



To: Scott Niehaus, Village Manager

From: Eric Hendrickson, Forestry & Urban Landscape Supervisor

Through: Carl Goldsmith, Director of Public Works *g*

Date: July 16, 2019

RE: Awarding Landscape and Parkway Restoration Contract

On November 22, 2018, the Village of Lombard advertised for bids for the Village contract **PWO 19-17B, Parkway, Turf, and Landscape Restoration**. Bid packets were sent to 13 landscape maintenance companies. The bid opening was held on December 7, 2018 with three (3) bids being received. *TNT Landscape and Construction, Inc.* was the awarded the contract as the low bidder.

TNT Landscape and Construction, Inc. completed a portion of the work assigned to them before the weather forced them to shut down. They have not had a crew in town since May 17, 2019. After repeatedly requesting a schedule from the current landscape restoration contractor (*TNT Landscape and Construction, Inc.*) to perform the completion of restoration work in accordance with the contract, the Village Public Works Department received notification that TNT Landscape and Construction, Inc. would be unable to have a crew in the Village to complete outstanding work from April, May and June until mid to late August. The Village will seek to terminate the contract with TNT and apply any and all penalties under the contract.

The Village Public Works Department has reached out to the second lowest responsible bidder (*Uno Mas Landscaping*) see if Uno Mas Landscaping would assume the contract and perform the outstanding restoration work as well as any new restoration work going forward. *Uno Mas Landscaping* has agreed to honor their bid prices for parkway restoration work.

Uno Mas Landscaping was the second lowest responsible bidder. *Uno Mas Landscaping* has done parkway restoration work for the Village in the past and the work has been acceptable. Fiscal year 2019 budget contains \$70,000.00 for landscape and parkway restoration of which \$33,000 is encumbered for the contract with our primary restoration contractor.

Staff recommends terminating the current contract with *TNT Landscape and Construction, Inc.* and awarding a new contract to *Uno Mas Landscaping* in an amount not to exceed \$49,950.00 for landscape and parkway restoration. This is a 5-month contract starting in August 2019 and running through December 2019.

Att: Contracts (2)
Copies of communications

Uno Mas v TNT costs	TNT	Uno Mas	difference
April Stumps	\$3,052.50	\$5,087.50	
April Utility	\$3,056.80	\$5,158.35	
May Stumps	\$3,205.50	\$5,342.50	
May Utility	\$787.50	\$1,312.50	
June Stumps	\$1,786.50	\$3,215.70	
June Utility	\$1,160.00	\$1,957.50	
July Utility	\$196.80	\$332.10	
	\$13,245.60	\$22,406.15	\$9,160.55
August Stumps	\$464.40	\$774.00	
August Utility	\$924.12	\$1,560.06	
	\$1,388.52	\$2,334.06	\$945.54
Est. Future Utility	\$375.44	\$633.56	
Est. Future Stumps	\$3,311.10	\$5,518.50	
	\$3,686.54	\$6,152.06	\$2,465.52
Total estimate difference			\$12,571.61

**VILLAGE OF LOMBARD
BID PROPOSAL**

Proposal for Contract Document Number PWO-19-17B. We hereby agree to furnish to the Village of Lombard Landscape Restoration in accordance with provisions, instructions, and specifications of the Village of Lombard for the prices as follows:

LANDSCAPE RESTORATION PRICES

- | | | |
|---|----------|---------------------|
| 1. Soil, Seed, and Accelerator Work Completed Using Prevailing Wages
19,000 sq. ft. @ \$ <u>1.35</u> per square foot | Totaling | \$ <u>25,650.00</u> |
| 2. Soil, Seed, and Accelerator Work Completed Using Non-Prevailing Wages
1500 sq. ft. @ \$ <u>1.20</u> per square foot | Totaling | \$ <u>1,800.00</u> |
| 3. Tree Stump Restoration Work Completed Using Non-Prevailing Wages
18,000 sq. ft. @\$ <u>1.25</u> per square foot | Totaling | \$ <u>22,500.00</u> |

Landscape Restoration Total Bid Price

\$ 49,950.00

As a bidder you have the choice to bid on any or all of the categories.

The Village reserves the right to award a contract for all Landscape Restoration work to one contractor or award as separate contracts for Prevailing Wage Work to one contractor, Non-Prevailing Wage Work to another and a separate contract for Dirt and Seed work to another.

