

Metropolitan Water Reclamation District of Greater Chicago

*100 East Erie Street
Chicago, IL 60611*



Regular Board Meeting Consent Agenda - Final

Thursday, April 21, 2022

10:30 AM

Board Room

Board of Commissioners

Commissioner Cameron Davis, Commissioner Kimberly Du Buclet, Chairman of Finance Marcelino Garcia, Vice-President Barbara J. McGowan, Commissioner Josina Morita, Commissioner Chakena D. Perry, Commissioner Eira L. Corral Sepúlveda, Commissioner Mariyana T. Spyropoulos, President Board of Commissioners Kari K. Steele

THE FOLLOWING PROCEDURES WILL GOVERN THE MEETING PROCESS:

- 1. Board Members who vote "Nay, Present, or Abstain" or have a question on any item may request the item be removed from the Consent Agenda.**
- 2. Citizens in the audience who address the Board on any item may request the item be removed from the Consent Agenda.**
- 3. Items removed from the Consent Agenda are considered separately.**
- 4. One roll call vote is taken to cover all Consent Agenda Items.**

Metropolitan Water Reclamation District of Greater Chicago

STANDING COMMITTEES

Chairman

Vice Chairman

Affirmative Action	McGowan	Garcia
Budget & Employment	Morita	Du Buclet
Engineering	Steele	Morita
Ethics		Garcia
Federal Legislation	Du Buclet	Davis
Finance	Garcia	
Industrial Waste & Water Pollution		Corral Sepúlveda
Information Technology	Morita	Corral Sepúlveda
Judiciary	Spyropoulos	Garcia
Labor & Industrial Relations	Du Buclet	Spyropoulos
Maintenance & Operations	Morita	
Monitoring & Research		Morita
Municipalities	Corral Sepúlveda	Spyropoulos
Pension, Human Resources & Civil Service	Spyropoulos	Du Buclet
Public Health & Welfare	Davis	Corral Sepúlveda
Public Information & Education	Corral Sepúlveda	McGowan
Procurement	McGowan	Steele
Real Estate Development	Garcia	McGowan
State Legislation & Rules	Steele	Garcia
Stormwater Management	Davis	Du Buclet

2022 REGULAR BOARD MEETING SCHEDULE

January	6	20
February	3	17
March	3	17
April	7	21
May	5	19
June	2	16
July	14	
August	11	
September	1	15
October	6	20
November	3	17
December	6 (Annual Meeting)	
December	1	15

2022

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Call Meeting to Order**Roll Call****Approval of Previous Board Meeting Minutes****Public Comments****Recess and Convene as Committee of the Whole****Committee of the Whole****Executive Session****Recess and Reconvene as Board of Commissioners****Motions, Ordinances and Resolutions****Ordinance**

- 1 [022-006](#) Authority to amend the Metropolitan Water Reclamation District of Greater Chicago's Affirmative Action Ordinance, Revised Appendix D to prohibit a prime contractor from utilizing its status as an MBE, WBE or SBE toward the fulfillment of participation goals
- Attachments: [022-005 - Affirmative Action Ordinance Revised Appendix D - brd ltr](#)
 [Revised Appendix D - Final](#)
 [Revised Appendix D - Removal of Prime MBE and WBE Self-Performance Final](#)

Resolution

- 2 [22-0390](#) RESOLUTION sponsored by the Board of Commissioners recognizing the 100th birthday of Harold Washington
- 3 [22-0398](#) RESOLUTION sponsored by the Board of Commissioners recognizing April as National Arab American Heritage Month
- 4 [22-0402](#) RESOLUTION sponsored by the Board of Commissioners congratulating Judge Ketanji Brown Jackson

Finance Committee**Report**

- 5 [22-0361](#) Report on Cash Disbursements for the Month of March 2022, in the amount of \$17,818,546.86

Attachments: [March 2022 Cash Disbursements Summary](#)

Procurement Committee

Report

- 6 [22-0383](#) Report of bid opening of Tuesday, April 5, 2022
- 7 [22-0400](#) Report of bid opening of Tuesday, April 12, 2022

