



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

To: Stormwater Management Commission
From: Kurt Woolford, Executive Director
Ernesto Huaracha, Water Resource Professional
Mike Prusila, Supervisor Watershed Planning
Date: **September 20, 2024**
Subject: Funding Limit Waiver - Seavey Phase 2 - Libertyville Storm Sewer Capacity Upgrades Project in Libertyville, IL

ACTION REQUESTED: Approval

In accordance with the DCEO-STOCIP Capital Program Policies and Procedures, SMC staff request approval of a Funding Limit Waiver for the DCEO Round 1 Seavey Phase 2 - Libertyville Storm Sewer Capacity Upgrades Project in Libertyville, IL. Approval of this requested Funding Limit Waiver will not require a budget increase or emergency appropriation. Approval will allow SMC staff to increase the available grant funding to the Village for their much-needed stormwater improvements in the Village of Libertyville, IL.

Seavey Phase 2 - Libertyville Storm Sewer Capacity Upgrades Project: This project was awarded \$2,141,377.00 in DCEO Round 1 funding. Grant funds will be utilized for the construction of storm sewer and conveyance improvements to protect the Highlands subdivision between Illinois Route 176 and Golf Road in the Village of Libertyville, including the construction of storm sewer along Harms Avenue, Shari Lane, Dymond Road, Crestfield Drive, Crane Boulevard, Drake Street, Dawes Street, Carter Street, Burdick Street, Ames Street, Garfield Avenue, Ash Street, Austin Avenue, and Rockland Road. Grant funds will also cover the construction of a drainage swale from Rockland Road to Crane Boulevard in Nicholas Dowden Park. Libertyville Highlands was constructed prior to modern stormwater regulations and suffers from urban flooding during intense rainstorms as the storm sewer system has only a 2-year capacity and no stormwater storage facilities. In combination with Phase 1, this project will protect the neighborhood, including 300 properties and 12 roadways, during a 25-year frequency storm event.

Funding Limit Waiver per DCEO-STOCIP Capital Program Policies and Procedures

The SMC approved the current DCEO-STOCIP Capital Program Policies and Procedures on August 6, 2020. Section 5.B of the policy identifies the program funding limits and the procedure for waiving those limits. The Funding Limit Waiver provisions in the DCEO-STOCIP Capital Program Policies and Procedures require SMC staff to present to the Commission any waiver request.

Section 5.B: **“Funding Limits per Cycle:** The Upper/Lower Limit for the DCEO-STOCIP total contribution is set at \$2,500,000/\$250,000 per project based on a Professional Engineer’s Opinion of Probable Cost, with a 10% contingency allowance based on construction bid outcome. If there are not enough eligible projects submitted to meet the total project funding expectations for an individual funding cycle, future phases of previously eligible projects may be considered for additional funding above the limit. An eligible project with a significant impact and total cost either exceeding or under the Funding Limits, and no potential to scale the project or develop a viable outside funding source, may apply for a Funding Limit Waiver. The Funding Limit Waiver application shall be submitted to SMC staff for review and subsequently presented to the Commission for a waiver decision.”

Staff Recommendation

SMC staff concur that this project is a good candidate for a Funding Limit Waiver per the DCEO-STOCIP Policies and Procedures. SMC staff recommends waiving the funding limit for Seavey Phase 2 - Libertyville Storm Sewer Capacity Upgrades Project. If approved, all remaining grant funds from DCEO Round 1 will be expended.

The grant final reporting is November 14, 2024. The intent is to expend 100% of the \$30 million grant. Final expenditures received to date expects \$78,285.78 in unencumbered grant funds remaining to be spent.

- Per policy, the Limit for the DCEO-STOCIP total contribution is set at \$2,750,000.00 (\$2,500,000.00 plus \$250,000.00 in contingency) per project.
- Policy allows future phases of previously eligible projects to be considered additional funding above the limit.
- Per policy, an eligible project with a significant impact and total cost either exceeding or under the Funding Limits, and no potential to scale the project or develop a viable outside funding source, may apply for a Funding Limit Waiver.
 - o The Seavey Phase 2 - Libertyville Storm Sewer Capacity Upgrades Project has significant benefit to the Village of Libertyville and downstream areas in the Indian Creek and Des Plaines River watersheds.
 - o The Village of Libertyville's construction contract for Seavey Phase 2 - Libertyville Storm Sewer Capacity Upgrades Project lowest bidder was \$8,914,395.00.