Quantities shown are approximate, and are intended only to establish unit prices. The Village of Lombard reserves the right to increase or decrease the quantity shown by any amount. Successful bidder shall supply services on an as needed basis (at any given time).

VILLAGE OF LOMBARD

Contract for **Parkway, Turf and Landscape Restoration**

CONTRACT DOCUMENT NUMBER PWO-19-17B

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 (Uno Mas Landscaping) hereinafter to as (the "Contractor") and its 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:

Soil, Seed, and Accelerator Work Completed Using Prevailing Wages @ \$1.35 per square foot.
Soil, Seed, and Accelerator Work Completed Using Non-Prevailing Wages @ \$1.20 per square foot.
Tree Stump Restoration Completed Using Non-Prevailing Wages @ \$1.25 per square foot

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. PWO-19-17B for Landscape Restoration, consisting of the following:
 - i) Cover Sheet
 - ii) Table of Contents
 - iii) Invitation to Bid on Contract Document No. PWO-19-17B - Legal Notice
 - iv) General Terms, Conditions and Instructions
 - v) Specific Terms, Conditions and Instructions and Blue Prints
 - vi) Bid Proposal Form
 - vii) Plans and Specifications and Specification Deviation Form
- b. The Contractor's Bid Proposal Dated
- c. Required Performance and Payment Bonds and Certificate of Insurance

2. The Village agrees to pay, and the Contractor agrees to accept as full payment for the items, and installation of the same, which are the subject matter of this contract the total sum not to exceed \$55,000.00 paid in accordance with the provisions of the Local Government Prompt Payment Act.
3. The Contractor represents and warrants that it will comply will all applicable Federal, State and local laws concerning prevailing wage rates and all Federal, State and local laws concerning equal employment opportunities.
4. The Contractor shall commence work under this Contract upon written Notice to Proceed from the Village and shall complete work on this project as laid out in the restoration timeline once given the Notice to Proceed. Time is of the essence of this Contract and Contractor agrees to achieve completion within the contract time by all proper and appropriate means including working overtime without additional compensation.
5. Bonds required to guarantee performance and payment for labor and material for this work shall be in a form acceptable to the Village and shall provide that they shall not terminate on completion of the work, but shall be reduced to ten percent (10%) of the contract sum upon the date of final payment by the Village for a period of one (1) year to cover a warranty and maintenance period which Contractor agrees shall apply to all material and workmanship for one (1) year from the date of issuance of the final payment by the Village.
6. Pursuant to the provisions of Section 5 of the Mechanics' Lien Act of Illinois, prior to making any payment on 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 on each. This statement must be made under oath or be verified by affidavit. Final payment shall not be issued by the Village nor shall any retained percentage become due until releases and waivers of lien have been supplied as the Village designates.
7. In executing this Contract, Contractor agrees that it has examined the site of the work and the conditions existing therein, has examined the Contract Documents and taken and compared field measurements and conditions with those Documents.
8. 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 Keith Giagnorio, Village President, and the Contractor have hereunto set their hands this ____ day of _____, 2019.

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 _____ 2019.

Individual or Partnership _____ Corporation _____

By Position/Title

By Position/Title

Print Company Name

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this ____day of _____, 2019.

Keith Giagnorio
Village President

Attest:

Sharon Kuderna
Village Clerk

EXHIBIT A
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 _____,
(Name of Village project)

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 _____, 201_.

Notary Public

EXHIBIT B

**VILLAGE OF LOMBARD
255 E Wilson Avenue
Lombard, IL 60148**

ADDITIONAL INSURED ENDORSEMENT

Name of Insurer:
Named Insured:
Policy Number:
Policy Period:
Endors. Effective Date:

This endorsement modifies coverage provided under the following:

Commercial General Liability
Coverage Part

Name of Individuals or Organization:

WHO IS AN INSURED section of the policy/coverage document is amended to include as an insured, the individuals or organization shown above, but only with respect to liability "arising out of your work".

For purposes of this endorsement, "arising out of your work" shall mean:

1. Liability the Additional Insured may incur resulting from the actions of a contractor it hires.
2. Liability the Additional Insured may incur for negligence in the supervision of the Named Insured Contractors work.
3. Liability the Additional Insured may incur for failure to maintain safe worksite conditions.
4. Liability the Additional Insured may incur due to joint negligence of the Named Insured Contractor and the Additional Insured.



