

ILLINOIS DEPARTMENT OF TRANSPORTATION

Request for Approval
of Change in Consultant Contract

Date: 11/26/2019

Local Agency: LAKE COUNTY

Request: No. 1

Name: Miller Road at US Rte. 12

To: Lake County Division of Transportation

Section: 15-00118-12-CH

Consultant: Bollinger, Lach & Associates, Inc.

I recommend that an addition be made to the above consultant contract.

The estimated work is listed below

Original contract amount for services described:	\$292,165.67
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Sum of all previous contract change orders:	\$0.00
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Item #	Description	Additions	Deductions
1	Roight-of-way acquisition services and appraisals	\$77,682.00	
2			
3			
TOTALS		\$77,682.00	\$0.00
NET CHANGE		\$77,682.00	\$0.00

Net ADDITION change to date \$77,682.00 which is 26.59 % of the original contract amount for services described

State fully the nature and reason for change:

Revised contract amount for services described:	\$369,847.67
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Please see attached.

When the net increase or decrease in the cost of the contract is \$10,000 or more, or the time of completion is increased or decreased by 30 days or more, one of the following statements shall be checked.

XXX The undersigned determined that the circumstances which necessitated this change were not reasonably foreseeable at the time the contract was signed.

_____ The undersigned has determined that the change is germane to the original contract as signed.

_____ The undersigned determined that this change is in the best interest of the local agency and is authorized by law.

Project Manager/Engineer T.M. Lach Date 11/26/19

Department Head _____ Date _____

Chief Accounting Specialist _____ Date _____

Approved _____ Date _____

County Engineer



November 13, 2019

Mr. Thomas Somodji
Lake County Division of Transportation
600 W. Winchester Road
Libertyville, Illinois 60048

Re: Phase II Engineering
Miller Road at US Rte. 12
Intersection Improvement
Lake County, Illinois
Section No.: 15-00118-12-CH

Subject: ***Contract Supplement One***

Dear Mr. Somodji:

We (BLA, Inc.) entered into contract with Lake County on June 14th, 2016 to provide design engineering services for the Miller Road at US 12 project. Various tasks have developed throughout the course of the project requiring additional scope. These tasks include appraising and negotiating properties, a contingency to update plats and legals as necessary based on negotiations, and to review and update the storm sewer design and calculations based on the amended Bulletin 70 Rainfall Table.

BLA, Inc. has reviewed the necessary additional tasks and current needs of the project, and we are requesting that these services and additional tasks be included as a supplement to our contract. Below is a detailed breakdown of the additional tasks with the associated revisions and hours as requested by the Department.

1. Land Acquisition Services:

Due to the required proposed right of way and temporary easements, at the request of the County, Santacruz Land Acquisitions has been included on the project team to perform the appraising and negotiating of properties. The original design contract did not include provisions or fee for an outside attorney to provide appraising and negotiating properties. Refer to the attached scope for a detailed description of services and fee.

TOTAL FEE REQUESTED FOR TASK = \$56,700

2. Drainage Design- Revised Per Bulletin 70 Rainfall Table:

The storm sewer system was designed based on the current Bulletin 70 rainfall intensities however, recently the Bulletin 70 has been amended. Per the direction of the County, the amended bulletin shall be utilized and the design of the storm sewer shall be calculated using the updated rainfall intensities. This effort includes the redesign and sizing of the storm sewer, detention verification requirements, restrictor sizing, updating the proposed drainage study in the Abbreviated Location Drainage Study and exhibits, updating the Drainage and Utility Plans with labels and callouts, Drainage Tables, cross sections to indicate the revised pipe size, quantity calculations, the summary of quantities / pay items, and cross checking potential utility conflicts. One meeting is included to be utilized as a coordination meeting between BLA and the County on discussions and decisions due to the impact of the increased rainfall intensities in the amended Bulletin 70.

TOTAL FEE REQUESTED FOR TASK = \$11,719

3. Plat of Highway Revisions Due to Negotiations:

During the negotiations of the properties, revisions to the plats and legals are potentially required due to the requests of the property owners. In the case that these revisions are necessary, a fee has been included to perform the additional scope of work. This includes coordination and meetings between the prime, sub, and County Refer to the attached scope and hours for a detailed description of service.

TOTAL FEE REQUESTED FOR TASK = \$9,263

For the additional tasks indicated above, we are requesting a total of **\$77,682** for this supplement.

Should you have any questions or require additional information please contact us at (630) 438-6400 or at mcesario@bla-inc.com

Sincerely,

BLA, Inc.

A handwritten signature in black ink, appearing to read 'M. Cesario' with a stylized flourish at the end.

