



DuPage Water Commission

MEMORANDUM

TO: Chairman Zay and Commissioners

FROM: John Spatz
General Manager *JS*

DATE: December 12, 2017

SUBJECT: Supplemental Board Package Material

Attached please find the following:

1. Revised Commission Agenda
2. Revised Engineering Agenda
3. Resolution No. R-41-17
4. Resolution No, R-42-17
5. Revised Exhibit A to Resolution No. R-46-17 – I've included both a clean copy and the redline changes

Please note: Due to the timing of the bid process, Resolution No. R-45-17 will be moved to the January Board meeting for consideration.



DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642
(630) 834-0100 Fax: (630) 834-0120

NOTICE IS HEREBY GIVEN THAT THE DECEMBER REGULAR MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 6:30 P.M. ON THURSDAY, DECEMBER 14, 2017, AT 600 EAST BUTTERFIELD ROAD, ELMHURST, ILLINOIS 60126. THE AGENDA FOR THE RESCHEDULED DECEMBER 2017 REGULAR MEETING IS AS FOLLOWS:

REVISED AGENDA

DUPAGE WATER COMMISSION

**THURSDAY, DECEMBER 14, 2017
6:30 P.M.**

**600 EAST BUTTERFIELD ROAD
ELMHURST, IL 60126**

- I. Call to Order and Pledge of Allegiance
- II. Roll Call
(Majority of the Commissioners then in Office—minimum 7)
- III. Public Comments (limited to 3 minutes per person)
- IV. Approval of Minutes
(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

RECOMMENDED MOTION: To approve the Minutes of the November 16, 2017 Regular Meeting of the DuPage Water Commission (Voice Vote).

- V. Treasurer's Report – November 2017
(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

RECOMMENDED MOTION: To accept the November 2017 Treasurer's Report (Voice Vote).

- VI. Committee Reports
 - A. Finance Committee
 1. Report of 12/14/17 Finance Committee
 2. Actions on Other Items Listed on 12/14/17 Finance Committee Agenda
 - B. Administration Committee
 1. Report of 12/14/17 Administration Committee

All visitors must present a valid driver's license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

2. Request for Board Action – To authorize the General Manager to enter into a Consulting Agreement with John J. Millner and Associates, Inc., subject to negotiation of acceptable terms, in an amount not to exceed \$24,000.00.

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

3. Resolution No. R-43-17: A Resolution Releasing Certain Executive Session Meeting Minutes at the December 14, 2017, DuPage Water Commission Meeting

(Concurrence of a Majority of the Appointed Commissioners - 7)

4. Resolution No. R-46-17: A Resolution Amending Chapter 3 – Diversity Regarding Section 3.3 Anti-Harassment/Sexual Harassment of the Personnel Manual - Revised

(Concurrence of a Majority of the Appointed Commissioners - 7)

RECOMMENDED MOTION: To adopt item numbers 2 through 4 under the Administration Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).

5. Actions on Other Items Listed on 12/14/17 Administration Committee Agenda

C. Engineering & Construction Committee

1. Report of 12/14/17 Engineering & Construction Committee

2. Resolution No. R-41-17: A Resolution Awarding a Contract for 36-Month Landscape Maintenance Services at the DuPage Pumping Station (**Beary Landscaping in the amount of \$73,984.50**)

(Concurrence of a Majority of the Appointed Commissioners—7)

3. Resolution No. R-42-17: A Resolution Awarding a Contract for Hot Water Heater Replacement at the DuPage Pumping Station (**Hill Mechanical in the amount of \$49,896.00**)

(Concurrence of a Majority of the Appointed Commissioners—7)

4. Resolution No. R-44-17: A Resolution Awarding Quick Response Electrical Contracts QRE-8/17 (**McWilliams Electric Co. Inc. and Volt Electric, Inc. for the percentages set forth in its Contract Proposal**)

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

5. Request for Board Action: To suspend the purchasing procedures of the Commission's By-Laws and authorize the General Manager to approve Requisition No. 49332 (Irth Solutions LLC - \$20,282.58)

(TO SUSPEND PURCHASING PROCEDURES: 2/3 Majority of those Commissioners Present, provided there is a quorum)

(Concurrence of a Majority of the Appointed Commissioners - 7)

RECOMMENDED MOTION: To adopt item numbers 2 through 5 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).