MEMORANDUM

To: Carl S. Goldsmith, Director of Public Works

From: Eric Hendrickson, Forestry and Urban Landscaping Supervisor,
Public Works

Date: July 22, 2019

Subject: **Termination of Contract** - TNT Landscape Construction, Inc.

The Village of Lombard (the Village) entered into a contract (PWO 19-17b) for parkway and landscape restoration services with TNT Landscape Construction, Inc. (the contractor) on January 3, 2019. The contract called for the monthly restoration of utility dig and stump removal sites. The Village was to send the contractor lists on a monthly basis which the contractor would then restore by the deadline which was included on the lists, approximately one month from date of issue.

Below is a synopsis of the communications between the Village and the contractor:

March 29, 2019 - Village emails Contractor first set of lists with a May 1, 2019 due date.

April 1, 2019 - Contractor replies PennMulch is on back order and they will be in town in a few weeks. Village acknowledges reply.

April 10, 2019 - Village provides Contractor with updated copy of restoration letter to provide to residents at restored sites.

April 22, 2019 - Contractor emails seeking clarification as to which sites get PennMulch. Village replies all sites get seed and PennMulch.

May 1, 2019 - Village emails contractor list of sites to be restored in May (May 31, 2019 due date). Contractor emails Village that lists are not finished and seeks an extension to mid-May. Village agrees to an extension for the April lists until May 17, 2019.

May 14, 2019 - Village emails Contractor to advise of an incorrect address on April lists. Contractor emails Village seeking additional stump grinding at 641 S Stewart Avenue.

May 17, 2019 - Village emails asking for estimated completion date for utility dig site at 500 N Charlotte.

May 20, 2019 – Contractor replies “Hopefully this week”, comments that weather just hasn’t improved.

May 27 – 31, 2019 – Village inspections of restoration April sites for completion. Three of 38 Utility dig locations and 40 of 97 stump locations had been completed from April lists. No activity on May lists.

May 31, 2019 – Village requests plan from Contractor on getting caught up. April lists not done and May not started. Contractor replies “Honestly no clue.” It has been three weeks since they’ve been able to get topsoil. Hoped to have answer from topsoil provider on Monday, June 2. Village advised that sending June list would be delayed by about a week.

June 3, 2019 – Village emails asking about topsoil/schedule.

June 4, 2019 – Contractor replied schedule was to finish April lists second week of June, May lists third week of June, June lists last week of June.

June 7, 2019 – Village emails Contractor that stump at 641 S Stewart has been ground further and is ready for restoration.

June 14, 2019 - Village emails Contractor stump list for June to be restored by July 12, 2019.

June 17, 2019 – Village emails Contractor advising them of a dirt field located in Lombard if they are still having trouble getting soil.

June 24, 2019 – Village inspects sites and determines no additional work has been completed.

June 27, 2019 – As no additional progress had been made on any of the restoration lists, Village sends certified letter advising contractor significant completion required on outstanding work by July 12, 2019.

July 3, 2019 USPS leaves notice for pick-up of certified letter.

July 15, 2019 – No progress has been made on outstanding work. Village emails inquiring contractor’s intentions as no work has been performed in two months. Contractor replied that they will not be able to perform any restoration work until the middle or end of August. Contractor advises “If you have to hire someone else to bring the work current then please do so.”

July 16, 2019 – Village requests Contractor submit invoices for work which has been completed.

July 22, 2019 – Contractor has not yet picked up certified letter.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

June 27, 2019

Village President
Keith T. Giagnorio

TNT Landscape Construction, Inc.
847 S Randall Road, Suite 334
Elgin, IL 60123

Village Clerk
Sharon Kuderna

Dear Mr. Terlecki,

Trustees
Dan Whittington, Dist. 1
Anthony Puccio, Dist. 2
Reid Foltyniewicz, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, Dist. 5
William "Bill" Ware, Dist. 6

As of this date, TNT Landscape Construction, Inc. has failed in the timely completion of landscape restoration work assigned under contract PWO 19-17B. The Village has sent three work orders (Apr 2019, May 2019, and June 2019) which TNT has failed to complete in accordance with the contract. Work was started on the April lists and an extension granted until May 17th for completion of the April lists due to weather delays. The majority of the April stumps were restored in late April and early May but no work has been performed since mid-May on any of the remaining lists.