Matthew Cesario, P.E.
Project Manager

PROPOSAL FOR LAND ACQUISITION SERVICES

County of Lake

Bollinger, Lach & Associates, Inc.



**Intersection of
Miller Road and US 12**

**Santacruz Land
Acquisitions** 

222 Northfield Road · Suite 201
Northfield, IL 60093
www.santacruz-associates.com

Contact:
J. Steve Santacruz
847-868-9620
jsteve@santacruz-associates.com

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EXECUTIVE SUMMARY

We understand the importance of keeping on schedule. On-time lettings gives the County of Lake, the Local Public Agency (“LPA”) the best use of its resources and strengthens the efficiencies in the implementation of its roadway improvement program. To achieve your goals, it is critical that your land acquisition consultant understands the importance and addresses three critical issues in your acquisition of right of way:

- Deliver the right of way on-time to meet the letting
- Manage the acquisition risks, including the cost of condemnation litigation
- Compliance with land acquisition policies and procedures and FWA policies that effect the certification and funding of your project.

CRITICAL ISSUE 1: DELIVER THE RIGHT-OF-WAY ON-TIME TO MEET LETTING

Delivery of right of way on-time keeps the project on its letting schedule. We understand that nothing is more important to the LPA.

We have assembled a team of industry leading right of way professionals that have years of experience working on land acquisition projects with the understanding of what needs to be done to complete an acquisition on time.

Santacruz Land Acquisitions (“Santacruz”) will work with the staff for the LPA and/or Bollinger, Lach & Associates, Inc., Engineer for the LPA, (“Consultant”) to develop a land acquisition plan for the reconstruction of the intersection of Miller Road and US 12 (Rand Road) (the “Project”) to assure that the goals are met.

All of these efficiencies lead to ways in which we minimize our time with an acquisition and translate to your project staying on schedule.

CRITICAL ISSUE 2: MANAGE THE ACQUISITION RISKS

Equally important as the scheduled letting is the acquisition budget for the Project. Our team will suggest ways to minimize impacts and reduce costs in challenging acquisitions. We will also work with the LPA to minimize the condemnation referrals that impact the budget for this Project. At the same, our team will quickly identify parcels in the very beginning of the process that have title issues that can only be resolved through condemnation so that the team can develop strategies on moving the land acquisition process forward.

Your land acquisition consultant needs to have knowledge of the legal requirements necessary to position an agency for condemnation. Our team possesses that knowledge and has years of experience providing “expert witness” testimony in these matters.

Santacruz is made up of skilled right of way professionals with a vast background in real estate and civil engineering with respect to transportation projects which gives us the ability to recognize issues and resolve them before they create delays.

CRITICAL ISSUE 3: COMPLIANCE WITH GOVERNMENT REGULATIONS

All land acquisition services must be performed in accordance with the Uniform Relocation Assistance and Real Property Act. In addition, we are familiar with IDOT’s land acquisition guidelines, policies and procedures.

We apply our team’s extensive collective decades of experience complying with federal and state laws and maximizing the team’s knowledge of the land acquisition policies of IDOT.

ADDITIONAL COMPONENT OF OUR PROPOSAL: BEP UTILIZATION

Santacruz is a BEP with Central Management Services, a DBE with IDOT and an MBE with Cook County and the City of Chicago.

TEAM ORGANIZATION

Santacruz has assembled a versatile team of professional right of way consultants with the experience to deliver successful land acquisition services and meet the letting dates of the project. Javier Santacruz will lead the team as Project Manager. The team brings a wealth of experience in land acquisition for governmental agencies and related real estate law and civil engineering disciplines to assure the proper handling of even the most complicated of acquisitions. Additionally, the key members of the team have collaborated in the past on projects.

WHY SANTACRUZ LAND ACQUISITIONS?

As you review our proposal, you will see that the team that Santacruz Land Acquisitions has assembled is versatile, experienced and qualified to deliver the full scope of the land acquisition needs for the LPA. What sets apart our team is:

- Years of successful on-time delivery of right of way land acquisition services to various other agencies
- Diverse set of real estate acquisition disciplines including backgrounds in law and civil engineering
- Extensive experience with complex valuations and acquisitions
- Title review experience, including familiarity with all types of recorded documents affecting real estate and knowledge on how to the clear title
- Experience in reviewing plats and legal descriptions, as well as an ability to review and understand roadway construction plans
- Expertise with the Uniform Relocation Assistance and Real Property Act of 1970, as amended (Uniform Act), Illinois Eminent Domain Act (735 ILCS 30), IDOT Land Acquisition Guidelines.
- Familiarity with IDOT policies and procedures related to land acquisition and appraisals.

