western Trail Bridge The construction of the bridge over the St. Charles and Grace Street intersection will require an extensive volume of fill be brought on site to construct the embankments for the improvement. With the proposed detention pond projects at Finley Road and Morris Avenue, Public Works – Engineering is seeking to utilize generated “spoil” from the pond projects for some of the necessary “borrow” material needed as part of the bridge project. Using the material from the pond projects (a short haul distance from the proposed bridge) would reduce material and trucking costs. However, prior to the excavated material being used, the soil must be analyzed for its structural properties (at a minimum it must meet the IDOT standard for embankment), as the soil will need to be stable enough to construct the trail upon. The pond projects were not programmed into the CIP when the services contract was renewed last April.

5. Madison Street The design engineering contract for the improvements to the intersection of Illinois Rt. 53 and Madison Street is anticipated to be awarded shortly. The proposed design engineer (Christopher B. Burke) and IDOT will require that a geotechnical engineering investigation (soil borings) be performed. The geotechnical report will assist in the pavement design and identifying any areas of unsuitable materials. The potential amount of unsuitable material (which needs to be removed and disposed of) within the project area can prove to be a significant cost to the job.

Based on the anticipated scopes of work and program budgets, an increase of \$15,000 for TSC and an increase of \$30,000 for SEECO will be needed to cover the cost of services provided through May 31, 2011 (FY 2011). The total revised contract amount for TSC will be a not to exceed amount of \$120,000. The total revised contract for SEECO will be a not to exceed amount of \$175,000. The total contract amount is the allocated budget for two entire fiscal years (FY2010 & FY2011)

Please present this item to the President and the Board of Trustees for their review and approval at the next regular meeting on February 03, 2011. If approved, please return all paperwork to the Engineering Division for further processing.

RESOLUTION
R _____ 11

A RESOLUTION AUTHORIZING
AMENDMENT OF A PROFESSIONAL
SERVICES CONTRACT

WHEREAS, the Board of Trustees of the Village of Lombard on March 19, 2009 adopted a resolution authorizing signature of President and Clerk on an agreement between the Village of Lombard and Testing Service Corporation, which was amended on October 1, 2009 and on April 15, 2010;

WHEREAS, an amendment to said contract is required to legally bind the parties; and

WHEREAS, Illinois law exempts professional engineering contracts from the requirements of Illinois Compiled Statutes, Chapter 720, Section 5/33E-9 regarding preparation of change orders.

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 President and Village Clerk are hereby directed and authorized to execute an amendment to the contract with Testing Service Corporation substantially in the form and manner of Exhibit "A" attached hereto and made a part hereof.

Adopted this 3rd day of February 2011.

Ayes; _____

Nays: _____

Absent: _____

Approved 3rd day of February 2011.

ATTEST:

William J. Mueller
Village President

Brigitte O'Brien
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

AGREEMENT TO AMEND A CONTRACT

THIS AGREEMENT made and entered into 3rd day of February 2011, by and between the **VILLAGE OF LOMBARD** (the "VILLAGE") and **TESTING SERVICE CORPORATION** (the "CONSULTANT").

WHEREAS, on March 19, 2009 the VILLAGE and CONSULTANT executed a contract regarding certain engineering services relative to the Geotechnical Engineering, Construction material Testing and Environmental Services contract, which was amended on October 1, 2009 and on April 15, 2010 and;

WHEREAS, the VILLAGE and CONSULTANT have agreed to increase the amount of work to be performed by the CONSULTANT together with a resultant increase in the limit which the contract sum may not exceed;

NOW, THEREFORE, for and in consideration of the foregoing and various covenants in said agreement and the mutual covenants herein contained, it is agreed by and between the parties as follows:

SECTION 1: The aforementioned contract shall be amended to show a contract sum not to exceed \$120,000.00 for Fiscal Years 2010 & 2011.

SECTION 2: All other terms, covenants and conditions of said contract heretofore executed which are not amended or deleted herein shall remain in full force and effect.

IN WITNESS WHEREOF, the VILLAGE and CONSULTANT have caused this document to be signed by duly authorized officers who have set their hands and seals the day and year set forth above.

VILLAGE OF LOMBARD

By: _____
Village President

ATTEST:

By: _____
Village Clerk

and **TESTING SERVICE CORPORATION**

By: _____

ATTEST:

By: _____

RESOLUTION
R _____ 11

A RESOLUTION AUTHORIZING
AMENDMENT OF A PROFESSIONAL
SERVICES CONTRACT

WHEREAS, the Board of Trustees of the Village of Lombard on March 19, 2009, adopted a resolution authorizing signature of President and Clerk on an agreement between the Village of Lombard and Seeco Consultants Inc. which was amended on October 1, 2009 and on April 15, 2010 and;

WHEREAS, an amendment to said contract is required to legally bind the parties; and

WHEREAS, Illinois law exempts professional engineering contracts from the requirements of Illinois Compiled Statutes, Chapter 720, Section 5/33E-9 regarding preparation of change orders.

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 President and Village Clerk are hereby directed and authorized to execute an amendment to the contract with Seeco Consultants Inc. substantially in the form and manner of Exhibit "A" attached hereto and made a part hereof.

Adopted this 3rd day of February 2011.

Ayes: _____

Nays: _____

Absent: _____

Approved this 3rd day of February 2011.

ATTEST:

William J. Mueller
Village President

Brigitte O'Brien
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

AGREEMENT TO AMEND A CONTRACT

THIS AGREEMENT made and entered into this 3rd day of February 2011, by and between the **VILLAGE OF LOMBARD** (the "VILLAGE") and **SEECO CONSULTANTS INC.** (the "CONSULTANT").

WHEREAS, on March 19, 2009 the VILLAGE and CONSULTANT executed a contract regarding certain engineering services relative to the Geotechnical Engineering, Construction Material Testing and Environmental Services contract, which was amended on October 1, 2009 and on April 15, 2010 and;

WHEREAS, the VILLAGE and CONSULTANT have agreed to increase the amount of work to be performed by the CONSULTANT together with a resultant increase in the limit which the contract sum may not exceed;

NOW, THEREFORE, for and in consideration of the foregoing and various covenants in said agreement and the mutual covenants herein contained, it is agreed by and between the parties as follows:

SECTION 1: The aforementioned contract shall be amended to show a contract sum not to exceed \$175,000.00 for Fiscal Years 2010 and 2011.

SECTION 2: All other terms, covenants and conditions of said contract heretofore executed which are not amended or deleted herein shall remain in full force and effect.

IN WITNESS WHEREOF, the VILLAGE and CONSULTANT have caused this document to be signed by duly authorized officers who have set their hands and seals the day and year set forth above.

VILLAGE OF LOMBARD

By: _____
Village President

ATTEST:

By: _____
Village Clerk

SEECO CONSULTANTS INC.

By: _____

ATTEST:

By: _____