6. Actions on Other Items Listed on 12/14/17 Engineering & Construction Committee Agenda

VII. Accounts Payable

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

RECOMMENDED MOTION: To approve the Accounts Payable in the amount of \$7,854,178.20 subject to submission of all contractually required documentation, for invoices that have been received (Roll Call).

RECOMMENDED MOTION: To approve the Accounts Payable in the amount of \$1,051,625.00 subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated (Roll Call).

VIII. Chairman's Report

IX. Omnibus Vote Requiring Majority Vote

X. Omnibus Vote Requiring Super-Majority or Special Majority Vote

XI. Old Business

XII. New Business

XIII. Executive Session

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

RECOMMENDED MOTION: To go into Executive Session to discuss security procedures pursuant to 5 ILCS 120/2(c)(8), to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) and (2), to discuss acquisition of real estate pursuant to 5 ILCS 120/2(c)(5), to discuss pending, probable, or imminent litigation pursuant to 5 ILCS 120/2(c)(11), and/or to discuss minutes of closed meetings pursuant to 5 ILCS 120/2(c)(21) (Roll Call).

RECOMMENDED MOTION: To come out of Executive Session (Voice Vote).

XIV. Adjournment

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)



DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642
(630)834-0100 Fax: (630)834-0120

NOTICE IS HEREBY GIVEN THAT THE DECEMBER REGULAR ENGINEERING & CONSTRUCTION COMMITTEE MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD ON THURSDAY, DECEMBER 14, 2017, AT 600 EAST BUTTERFIELD ROAD, ELMHURST, ILLINOIS 60126. THE AGENDA FOR THE DECEMBER 2017 REGULAR ENGINEERING & CONSTRUCTION COMMITTEE MEETING IS AS FOLLOWS:

REVISED AGENDA

ENGINEERING & CONSTRUCTION COMMITTEE
THURSDAY, DECEMBER 14, 2017
6:00 P.M.

600 EAST BUTTERFIELD ROAD
ELMHURST, IL 60126

COMMITTEE MEMBERS

D. Loftus, Chair
J. Fennell
F. Saverino
M. Scheck
J. Zay

- I. Roll Call
- II. Approval of Committee Meeting Minutes

RECOMMENDED MOTION: To approve the Minutes of the November 16, 2017 Engineering & Construction Committee Meeting of the DuPage Water Commission.

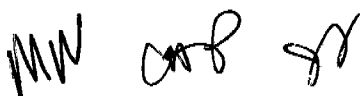
- III. Report of Status of Construction/Operations
- IV. R-41-17: A Resolution Awarding a Contract for 36-Month Landscape Maintenance Services at the DuPage Pumping Station (**Beary Landscaping - \$73,984.50**)
- V. R-42-17: A Resolution Awarding a Contract for Hot Water Heater Replacement at the DuPage Pumping Station (**Hill Mechanical - \$49,896.00**)
- VI. Resolution No. R-44-17: A Resolution Awarding Quick Response Electrical Contracts QRE-8/17 (**McWilliams Electric Co. Inc. and Volt Electric, Inc. for the percentages set forth in its Contract Proposal**)
- VII. Request for Board Action: To suspend the purchasing procedures of the Commission's By-Laws and authorize the General Manager to approve Requisition No. 49332 (**Irth Solutions LLC - \$20,282.58**)
- VIII. Old Business
- IX. Other
- X. Adjournment

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All visitors must present a valid drivers license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