SUMMARY

With a long history of successful delivery of a variety of right of way projects on-time, within budget and to our client’s satisfaction, we look forward to the opportunity to assist the LPA with its land acquisition needs

COMPENSATION

Santacruz shall be entitled to the compensation as shown on the attached schedule. Our cost proposal, based on **nine (9)** projected parcels of right-of-way, is as follows:

<u>APPRAISALS:</u>	\$26,100.00.
<u>NEGOTIATIONS:</u>	\$25,200.00.

As directed, **Santacruz** shall invoice the LPA or Consultant for any fees and charges related to the acquisitions including, without limitation, (i) the cost of the later date title commitments, (ii) the cost of title insurance policies obtained on the parcels to be acquired, (iii) the cost of recording any necessary documents to complete the conveyance and obtain clear title, (iv) lender's fees related to the processing of any partial releases needed to provide clear title, and (v) land trustee processing fees. **Santacruz** shall include **\$600.00** per parcel for these charges. **Santacruz** shall pay any such fees and charges in excess of the **\$600.00** per parcel allowance for which Santacruz Land Acquisitions shall be entitled to additional compensation in the amount of any such payments pursuant to a separate work order issued.

Based on the projected total number of parcels of right-of-way to be acquired for the Project, the land acquisition negotiation services provided herein are offered a cost not to exceed of **\$56,700.00** as follows:

Land Acquisition Services	\$51,300.00
Direct Billable Expenses	\$5,400.00

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TECHNICAL APPROACH

Santacruz shall perform all necessary services in the preparation of appraisals and review appraisals and the negotiation of the acquisition of necessary properties required for the completion of the Project. All services shall be performed in accordance with the policies and procedures of IDOT, as applicable, the Uniform Act and the Illinois Eminent Domain Act.

Santacruz agrees to perform the services as set forth herein as well as furnish and deliver to the LPA the final reports accompanied by all necessary documents needed for recordation and/or necessary for eminent domain proceedings. **The process described in this section has been the roadmap to many successful right of way projects for Santacruz helping us to help you keep your projects on-time and within budget.**

LAND ACQUISITION CRITICAL PATH STEPS – “OUR ROAD MAP”

Task 1: Notice to Proceed

Our services start after authorization to proceed from the LPA and IDOT (as may be necessary).

Task 2: Kick-off Meeting

Santacruz will meet with the LPA and/or Consultant to discuss the Project, identify issues and develop any necessary strategies to assure the timely completion of the Project.

Task 3: Delivery and Review of Project Information

The LPA or Consultant will provide **Santacruz** with plats of highway, legal descriptions, the most recent title commitments and any other pertinent information regarding the property owner for each parcel assigned for acquisition. In addition, the LPA or Consultant will also provide **Santacruz** with a set of project plans, including, (i) plan and profile, (ii) drainage and utilities, (iii) pavement markings and (iv) cross sections.

Task 4: Introductory Notice to Owners

The Appraiser will notify the property owner of the proposed taking and will invite the property owner to be present during the inspection by the appraiser.

Task 5: Appraisal

The Appraiser shall make a detailed inspection of the properties and make such investigations and studies as are consistent with industry standard and necessary to derive sound conclusions for the preparation of appraisal reports. All appraisal work shall be completed within eight to ten weeks after commencement.

The Appraiser shall assist in analyzing and responding to valuation information provided by a property owner in support of a counter offer.

As necessitated by a change of ownership, a revision to the right of way or for condemnation purposes, **Santacruz** will furnish and deliver updated or revised appraisals. Such requests may be pursuant to a separate work order.

Task 6: Negotiation and Acquisition

Santacruz shall commence negotiations after approval by the LPA of the appraisals and the amount of just compensation to be offered to the property owner.

Before contacting the property owner, **Santacruz** will prepare and send the introductory letter to the property owner on the LPA's letterhead.

Santacruz will present the property owner with an offer package, which shall contain the Offer to Purchase and other documents to assist the property owner with reviewing the right-of-way request.

Santacruz will make all reasonable efforts to complete the acquisition of the right-of-way from the property owner.

Santacruz will not have any authority to determine administrative settlements. **Santacruz** will consult with the LPA for approval of any counter offers and upon acceptance by the LPA of any such counter offer, **Santacruz** will prepare the necessary documentation for administrative settlement.

Santacruz will review the title commitment provided for each parcel to determine the liens

and encumbrances that will need to be addressed in order to complete the acquisition process for the LPA.

