

August 18, 2009

MINUTES

A special meeting of the Downers Grove Sanitary District Board of Trustees was held on Tuesday, August 18, 2009, convening at 7:30 p.m. The meeting was held at the District's Administration Center, 2710 Curtiss Street, Downers Grove. Present were Trustee Wallace D. Van Buren, Trustee Edward C. Richard, General Manager Nicholas J. Menninga, Administrative Services Director W. Clay Campbell, Sewer Construction Supervisor Theodore T. Cherwak, Board of Local Improvements members W. Robert Ivarson, Jr. and Robert T. Jungwirth and Attorney Michael C. Wiedel. Derek J. Wold of Baxter & Woodman, Inc. and Dennis Lewin, Larry Bohannon and Robert Newton, all of Amp-Rite Electric Co. were present. President Donald E. Eckmann was absent.

Easement Agreement – FPDDC Maple Grove

Administrative Services Director Campbell presented an Easement Agreement between the Forest Preserve District of DuPage County (FPDDC) and the District needed for accessing the District's interceptor sewers located in Maple Grove Forest Preserve. In anticipation of the Gilbert Avenue Sewer Replacement Project, for which the District had applied for American Recovery and Reinvestment Act of 2009 (ARRA) stimulus funds, staff had negotiated with the FPDDC to obtain these easements. At the monthly Board meeting on August 11, 2009, the Board adopted Ordinance No. ORD 09-05 which was needed by the FPDDC to grant the District access rights to certain License Areas within the forest preserve to access the proposed easement areas. Staff recommended to the Board the approval of this Easement Agreement. A motion by Trustee Richard seconded by Trustee Van Buren was made approving the Easement Agreement and authorizing the Acting President and Clerk to execute same. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Easement Agreements For Other ARRA Projects

Administrative Services Director Campbell presented various Easement Agreements for easements needed by the District to perform both the Ross Court Sanitary Sewer Replacement Project and the Whiffen Place Sanitary Sewer Replacement Project, two projects for which the District has applied for ARRA stimulus funds. The District would be ineligible for ARRA stimulus funds for these projects unless they were able to obtain all necessary easements and which would likely defer the construction of these projects to an unknown point in the future. In applying for ARRA stimulus funds for projects where easements are needed, the District is required to obtain appraisals and to negotiate a fair market value compensation for the property owner. Staff recommended the Board approve each of the Easement Agreements for the following properties with a not to exceed compensation amount as indicated:

Ross Court, Downers Grove:

NOT TO EXCEED COMPENSATION OF:

1215 Ross Court (PIN: 09-07-413-009)	\$4,900.00
1217 Ross Court (PIN: 09-07-413-008)	\$5,100.00
1218 Ross Court (PIN: 09-07-412-011 & 012)	\$8,000.00
1222 Ross Court (PIN: 09-07-412-010)	\$18,300.00
1230 Ross Court (PIN: 09-07-412-009)	\$17,100.00

Whiffen Place, Downers Grove:

4915 Whiffen Place (PIN: 09-08-120-022)	\$4,600.00
4918 Whiffen Place (PIN: 09-08-120-021)	\$20,200.00
4921 Whiffen Place (PIN: 09-08-120-023)	\$4,600.00

A motion by Trustee Van Buren seconded by Trustee Richard was made approving each Permanent Easement Agreement for both the Ross Court Sanitary Sewer Replacement Project and the Whiffen Place Sanitary Sewer Replacement Project with a compensation not to exceed the above mentioned amounts and authorizing the General Manager and Assistant Clerk to sign same contingent upon execution of the Permanent Easement Agreements by the property owner. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Pump Station Emergency Generators

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Pump Station Emergency Generators Project. Bids were received from nine contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, Excel Electric, Inc., for its bid in the amount of \$765,831.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. The bid from Excel Electric, Inc. contained an irregularity in that their bid was made using a manufacturer of Cummins for the equipment to be supplied under the project, rather than Caterpillar as required in the specifications. Upon inquiry, Excel Electric, Inc. issued a written response that they would provide equipment by the manufacturer required by the specifications (Caterpillar) at their original bid amount. Representatives from Amp-Rite Electric Company were present and formally objected to the Board making the award to Excel Electric, Inc., on the basis that Excel's bid did not conform to the specifications and should be rejected by the Board. District counsel explained that under the Sanitary District Act of 1917's procurement statute (70 ILCS 2405/11), the Board can consider a bid's conformance with the project's specifications, but that the Board also reserves, in the project specifications, the right to waive any technicalities that may be encountered in the bidding process. A motion by Trustee Richard

seconded by Trustee Van Buren was made awarding the contract for the Pump Station Emergency Generators Project to the lowest responsive, responsible bidder, Excel Electric, Inc., for the bid amount of \$765,831.00 contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – ARRA Sanitary Sewer Rehabilitation (Grouting) Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the ARRA Sanitary Sewer Rehabilitation (Grouting) Project. A single bid was received for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, National Power Rodding Corp., for its bid in the amount of \$3,592,301.62, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the ARRA Sanitary Sewer Rehabilitation (Grouting) Project to the lowest responsive, responsible bidder, National Power Rodding Corp., for the bid amount of \$3,592,301.62, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Gilbert Avenue Trunk Sewer Replacement Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Gilbert Avenue Trunk Sewer Replacement Project. Bids were received from four contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, Brothers Asphalt Paving, Inc., for its bid in the amount of \$463,650.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Gilbert Avenue Trunk Sewer Replacement Project to the lowest responsive, responsible bidder, Brothers Asphalt Paving, Inc., for its bid in the amount of \$463,650.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Rogers Street Sewer Replacement Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Rogers Street Sewer Replacement Project. Bids were received from twelve contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, Neri Brothers Construction, Inc., for its bid in the amount of