Village Manager
Scott R. Niehaus

Unless the remaining outstanding work is completed by July 12th the Village will take steps to terminate the contract and seek a new contractor to complete the past due work and any future parkway restoration work this year. The Village will be seeking reimbursement of any cost differences through the performance bond which was posted for this contract.

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

Please provide us with a time table if you plan on completing the work under this contract. If you can no longer complete your obligations under this contract please let us know so that arrangements can be made to bring another contractor in to complete the work and assume the contract for the remainder of the year.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Thank you,

Eric Hendrickson
Forestry and Urban Landscaping Supervisor

Hendrickson, Eric

From: Hendrickson, Eric
Sent: Monday, April 1, 2019 8:33 AM
To: TNT Construction
Subject: RE: Lombard - April restoration lists

Thanks for the heads up.

Eric Hendrickson

Forestry and Urban Landscaping Supervisor
ISA Certified Arborist & Municipal Specialist #IL-0629AM
ISA Tree Risk Assessment Qualified
Village of Lombard
255 E Wilson Ave
630-620-5740
630-620-5982 fax

From: TNT Construction [mailto:tntconstructioninc@yahoo.com]
Sent: Friday, March 29, 2019 5:48 PM
To: Hendrickson, Eric
Subject: Re: Lombard - April restoration lists

Got it. It will be a few weeks. The penn mulch is on back order with me supplier

Thanks

Tim
TNT

Sent from my iPhone

On Mar 29, 2019, at 4:11 PM, Hendrickson, Eric <HendricksonE@villageoflombard.org> wrote:

Tim,

Please find attached the restoration lists for April from the Village of Lombard. Feel free to contact me if there are any questions or if the crew can't find a site.

Thanks,

	Eric Hendrickson Forestry and Urban Landscaping Supervisor ISA Certified Arborist & Municipal Specialist #IL-0629AM ISA Tree Risk Assessment Qualified Village of Lombard 255 E Wilson Ave. Lombard, IL 60148
	Phone: (630) 620-5740 Cell: (630) 306-2838 Fax: (630) 620-5982 Email: hendricksone@villageoflombard.org Web: www.villageoflombard.org Follow us: <image002.png> <image003.png> <image004.jpg>

Hendrickson, Eric

From: TNT Construction <tntconstructioninc@yahoo.com>
Sent: Wednesday, May 1, 2019 8:50 AM
To: Hendrickson, Eric
Subject: Re: April list

Sounds good. Thanks

Sent from my iPhone

> On May 1, 2019, at 8:39 AM, Hendrickson, Eric <HendricksonE@villageoflombard.org> wrote:

>

> Tim,

>

> Are you hoping to be done with April's list by May 10th or 17th? I have a shorter May list I will be sending later today. I agree that the weather has been extremely unfavorable and inconsistent so far this spring. Based upon the weather so far, we are okay with providing an extension on the April list until May 17th.

>

> Thanks,

>

> Eric Hendrickson

> Forestry and Urban Landscaping Supervisor ISA Certified Arborist &

> Municipal Specialist #IL-0629AM ISA Tree Risk Assessment Qualified

> Village of Lombard

> 255 E Wilson Ave

> 630-620-5740

> 630-620-5982 fax

>

> -----Original Message-----

> From: TNT Construction <tntconstructioninc@yahoo.com>

> Sent: Wednesday, May 1, 2019 6:21 AM

> To: Hendrickson, Eric <HendricksonE@villageoflombard.org>

> Subject: April list

>

> Hello

>

> FYI we have not finished the lists. The weather in April has been total crap and we have lost a ton of days between snow and cold and rain. We have lost this whole week as well. We never started the dig list. We had stated the stump list and still have three more days left to finish that. We need a extension until mid April to finish

>

> Thanks

>

> Tim

> TNT

>

> Sent from my iPhone

Hendrickson, Eric

From: TNT Construction <tntconstructioninc@yahoo.com>
Sent: Monday, May 20, 2019 7:37 AM
To: Hendrickson, Eric
Subject: Re: 500 N Charlotte

Hopefully this week. You know the weather just hasn't improved and we are doing our best to keep everyone going and happy.

