

130153

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 : David A. Hulseberg, Village Manager
DATE : March 23, 2013 Agenda Date April 4, 2013
TITLE : Waiver of Bids - Cummins NPower
Lift Station Generators
SUBMITTED BY: Angela M. Podesta, 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Were Any Bids Withdrawn Yes No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: Purchase is directly from manufacturer.
Award Recommended to Lowest Yes No
Responsible Bidder?
If no, explain:

FISCAL IMPACT:

Engineer's estimate/budget estimate \$44,629.00
Amount of Award \$44,629.00 Water & Sewer Capital Reserve Fund

BACKGROUND/RECOMMENDATION:

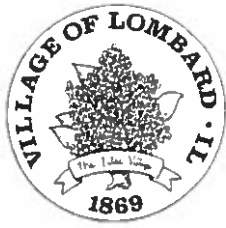
Waive bids and award a contract to Cummins NPower for the purchase of generators for two (2) lift stations in an amount not to exceed \$44,629.00.

Has Recommended Bidder Worked for Village Previously X Yes No
If yes, was quality of work acceptable X Yes No
Was item bid in accordance with Public Act 85-1295? Yes X No
Waiver of bids - Public Act 85-1295 does not apply X Yes

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:** David A. Hulseberg, Village Manager  
**Through:** Carl S. Goldsmith, Director of Public Works *CS*  
**From:** Angela M. Podesta, Utilities Superintendent *AMP*  
**Date:** March 25, 2013  
**Subject:** Waiver of Bids - Cummins NPower  
Lift Station Generators

### Background

The Department of Public Works is recommending that permanent on-site generators be installed at two locations: Highland Estates Lift Station at 1750 S. LaLonde and Prairie/LaLonde Lift Station located at 249 N. LaLonde. These stations have been affected by repeated power outages over the past years.

The Village has standardized on the Cummins generators after acquiring two Cummins generators through a bid several years ago. The generators have performed satisfactorily and Cummins has provided adequate support for the equipment. The Fleet Services staff has attended training to maintain the Cummins generators and it is more efficient for them to specialize in maintaining one manufacturer's rather than multiple types of generators.

Cummins has provided a price that includes the generator in a sound attenuated enclosure, automatic transfer switch and delivery. The cost for a 20 kilowatt (kW) natural gas generator for the Highland Estates Lift Station is \$16,871.00. The cost for a 60 kilowatt (kW) natural gas generator for the Prairie/LaLonde Lift Station is \$27,758.00. The quotes from Cummins do not include installation. The installation for the generators will be bid together under separate contract.

Funds for the generators are budgeted in the Water and Sewer Capital Reserve Fund under Pump Station Component Replacement (Prairie/LaLonde Lift Station) in FY 2013.

### Recommendations

Please present this request for a waiver of bids and award of a contract to Cummins NPower, Hogkins, IL, in an amount not to exceed \$44,629.00 for the purchase of two natural gas generators for approval by the Board of Trustees at their April 4, 2013 meeting.

# VILLAGE OF LOMBARD

## Contract Number PWU-1309

Contract for Purchase of Backup Generators for  
Highland Estates & Prairie LaLonde Lift Stations

This agreement is made this 4th day of April, 2013, by and between, and shall be binding upon, the Village of Lombard, an Illinois municipal Corporation hereinafter referred to as (the "Village") and (\_\_\_\_\_) 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:

Backup Generators - One (1) 20kW Natural Gas Generator and one (1) 60 kW natural gas generator, including spare parts, delivery and training, in an amount not to exceed \$44,629.00

1. This Contract shall embrace and include all of the applicable Contract Documents listed below as if attached hereto or repeated herein:
  - a. Specification and contract document no. PWU-1309 for the Purchase of Backup Generators for Highland Estates & Prairie LaLonde Lift Stations, consisting of the following:
    - i) Cover Sheet
    - ii) Table of Contents
    - iii) Invitation to Submit a Proposal on Contract Document No. PWU-1309
    - iv) General Terms, Conditions
    - v) Specific Terms, Conditions and Instructions
    - vi) Proposal Form
    - vii) Specification Deviation Form
  - b. The Contractor's Proposal Dated March 7, 2013
  - c. Required Certificate of Insurance

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 the total sum of \$44,629.00 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. Contractor agrees to perform the terms of this Contract by May 20, 2013. Time is of the essence of this Contract.
5. 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 President, and the Contractor have hereunto set their hands this 4<sup>th</sup> day of April, 2013.

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 4<sup>th</sup> day of April, 2013.

\_\_\_\_\_  
William Ware  
Acting Village President

Attest:

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

**VILLAGE OF LOMBARD  
CONTRACTOR'S CERTIFICATION**

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

I am the \_\_\_\_\_ for \_\_\_\_\_,  
(Title) (Name of Company)

(the "Contractor"), which has submitted a proposal for Backup Generators for Highland Estates & Prairie LaLonde Lift Stations 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public