\$269,951.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Rogers Street Sewer Replacement Project to the lowest responsive, responsible bidder, Neri Brothers Construction, Inc., for its bid in the amount of \$269,951.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Whiffin Place Sanitary Sewer Replacement Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Whiffin Place Sanitary Sewer Replacement Project. Bids were received from eight contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, R.A. Mancini, Inc., for its bid in the amount of \$63,105.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Whiffin Place Sanitary Sewer Replacement Project to the lowest responsive, responsible bidder, R.A. Mancini, Inc., for its bid in the amount of \$63,105.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Ross Court Sanitary Sewer Replacement Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Ross Court Sanitary Sewer Replacement Project. Bids were received from six contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, R.A. Mancini, Inc., for its bid in the amount of \$188,651.50, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Ross Court Sanitary Sewer Replacement Project to the lowest responsive, responsible bidder, R.A. Mancini, Inc., for its bid in the amount of \$188,651.50, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Kenyon Street Sanitary Sewer Replacement Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Kenyon Street Sanitary Sewer Replacement Project. Bids were received from twelve contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, Neri Brothers Construction, Inc., for its bid in the amount of

\$102,916.75, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Kenyon Street Sanitary Sewer Replacement Project to the lowest responsive, responsible bidder, Neri Brothers Construction, Inc., for its bid in the amount of \$102,916.75, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Cass Avenue Alley Sanitary Sewer Replacement Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Cass Avenue Alley Sanitary Sewer Replacement Project. Bids were received from seven contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, City Construction Company, Inc., for its bid in the amount of \$312,414.15, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Cass Avenue Alley Sanitary Sewer Replacement Project to the lowest responsive, responsible bidder, City Construction Company, Inc., for its bid in the amount of \$312,414.15, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Drendel Road, Cross Street and Ogden Avenue Sewer Extension Project (District Portion)

This is a combined project which includes the construction of a sanitary sewer main extension on Ogden Avenue at the District's cost along with the construction of sanitary sewer main under Special Assessment No. 58 in Drendel Road, Cross Street and Ogden Avenue. As a result of the project being constructed in conjunction with the special assessment, notice of this award must be published as Illinois statute permits the owners of a majority of the frontage where the work is to be done to elect to take the work themselves and enter into a contract, within ten days of publication of this notice, at 10% less than the contract award amount. Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Drendel Road, Cross Street and Ogden Avenue Sewer Extension Project. Bids were received from eight contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, Archon Construction Co., Inc., for its bid in the amount of \$594,300.00. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Drendel Road, Cross Street and Ogden Avenue Sewer Extension Project to the lowest responsive, responsible bidder, Archon Construction Co., Inc., for its bid in the amount of \$594,300.00, contingent upon the publication of a notice of this award and the expiration of the ten-day period for the owners of a majority of the frontage to elect to take the work, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – WWTC Automatic Transfer Switch Replacement Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the WWTC Automatic Transfer Switch Replacement Project. Bids were received from three contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, Electrical Systems, Inc., for its bid in the amount of \$397,000.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the WWTC Automatic Transfer Switch Replacement Project to the lowest responsive, responsible bidder, Electrical Systems, Inc., for its bid in the amount of \$397,000.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Northwest Pump Station High Flow Pump Installation Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Northwest Pump Station High Flow Pump Installation Project. Bids were received from four contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, Bullseye Contractors, for its bid in the amount of \$137,322.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Northwest Pump Station High Flow Pump Installation Project to the lowest responsive, responsible bidder, Bullseye Contractors, for its bid in the amount of \$137,322.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Venard Road Pump Station Improvements Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Venard Road Pump Station Improvements Project. Bids were received from six contractors for this project. After the bids were opened, the apparent lowest responsive, responsible bidder was Bullseye Contractors in the amount of \$495,000.00, however Bullseye Contractors indicated to the District they wished to either withdraw their bid as presented or to execute the contract at \$75,000 above their bid amount. Derek Wold recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that Bullseye Contractors be allowed to withdraw their bid with a return of their bid bond and as a separate recommendation that the project be awarded to the next lowest responsive, responsible bidder, Marc Kresmery Construction, for its bid in the amount of \$495,000.00, contingent upon receiving

a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made allowing Bullseye Contractors to withdraw their bid with a return of their bid bond. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.) A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Venard Road Pump Station Improvements Project to the next lowest responsive, responsible bidder, Marc Kresmery Construction, for its bid in the amount of \$495,000.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Award ARRA Construction Projects – Scum Screen and Grease Receiving Station Project

Derek Wold of Baxter & Woodman, Inc. reviewed the results of the bid opening held on August 13 for the Scum Screen and Grease Receiving Station Project. Bids were received from five contractors for this project. He recommended, and General Manager Menninga concurred as detailed in his memo dated August 17, 2009, that the project be awarded to the lowest responsive, responsible bidder, Concord Construction Services, for its bid in the amount of \$215,700.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project. A motion by Trustee Richard seconded by Trustee Van Buren was made awarding the contract for the Northwest Scum Screen and Grease Receiving Station Project to the lowest responsive, responsible bidder, Concord Construction Services, for its bid in the amount of \$215,700.00, contingent upon receiving a loan offer from the Illinois Environmental Protection Agency (IEPA) to fund the project, and authorizing the General Manager and Assistant Clerk to execute the contract documents. The motion carried. (Votes recorded: Ayes–Van Buren and Richard.)

Upon a motion by Trustee Richard seconded by Trustee Van Buren the regular meeting adjourned at 8:45 p.m. The motion carried.

Approved: September 15, 2009.

 /s/ Donald S. Eckmann /s/
President

Attest: /s/ Edward C. Richard /s/
Clerk