Sent from my iPhone

> On May 17, 2019, at 2:30 PM, Hendrickson, Eric <HendricksonE@villageoflombard.org> wrote:
>
> Tim, can you tell me how close to getting this site restored you are? It is on April utility dig list.
>
> Thanks
>
> Eric Hendrickson
> Village of Lombard - Forestry

Hendrickson, Eric

From: TNT Construction <tntconstructioninc@yahoo.com>
Sent: Friday, May 31, 2019 11:51 AM
To: Hendrickson, Eric
Cc: Ellis, Tom
Subject: Re: April list

Honestly no clue. We are now three weeks down with no topsoil. This is the worse ever. Will get caught up eventually
My topsoil supplier said I'll have answer Monday hopefully

Thanks

Tim
TNT.

Sent from my iPhone

On May 31, 2019, at 9:23 AM, Hendrickson, Eric <HendricksonE@villageoflombard.org> wrote:

Tim,

What is the plan for getting caught up on the restorations? I know that the April Utility Dig sites are not yet completed, none of May's list are started and I am getting ready to send a list for June later today.

Thanks,

	<p>Eric Hendrickson Forestry and Urban Landscaping Supervisor ISA Certified Arborist & Municipal Specialist #IL-0629AM ISA Tree Risk Assessment Qualified Village of Lombard 255 E Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-5740 Fax: (630) 620-5982 Email: hendricksone@villageoflombard.org Web: www.villageoflombard.org Follow us: <image002.png> <image003.png> <image004.jpg></p>
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Hendrickson, Eric

From: TNT Construction <tntconstructioninc@yahoo.com>
Sent: Tuesday, June 4, 2019 8:46 AM
To: Hendrickson, Eric
Subject: Re: Top soil

Raining again. Looks like we will be in next week to finish up April list and then the week after to do may list and the week after to do June lists

Thanks


Tim
TNT

Sent from my iPhone

On Jun 3, 2019, at 3:01 PM, Hendrickson, Eric <HendricksonE@villageoflombard.org> wrote:

Any word from your soil guy? Needless to say, the calls are coming fast and furious now.

Thanks,

	<p>Eric Hendrickson Forestry and Urban Landscaping Supervisor ISA Certified Arborist & Municipal Specialist #IL-0629AM ISA Tree Risk Assessment Qualified Village of Lombard 255 E Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-5740 Cell: (630) 306-2838 Fax: (630) 620-5982 Email: hendricksone@villageoflombard.org Web: www.villageoflombard.org Follow us: <image002.png> <image003.png> <image004.jpg></p>
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Hendrickson, Eric

From: Hendrickson, Eric <HendricksonE@villageoflombard.org>
Sent: Friday, June 28, 2019 8:01 AM
To: Tim Terlecki
Subject: Maple and Vance stump

Yesterday our crew pulled the timbers at the above location so the restoration is more typical.

Underground restored the dig at 500 N Charlotte last week as the resident was calling every couple of days.

Do you have a crew in town or plans to make significant progress soon?

Thanks

Eric Hendrickson
Village of Lombard - Forestry

Hendrickson, Eric

From: tim terlecki <tntlandscapeconstructioninc@yahoo.com>
Sent: Monday, July 15, 2019 7:57 AM
To: Hendrickson, Eric
Cc: tntconstructioninc@yahoo.com
Subject: Re: Village of Lombard restorations

Hello

Do to all the un forseen circumstances this season with the weather we will not be able to come in until middle of August to end of August. We are extremely sorry for the inconvenience. If you have to hire someone else to bring the work current then please do so

Sincerely

Tim
TNT

Sent from my iPhone

On Jul 15, 2019, at 7:28 AM, Hendrickson, Eric <HendricksonE@villageoflombard.org> wrote:

Tim,

As there has been no activity in the last two months to complete any of the outstanding work, am I correct to assume that you are walking away from this contract and I need to bring in a new contractor?

Thanks,

	<p>Eric Hendrickson Forestry and Urban Landscaping Supervisor ISA Certified Arborist & Municipal Specialist #IL-0629AM ISA Tree Risk Assessment Qualified Village of Lombard 255 E Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-5740 Fax: (630) 620-5982 Email: hendricksone@villageoflombard.org Web: www.villageoflombard.org Follow us: <image002.png> <image003.png> <image004.jpg></p>
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