



# Lake County Illinois

## Legislation Details (With Text)

**File #:** 09-1508      **Version:** 3      **Name:** Grainger Lift Station Improvements & 2nd Force Main Construction Contract Award

**Type:** resolution      **Status:** Passed

**File created:** 4/29/2009      **In control:** Public Works and Transportation Committee

**On agenda:**      **Final action:** 9/8/2009

**Title:** Joint resolution authorizing the execution of a contract with R.A. Mancini, Inc., Prairie Grove, IL in the amount of \$635,275 for the Grainger Lift Station Improvements and Second Force Main Project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/8/2009	3	Lake County Board	adopted	Pass
9/2/2009	3	Financial & Administrative Committee	recommended for adoption to the regular agenda	Pass
9/2/2009	3	Public Works and Transportation Committee	approved and referred on to the Financial and Administrative Committee	Pass
6/16/2009	2	Lake County Board	adopted	Pass
6/3/2009	2	Financial & Administrative Committee	recommended for adoption to the regular agenda	Pass
6/3/2009	2	Public Works and Transportation Committee	approved and referred on to the Financial and Administrative Committee	Pass
5/6/2009	1	Financial & Administrative Committee	tabled	Pass
5/6/2009	1	Public Works and Transportation Committee	tabled	Pass

Joint resolution authorizing the execution of a contract with R.A. Mancini, Inc., Prairie Grove, IL in the amount of \$635,275 for the Grainger Lift Station Improvements and Second Force Main Project.

- The County wishes to enter into a contract for the construction of a second sanitary sewer force main and certain lift station improvements at the Grainger Lift Station in order to serve additional parcels within the Village of Mettawa, parcels owned by Millineum Maintenance Management, Inc., and certain unincorporated parcels in the area.
- An Agreed Order entered on October 1, 2008 in the case captioned *Millineum Maintenance Management, Inc. and Capital Development Group, LLC v. County of Lake et al.* contemplates that subject to certain terms and conditions the County will install and construct the Grainger Lift Station improvements and second force main project.
- Per the Agreed Order Millineum and Capital are to pay the sum of \$686,000 and the Village of Mettawa is to pay the sum of \$1,060,000 to the County towards the cost of the construction of the project within five business days after the County Board awards the construction contract.
- Invitations to bid were extended to 17 companies and the County received responsive bids from eight (8) contractors for this work.
- R.A. Mancini, Inc. of Prairie Grove, IL submitted the lowest responsive responsible bid of \$635,275 and

has completed work of similar size and type for the County in the past with satisfactory results.

- Written notice of the County Board award on June 16, 2009 was provided to Millineum and the Village of Mettawa on or before June 22, 2009.
- The Village of Mettawa tendered its check in the amount of \$1,060,000, however Millineum did not tender their check and requested a 30 day extension of the payment deadline.
- On August 21, 2009 the Village of Mettawa requested that the County cash the Village's check and award the contract for the Grainger Lift Station Improvements and Second Force Main Project with the available funds on hand.
- This resolution authorizes award of the contract to R.A. Mancini, Inc., of Prairie Grove, IL in the amount of \$635,275 to construct the Grainger Lift Station Improvements and Second Force Main project, and provides that no sanitary sewer permit or connection be allowed by Millineum tributary to the subject project until the payment of \$686,000 by Millineum has been made, and further provides that no sanitary sewer permit or connection be allowed by Millineum tributary to the subject project until Millineum constructs or causes to be constructed the New Trunk Line at no expense to the County.

WHEREAS, the County of Lake owns and operates the Grainger Lift Station and Force Main that provides sanitary sewer service in the Southeast Central Lake FPA; and

WHEREAS, the Grainger Lift Station and Force Main require new and second sanitary sewer force main and certain lift station improvements in order to serve additional parcels with sanitary sewer effectively and efficiently (the "Grainger Lift Station Improvements and Second Force Main Project") ; and

WHEREAS, the Agreed Order entered on October 1, 2008 in the case captioned *Millineum Maintenance Management, Inc. and Capital Development Group, LLC v. County of Lake et al.*, Case No. 06 MR 752 contemplates that subject to certain terms and conditions therein the County will install and construct the Grainger Lift Station Improvements and Second Force Main Project to serve specific parcels with sanitary sewer; and

WHEREAS, per the Agreed Order, Millineum and Capital are to pay the sum of \$686,000 and the Village of Mettawa is to pay the sum of \$1,060,000 to the County in consideration of the County's construction of the Grainger Lift Station Improvements and Second Force Main Project within five business days after the County Board awards the contract to construct the Grainger Lift Station Improvements and Second Force Main Project; and

WHEREAS, in accordance with the Rules of this County Board, bids were called for by publication for the Grainger Lift Station Improvements and Second Force Main Project; and

WHEREAS, subsequent to said publication, invitations to bid were extended to seventeen (17) contractors; and

WHEREAS, sealed bids were received and publicly opened in the office of the Public Works Department on Thursday, April 30, 2009, at 2:00 p.m. and the bid prices were as follows:

R.A. Mancini, Inc .....	\$635,275.00
Prairie Grove, IL	
Apollo Trenchless, Inc. ....	\$706,870.00
Chicago, IL	
Joel Kennedy Constructing Corp.....	\$707,975.00
Lombard, IL	
Berger Excavating Contractors .....	\$786,000.00
Wauconda, IL	
R.J. Underground, Inc. ....	\$804,591.00
Kenosha, WI	
IHC Construction Companies, LLC .....	\$970,875.00
McHenry, IL	
Kovilic Construction Co., Inc. ....	\$974,330.00
Franklin Park, IL	
Meade .....	\$3,150,610.00
McCook, IL	

and  
WHEREAS, R.A. Mancini of Prairie Grove, IL is the low responsive, responsible bidder in the total amount of \$635,275; and

