



February 8, 2023

TO: Scott Niehaus, Village Manager

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

FROM: David Gorman, Assistant Director of Public Works

SUBJECT: FY 2023 Sidewalk and Curb Improvement Program

The purpose of the Sidewalk and Curb Improvement Program is to address deteriorated and damaged sections of sidewalk, curb and parkway damaged by utility digs. The program is comprised of the following categories: Parkway Restoration, Deteriorated Sidewalk (50/50 Program), Trip Hazard Repairs, Curb Replacement Program and ADA .

This contract was originally bid through the MPI process developed by communities in the DuPage Region for the 2022 fiscal year. The MPI process aggregates quantities from multiple agencies for the purpose of bidding and to seek lower unit prices for all agencies involved in the bid process. Through the MPI process, one agency serves as the lead agency. Once the bidding process has been completed, each participating agency awards a contract to their lowest responsible bidder. The 2022 bid allowed two one-year extensions at 5% each, if mutually agreed upon. Lombard's award for 2022 year went to Schroeder & Schroeder Ltd., who has declined to extend the contract.

Globe Construction Inc. was Lombard's next lowest bidder in 2022, at only \$2,619.50 more. They had been Lombard's contractor for the three years prior to 2022. Globe has agreed to honor their unit bid prices from 2022, plus a 6% unit price increase for the 2023 program. Based on discussions with other contractors, putting this contract out to bid would risk a 20-30% increase in prices due to material shortage concerns and inflation in the cost of materials.

The 2023 Capital Improvement Plan contains funds for the 2023 Sidewalk and Curb Improvement Program contract as follows. A portion of the Concrete Roadway Program would be used to make up the \$46,185.55 budget shortfall in the Sidewalk & Curb Improvement Program.

Program	Budget	Recommended Award
RM PROG 46 - Sidewalk & Curb Improvement Program	\$258,000	\$258,000
RM PROG 49 - Concrete Roadway Program	\$1,138,000	\$46,185.55

The Public Works Department recommends that the Village President and Board of Trustees waive bid and award the contract to Globe Construction Inc. in the amount of \$304,185.55 for the 2023 Sidewalk and Curb Improvement Program contract.

Please present this item to the President and Board of Trustees for their review and approval at the regular meeting on February 16, 2023. If approved, please return two (2) executed copies of the contract to Public Works Engineering for further processing.

VILLAGE OF LOMBARD

CONTRACT

CONTRACT DOCUMENT NUMBER RM 46

This Contract is made this _____ day of February 2023, between and shall be binding upon the Village of Lombard, an Illinois municipal corporation (hereinafter referred to as the "Village") and Globe Construction 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 2023 SIDEWALK & CURB IMPROVEMENT PROGRAM

1. This Contract shall embrace and include all of the applicable Contract Documents listed below as if attached hereto or repeated herein:
 - a. FY 2023 SIDEWALK & CURB IMPROVEMENT PROGRAM incorporates MPI Concrete Flatwork, dated February 2, 2022.
 - i) Cover Sheet;
 - ii) Notice to Bidders on Contract Document Concrete Flatwork - Legal Notice;
 - iii) Schedule of Prices;
 - iv) General Terms and Conditions;
 - v) Labor Statutes, Records and Rates;
 - vi) Technical Terms and Conditions;
 - vii) Municipality 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) Addenda;
 - xv) Appendix B –Technical Specifications;
 - xvi) Appendix C – Estimated Quantity by Municipality
 - b. The Contractor's Bid Proposal Dated: February 2, 2022 (see attached)
 - 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 on or before October 31, 2023. 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 7th day of February, 2023.

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

Print Company Name

Individual or Partnership _____ Corporation ✓

Accepted this 7th day of FEBRUARY, 2023.

By _____

PRESIDENT

Position/Title

By _____

Position/Title

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this _____ day of _____, 2023.

Village President

Attest:

Village Clerk

VILLAGE OF LOMBARD
CONTRACTOR'S CERTIFICATION

PETER MARTIRE

(Officer or Owner of Company)

, having been first duly sworn depose and states as follows:

GLOBE CONSTRUCTION, INC

(Name of Company)

, having submitted a proposal for:

FY2023 SIDEWALK & CURB IMPROVEMENT 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 DRIVER
(Name of employee/driver or "all employee drivers")
is/are currently participating in a drug and alcohol testing program pursuant to the aforementioned rules.

4. CERTIFICATION UNDER 720 ILCS 5/33E-11

I, PETER MARTIRE (name), certify that I am employed as the PRESIDENT (title) of GLOBE CONSTRUCTION, INC (company), a bidder for the prime contract for the work described in the bid to which this certificate is attached, and I hereby certify that I am authorized to make this certificate and that I have personal knowledge of the matters certified to herein, and that the company named above 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: [Signature]

Authorized Agent of Contractor

Subscribed and sworn to
before me this 7th
day of FEBRUARY, 2023.

Chloe A. Karolczuk
Notary Public