If, during its discussions with the property owner, errors in the plans are discovered or the property owner requests design changes, **Santacruz** will immediately notify LPA or Consultant with this information. At any time during negotiations for situations involving design changes, errors in plans or for any other reason, if requested by LPA or Consultant, **Santacruz** will cease negotiations on certain parcels until corrected information or further instruction is provided to **Santacruz**.

Upon successful negotiations with the property owner, **Santacruz** will prepare all necessary conveyance documents in order to complete the acquisition and obtain title approval for the property. **Santacruz** will submit the completed parcel file with original conveyance documents, any documents necessary for title clearance, the Negotiator's Log documenting all negotiation activities, copies of all correspondence with the property owner, title commitments, plats, and all other documentation as required by the LPA and IDOT (as necessary).

Condemnation Support

Santacruz understands that appearances in court and/or pretrial conferences, which may include depositions, and preparation for litigation or pre-trial conferences may be required by the LPA so that it may complete the acquisition of the property through condemnation.

In the event, after making every reasonable effort to contact and negotiate with a property owner, **Santacruz** is unable to obtain a settlement for the acquisition of the right-of-way, **Santacruz** shall refer the parcel to the LPA for acquisition by condemnation.

In such case, at the request of the LPA or its trial counsel, the Appraiser assigned to appraise the parcel shall make any such appearances or complete such preparation work in order to assist with this process. In addition, at the request of the LPA or its trial counsel, the Negotiator assigned to

negotiate the parcel shall make any such appearances or complete such preparation work in order to assist with this process. Such requests for trial appearances or condemnation support will be pursuant to a separate work order.

PERSONNEL

The experience and talent of the right of way professionals that make up the team for **Santacruz** will, to a large extent, be the basis for the success of keeping this Project on-time and within budget. **Santacruz** brings over twenty-five years of right of way acquisition experience. Santacruz has worked on thousands of acquisition parcels for ISTHA, IDOT, Cook, Kane, Lake, and Will Counties. We have also worked for numerous township and municipalities. **Santacruz** has years of experience handling some of the most complex land acquisition transactions.

The **Santacruz** staff includes two negotiators and two paralegals with years of experience in acquiring a variety of right-of-way parcels.

PRIOR EXPERIENCE

Santacruz Land Acquisitions was founded in 1992 and has grown to be one of the most dependable right-of-way negotiation firms in Illinois. **Santacruz** has been providing comprehensive right-of-way solutions, including negotiation activities and the coordination of the valuations of parcels for various public agencies.

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EXHIBITS

a. Pricing Schedule

Compensation for Services

Appraisal Services

Appraisals	\$2,900.00
Revision to appraisal due to change in ROW or plans ¹	\$1,500.00 - \$4,000.00

Negotiation Services

Negotiation and acquisition services for Right of Way including, without limitation, documentation of conveyance of property interest	\$2,800.00
Additional negotiations due to change in ownership or plans ¹	\$1,900.00 - \$3,500.00

Witness Services

Rate for each ½ day in pretrial conference or in court for Negotiator ¹	\$1,000.00
Rate for each ½ day in pretrial conference or in court for Appraiser ¹	\$1,000.00
Hourly rate for consultation not otherwise specifically provided for herein	\$250.00

Title Services (if applicable)

Later date commitment – In addition to actual recording costs + Administrative fee	\$25.00
Title insurance policies – In addition to actual recording costs + Administrative fee	\$25.00
Recording of Documents – In addition to actual recording costs + Administrative fee	\$25.00
Copies of recorded documents – In addition to actual copying costs & research fees + Administrative fee	\$25.00

¹ May requires supplemental work order.

PAYROLL ESCALATION TABLE FIXED RAISES

FIRM NAME
PRIME/SUPPLEMENT
Prepared By

BLA, Inc.
BLA, Inc.

DATE 11/13/19
PTB-ITEM# 0

CONTRACT TERM 6 MONTHS
START DATE 12/1/2019
RAISE DATE 6/1/2020

END DATE 5/31/2020

OVERHEAD RATE 104.18%
COMPLEXITY FACTOR 0
% OF RAISE 3%

ESCALATION PER YEAR

year	First date	Last date	Months	% of Contract
0	12/1/2019	5/31/2020	6	100.00%

The total escalation = 0.00%

PAYROLL RATES

FIRM NAME
PRIME/SUPPLEMENT
PTB-ITEM #

BLA, Inc. _____ DATE _____
BLA, Inc. _____
0

11/13/19

ESCALATION FACTOR

0.00%

Note: Rates should be capped on the AVG 1 tab as necessary

CLASSIFICATION	IDOT PAYROLL RATES ON FILE	CALCULATED RATE
Project Manager	\$53.61	\$53.61
Project Engineer	\$37.04	\$37.04
Design Engineer	\$30.69	\$30.69

Bureau of Design and Environment
Prepared By: Consultant
11/13/19

OVERHEAD RATE	104.18%
COMPLEXITY FACTOR	<u>0</u>

Bureau of Design and Environment
Prepared By: Consultant
11/13/19

12,142

DBE 0.00%

AVERAGE HOURLY PROJECT RATES

FIRM BLA, Inc.
PTB-ITEM# 0
PRIME/SUPPLEMENT BLA, Inc.