DATE: December 11, 2017

REQUEST FOR BOARD ACTION

AGENDA SECTION	Engineering & Construction Committee	ORIGINATING DEPARTMENT	Operations						
ITEM	A Resolution Awarding a Contract for 36-Month Landscape Maintenance Services contract at the DuPage Pumping Station. Resolution No. R-41-17	APPROVAL							
Account Number: 01-60-629000									
This request would authorize the General Manager to execute a 36-Month Landscape Maintenance Services unit price contract with Bearing Landscaping for periodic landscape services at the DuPage Water Commission for the estimated three year amount of \$73,984.50									
The approved Management Budget for Fiscal Year 2017-2018 and tentative Management Budget for Fiscal Year 2018-2019 includes \$35,000.00 in account number 01-60-629000 for Landscape Maintenance Services at the DuPage Water Commission. Board approval is required due to the contract cost exceeding \$20,000.00.									
The Commission solicited sealed proposals for Landscape Maintenance Services at the DuPage Water Commission by direct invitation, as well as by notice published in the <i>Daily Herald</i> on November 7, 2017 and November 22, 2017 and by posting notice of the solicitation on the Commission's website starting November 7, 2017 and ending on December 7, 2017. Sealed proposals were received until 10:00 a.m., local time, December 7, 2017, at which time all proposals were publicly opened and read aloud.									
Of the sixteen (16) companies that held copies of the Request for Proposals (RFP) document, two (2) proposals were received (see tabulation below). Of the two (2) proposals received, the proposal of Beary Landscaping was found to be the lowest responsible bidder and most favorable to the interests of the Commission.									
<table border="1"><thead><tr><th>Company</th><th>Price</th></tr></thead><tbody><tr><td>Beary Landscaping</td><td>\$73,984.50</td></tr><tr><td>Landscape Concepts Management</td><td>\$78,964.50</td></tr></tbody></table>				Company	Price	Beary Landscaping	\$73,984.50	Landscape Concepts Management	\$78,964.50
Company	Price								
Beary Landscaping	\$73,984.50								
Landscape Concepts Management	\$78,964.50								
*Base bid price for a three-year contract; excludes unit prices for indeterminate work that may or may not be ordered by the Commission.									
Resolution No. R-41-17 would award contract to the lowest responsible bidder, Beary Landscaping.									
MOTION: To adopt Resolution No. R-41-17.									

DRAFT

DUPAGE WATER COMMISSION

RESOLUTION NO. R-41-17

A RESOLUTION AWARDDING A CONTRACTS FOR 36-MONTH
LANDSCAPE MAINTENANCE SERVICES

WHEREAS, in full compliance with said Statute, the Commission duly advertised for bids for 36-Month Landscape Services Contract; and

WHEREAS, based upon staffs review of the proposals received, and the staff's recommendation to the Board of Commissioners of the DuPage Water Commission, the Board of Commissioners has determined that that the proposal of Beary Landscaping is the most favorable and in the best interests of the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the DuPage Water Commission as follows:

SECTION ONE: The foregoing recitals are hereby incorporated herein as findings of the DuPage Water Commission.

SECTION TWO: The DuPage Water Commission hereby awards a contract for the DuPage Water Commission 36-Month Landscape Maintenance Services to Beary Landscaping, in accordance with their respective proposal, conditioned upon the receipt of all contractually required documentation.

SECTION THREE: This Resolution shall be in full force and effect from and after its adoption.

Resolution No. R-41-17

AYES:

NAYS:

ABSENT:


ADOPTED THIS ____ DAY OF _____, 2017.

Chairman

ATTEST:

Clerk

REQUEST FOR BOARD ACTION

AGENDA SECTION	Engineering & Construction Committee	ORIGINATING DEPARTMENT	Operations
ITEM	A Resolution Awarding a Contract for Hot Water Heater Replacement at the DuPage Pumping Station. Resolution No. R-42-17	APPROVAL	

Account Number: 01-60-771200

In accordance with R-37-17, the Commission solicited sealed proposals for Hot Water Heater Replacement at the DuPage Pumping Station by direct invitation, as well as by notice published in the *Daily Herald* on November 9 & 22, 2017 and by posting notice of the solicitation on the Commission's website starting November 7, 2017 and ending on December 7, 2017. Sealed proposals were received until 01:00 p.m., local time, December 7, 2017, at which time all proposals were publicly opened and read aloud.

Of the twenty (20) companies that held copies of the Request for Proposals (RFP) document, four (4) proposals were received (see tabulation below). Of the four (4) proposals received, the proposal J&S Plumbing did not consider or include the cost for prevailing wage in their bid package in addition to incomplete bid documents. The proposal of F.E. Moran included exceptions including but not limited to permit/fees/bond, protection to existing finishes, GPR Scanning/X-Ray of roof deck in addition to incomplete bid documents. The proposal of Hill Mechanical included all required bid documents and was found to be the lowest responsible bidder and most favorable to the interests of the Commission.

Company	Price
J&S Plumbing	\$28,000.00
F.E. Moran	\$48,692.00
Hill Mechanical	\$49,896.00
Dahme Mechanical	\$71,111.00

The existing hot water heater located at the DuPage Pumping Station is at the end of its useful lifecycle.

This project is being undertaken as a direct Engineer's recommendation in the 2014/2015 Condition Assessment and was included in the FY-17/18 Management Budget as a Capital Improvement Project.

The Capital Improvement Budget included \$250,000.00 under Condition Assessment.