WHEREAS, on June 16, 2009, the County Board authorized the Superintendent of the Public Works Department to provide written notice of the County Board award of contract to Millineum Maintenance Management, Inc. and Capital Development Group, LLC and the Village of Mettawa in

accordance with the Agreed Order and to award the contract to construct the Grainger Lift Station Improvements and Second Force Main Project, subject to receipt of the \$686,000 from Millineum Maintenance Management, Inc. and Capital Development Group, LLC and \$1,060,000 from the Village of Mettawa within five (5) business days following receipt of written notice ; and

WHEREAS, on June 17, 2009, the Superintendent of the Public Works Department provided said written notice of the County Board award of contract to Millineum Maintenance Management, Inc. and Capital Development Group, LLC and the Village of Mettawa in accordance with the Agreed Order; and

WHEREAS, said written notice from the Superintendent of the Public Works Department was received by Millineum Maintenance Management, Inc. and Capital Development Group, LLC and the Village of Mettawa on or before June 22, 2009; and

WHEREAS, on June 23, 2009, the Village of Mettawa tendered its check in the amount of \$1,060,000 payable to the County of Lake in consideration of the County's construction of the Grainger Lift Station Improvements and Second Force Main Project in accordance with the Agreed Order; and

WHEREAS, on June 25, 2009, Millineum Maintenance Management, Inc. and Capital Development Group, LLC confirmed in writing their obligation to pay the amount of \$686,000 to the County pursuant to the Agreed Order but requested a thirty (30) day extension of the payment deadline; and

WHEREAS, since June 25, 2009, Millineum Maintenance Management, Inc. and Capital Development Group, LLC have repeatedly represented that their \$686,000 payment is forthcoming although, to date, has not been received; and

WHEREAS, on June 26, 2009, the Village of Mettawa, in response to Millineum Maintenance Management, Inc. and Capital Development Group, LLC's nonpayment and extension request demanded the return of their check in the amount of \$1,060,000; and

WHEREAS, on August, 21, 2009, the Village of Mettawa purported to withdraw its June 26, 2009 demand for the return of its \$1,060,000 check and instead requested that the County cash the Village of Mettawa's check and award the contract for the Grainger Lift Station Improvements and Second Force Main Project; and

WHEREAS, the Superintendent of the Public Works Department has advised the County Board that R.A. Mancini of Prairie Grove, IL has agreed to hold its bid open only until September 15, 2009, and that any delay beyond that date will likely require the County to rebid the Grainger Lift Station Improvements and Second Force Main Project and lose the current favorable bid; and

WHEREAS, in accordance with the Agreed Order, the County has secured certain easements for the New Trunk Line along the New Trunk Line Route as described and depicted in the Agreed Order; and

WHEREAS, on April 9, 2009, the County advised Millineum Maintenance Management, Inc. and Capital Development Group, LLC, that the New Trunk Line Route easements had been secured and further advised that a Special Service Area for the Forest Haven Subdivision would not be established within 180 days of the Agreed Order because the request for such Special Service Area had been withdrawn by the Forest Haven residents; and

WHEREAS, Millineum Maintenance Management, Inc. and Capital Development Group, LLC, have not requested the County or Village of Mettawa to secure easements for the New Trunk Line along the Alternate New Trunk Line and because Millineum Maintenance Management, Inc. and Capital Development Group, LLC, have not performed in accordance with the Agreed Order, in the event that Millineum Maintenance Management, Inc. and Capital Development Group, LLC, were to make such a request, the County would be under no obligation to secure the easements for the New Trunk Line along the Alternate New Trunk Line Route; and

WHEREAS, in light of the fact that Millineum Maintenance Management, Inc. and Capital Development Group, LLC, have not performed in accordance with the Agreed Order and in order to proceed with the Grainger Lift Station Improvements and Second Force Main Project based on the favorable bid from R.A. Mancini, the County is entitled to and must make certain decisions necessary

for proceeding with such Project, including with respect to the New Trunk Line contemplated under the Agreed Order; and

WHEREAS, accordingly, this resolution is specifically conditioned on certain determinations regarding the Project that the County is entitled to and required to make in the absence of full performance by Millineum Maintenance Management, Inc. and Capital Development Group, LLC;

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, that the County Purchasing Agent is hereby authorized and directed to execute a contract with R.A. Mancini of Prairie Grove, IL in the amount of \$635,275 for the Grainger Lift Station Improvements and Second Force Main Project;

BE IT FURTHER RESOLVED, HOWEVER, that;

- 1) The Superintendent of the Public Works Department is hereby directed not to sign any permit or allow any connection by Millineum Maintenance Management, Inc. or Capital Development Group, LLC tributary to the Grainger Lift Station Improvements and Second Force Main or to the County's Vernon Hills Sewerage System unless and until Millineum Maintenance Management, Inc. and Capital Development Group, LLC shall have paid the amount of \$686,000 to the County as required pursuant to the Agreed Order and complied with the other terms of the Agreed Order, and
- 2) The Superintendent of the Public Works Department shall not sign any permit or allow any connection by Millineum Maintenance Management, Inc. and Capital Development Group, LLC tributary to the Grainger Lift Station Improvements and Second Force Main or to the County's Vernon Hills Sewerage System unless Millineum Maintenance Management, Inc. and Capital Development Group, LLC construct (or cause to be constructed) the New Trunk Line through the New Trunk Line Route (and not the Alternate New Trunk Line Route) as described and depicted in the Agreed Order, at no expense to the County.

DATED at WAUKEGAN, LAKE COUNTY, ILLINOIS, on this 8<sup>th</sup> day of September, A.D., 2009.