DATE 11/13/19

SHEET 1 OF 5

PAYROLL CLASSIFICATION	AVG HOURLY RATES	TOTAL PROJ. RATES			Drainage Design - Revised			Plat Revisions											
		Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg
Project Manager	53.61	42.0	28.00%	15.01	30	23.81%	12.76	12	50.00%	26.81									
Project Engineer	37.04	60.0	40.00%	14.82	48	38.10%	14.11	12	50.00%	18.52									
Design Engineer	30.69	48.0	32.00%	9.82	48	38.10%	11.69												
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TOTALS		150.0	100%	\$39.65	126.0	100.00%	\$38.57	24.0	100%	\$45.33	0.0	0%	\$0.00	0.0	0%	\$0.00	0.0	0%	\$0.00

SUPPLEMENT ONE			
BLA Manhours - Drainage			
PROJECT: Miller Road at US-12			
SECTION 15-00118-12-CH			
<u>ITEM</u>	<u># OF SHEETS</u>	<u>MH PER SHEET</u>	<u>TOTAL MH'S</u>
Abbreviated Location Drainage Study			
Proposed Drainage Study			
<i>Hydraulic Calculations, Restrictor Sizing & Storm Sewer Design Update</i>			24
<i>Revise Proposed Drainage Plan</i>			16
<i>Detention and Hydraulic Modeling Verification</i>			20
Summary of Quantities	1	2	2
Drainage / Utility Plan and Drainage Tables	10	4	40
Cross Sections: 26 sections @ 1/2 per section	24	0.5	12
Estimate of Cost			4
Meetings (1 Consultant / County @ 4 hours x 2 people - includes exhibits and minutes)			8
Total			126

SUPPLEMENT ONE			
BLA Manhours - Plat Revisions			
PROJECT: Miller Road at US-12			
SECTION 15-00118-12-CH			
<u>ITEM</u>	<u># OF SHEETS</u>	<u>MH PER SHEET</u>	<u>TOTAL MH'S</u>
Coordination with Plat Revisions			16
Meetings (1 Consultant / County / Sub @ 4 hours x 2 people - includes exhibits and minutes)			8
Total			24



November 12, 2019

Matt Cesario
Bollinger, Lach & Associates, Inc.
333 Pierce Road, Suite 200
Itasca, IL 60143

Re: Land Surveying Proposal – Supplemental Services
Miller Road and Route 12, Lake Zurich, IL

Dear Mr. Cesario,

Thank you for this opportunity to submit a proposal to you for providing professional land surveying services as outlined herein.

For purposes of the Agreement, **Bollinger, Lach & Associates, Inc.** will be identified as the “CLIENT”, and **Weaver Consultants Group, Inc.** will be identified as “WCG” or “Surveyor”.

Pursuant to your request, Weaver Consultants Group North Central, LLC (WCG) will provide supplemental survey services to amend and revise the Plat of Highways for the Miller Road reconstruction and the legal descriptions of the “taking parcels” per LCDOT’s negotiations with the land owners. We will perform this work based upon a fixed fee basis as indicated in this agreement.

We will undertake this work on the following basis:

SECTION 1 – SCOPE OF SERVICES

Revise Plat of Highways per Negotiations \$5,000.

- WCG will revise the Plat of Highways of the subject area utilizing Illinois Department of Transportation conventions per the new negotiated right-of-way boundary lines.

Revise Parcel Legal Descriptions per Negotiations \$2,000.

- WCG will revise the legal descriptions of the taking areas per the new negotiated right-of-way boundary lines.

This represents a one-time execution of the above-described services based on the information received at the time of authorization to proceed. Any additional re-executions of said services based upon circumstances outside of the quality of our work product or change of scope as defined herein, will be done at an additional cost based on WCG's Hourly Fee Schedule.

Very Truly Yours
Weaver Consultants Group, North Central, LLC



Kurt K. Aper, P.L.S.
Senior Project Manager

EXHIBIT A: Survey Area