Resolution No. R-42-17 would award contract to the lowest responsible bidder, Hill Mechanical.

MOTION: To adopt Resolution No. R-42-17.

DUPAGE WATER COMMISSION

RESOLUTION NO. R-42-17

A RESOLUTION AWARDING A CONTRACT FOR
HOT WATER HEATER REPLACEMENT

WHEREAS, on October 19 2017, the DuPage Water Commission (the "Commission") adopted Resolution No. R-37-17 being "A Resolution Directing Advertisement for Bids on a Contract for Hot Water Heater Replacement which authorized and directed the General Manager to advertise for bids in accordance with the requirements of 65 ILCS 5/11-135-5: and

WHEREAS, in full compliance with said Statute, the Commission duly advertised for bids for Hot Water Heater Replacement; and

WHEREAS, based upon staffs review of the proposals received, and the staff's recommendation to the Board of Commissioners of the DuPage Water Commission, the Board of Commissioners has determined that that (a) the proposal of Hill Mechanical is the most favorable and in the best interests of the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the DuPage Water Commission as follows:

SECTION ONE: The foregoing recitals are hereby incorporated herein as findings of the DuPage Water Commission.

SECTION TWO: The DuPage Water Commission hereby awards a contract for the Hot Water Heater Replacement to Hill Mechanical, in accordance with their respective proposals, conditioned upon the receipt of all contractually required documentation.

Resolution No. R-42-17

SECTION THREE: This Resolution shall be in full force and effect from and after its adoption.

AYES:

NAYS:

ABSENT:

ADOPTED THIS ___ DAY OF _____, 2017.

Chairman

ATTEST:

Clerk

EXHIBIT A

1. The “How to Report” paragraph of Section 3.3 is amended by adding the following at the end of the paragraph:

Employees may also make a report of sexual harassment confidentially by submitting a report to the General Manager (or, in the case of a complaint against the General Manager, to a member of the Board of Commissioners). Employees may also make a report to the Illinois Department of Human Rights (www.illinois.gov/dhr/) (Illinois Department of Human Rights, 100 W. Randolph Street, 10th Floor, Intake Unit, Chicago, IL 60601 (312) 814-6200.)

2. The “Investigation” paragraph of Section 3.3 is amended by adding the following at the end of the paragraph:

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Commission. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant’s willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

3. Section 3.5 “Policy Against Retaliation” is amended as follows:

(a) In the second paragraph, the second sentence is amended to read (italics represent added language):

Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action, *up to and including termination.*

(b) The following new paragraphs are added:

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee’s involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(c) The following new paragraph is added:

The State Officials and Employees Ethics Act (5 ILCS 430/1-1 *et seq.*) and the Whistleblower Act, (740 ILCS 174/1 *et seq.*) provide protection against retaliation for disclosing or threatening to disclose to a supervisor or to a public body an activity, policy, or practice that the employee reasonably believes is in violation of a this policy or a law, rule, or regulation; providing information to or testifying before any public body conducting an investigation, hearing, or inquiry into any violation of this policy or a law, rule, or regulation by any officer, or employee; or assisting or participating in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act. Additionally, the Illinois Human Rights Act (775 ILCS 5/6-101 *et seq.*) prohibits retaliation for complaining or participating in an investigation regarding sexual harassment.

4. Section 3.6 “External Complaint Procedure” is amended by adding the following at the end of the paragraph:

Employees may also make a report to the Illinois Department of Human Rights (www.illinois.gov/dhr/) (Illinois Department of Human Rights, 100 W. Randolph Street, 10th Floor, Intake Unit, Chicago, IL 60601 (312) 814-6200.)

5. A new Section 3.7 “Additional Penalties” is added:

In addition to the disciplinary action stated herein for violating this policy, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Commission shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

In addition to the disciplinary action stated herein for making a false report, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State’s Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

EXHIBIT A

1. The “How to Report” paragraph of Section 3.3 is amended by adding the following at the end of the paragraph:

Employees may also make a report of sexual harassment confidentially by submitting a report to the General Manager (or, in the case of a complaint against the General Manager, to a member of the Board of Commissioners). Employees may also make a report to the Illinois Department of Human Rights (www.illinois.gov/dhr/) (Illinois Department of Human Rights, 100 W. Randolph Street, 10th Floor, Intake Unit, Chicago, IL 60601 (312) 814-6200.)

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In addition to the disciplinary action stated herein for making a false report, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State’s Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.