Authority to Advertise

- 8 [22-0366](#) Authority to advertise Contract 22-RFP-08 On-site Health Care Services, estimated cost \$750,000.00, Account 101-25000-612260, Requisition 1580030 (As Revised)
Attachments: [Appendix A Attachment](#)
 [Contract 22-RFP-08 Affirmative Action Goals Report](#)
- 9 [22-0370](#) Authority to advertise Contract 22-604-11, Furnish and Deliver HVAC Coils to Various Locations, estimated cost \$177,782.00, Accounts 101-67000/68000/69000-623270, Requisitions 1580046, 1580047, and 1580048
- 10 [22-0374](#) Authority to advertise Contract 22-107-21, Installation of a New Air Diffuser System in the North Aeration Basin and associated work at the Egan Water Reclamation Plant (EWRP). estimated cost \$3,024,000.00, Account 201-50000-645650, Requisition 1578162
Attachments: [Contract 22-107-21 Affirmative Action Goals Report](#)
- 11 [22-0378](#) Authority to advertise Contract 22-942-11, Job Order Contracting Services, estimated cost \$16,000,000.00, Accounts 101, 201, 401, 501, 901-VAR-VAR
Attachments: [Contract 22-942-11 Affirmative Action Goals Report - Group A](#)
 [Contract 22-942-11 Affirmative Action Goals Report - Group B](#)
- 12 [22-0379](#) Authority to advertise Contract 21-RFP-15 Microfilming and Scanning Services, estimated cost \$360,000.00, Account 101-15000-612090, Requisition 1578488
Attachments: [Contract 21-RFP-15 Affirmative Action Goals Report](#)
- 13 [22-0380](#) Authority to advertise Contract 22-RFP-11, Professional Legal Services for Bankruptcy and Collection Matters, estimated cost \$75,000.00. Account 101-30000-612430, Requisition 1579421
Attachments: [Contract 22-RFP-11 Affirmative Action Goals Report](#)

- 14 [22-0391](#) Authority to advertise Contract 18-254-3P Chemical Phosphorus Removal Facility, Calumet Water Reclamation Plant, estimated cost between \$13,585,000.00 and \$16,445,000.00, Account 401-50000-645650, Requisition 1579842

 Attachments: [Contract 18-254-3P Project Data Sheet](#)
 [Contract 18-254-3P Affirmative Action Goals Report Report](#)
- 15 [22-0397](#) Authority to advertise Contract 22-632-11, Furnishing and Delivering Sodium Hypochlorite, estimated cost \$1,155,314.00, Accounts 101-67000/68000/69000-623560, Requisitions 1580060, 1580381 and 1580168

Issue Purchase Order

- 16 [22-0364](#) Issue purchase order and enter into an agreement with PerkinElmer Health Sciences, Inc. for preventive maintenance, repair, and consumable supplies for various PerkinElmer instruments, in an amount not to exceed \$177,522.00, Accounts 101-16000-612970, 623570, Requisition 1579168
- 17 [22-0365](#) Issue purchase order to CDW Government LLC and enter into an agreement with Nearmap US, Inc., for Nearmap Vertical for Government with ArcGIS Integration, in an amount not to exceed \$25,000.00, Account 101-27000-623800, Requisition 1576444
- 18 [22-0367](#) Issue purchase order and enter into an agreement with Stanley Consultants, Inc. for professional mechanical consulting services for Contract 21-867-3P Consultant Task Order Agreement for Mechanical Consulting Services, various locations for a three year period, in an amount not to exceed \$2,100,000.00, Accounts 401-50000-612450 and 201-50000-612450, Requisition 1578101

 Attachments: [Contractr 21-867-3P Affirmative Action Appendix A Report](#)
 [Contract 21-867-3P Appendix A Report - Stanley Consultants Inc.](#)
- 19 [22-0373](#) Issue purchase order and enter into an agreement for Contract 22-RFP-01 Employee Assistance Program with ComPsych Behavioral Health Corporation d/b/a ComPsych Corporation in an amount not to exceed \$190,000.00, Account 101-25000-612260, Requisition 1571717

 Attachments: [Contract 22-RFP-01 Affirmative Action Goals Report](#)
- 20 [22-0375](#) Issue purchase order to CDW Government LLC, to Furnish and Deliver FireEye Network Security Licensing and Support, in an amount not to exceed \$89,000.00, Account 101-27000-612840, Requisition 1579194
- 21 [22-0385](#) Issue purchase order to Deere & Company, to furnish and deliver one (1) John Deere 5055E Utility Tractor under Sourcewell (formerly NJPA) Purchasing Contract No. 110719-JDC, in an amount not to exceed \$38,569.28, Account 101-68000-634990, Requisition 1579425

- 22 [22-0386](#) Issue purchase order to Red Sky Technologies Inc., for Software Maintenance, in an amount not to exceed \$64,236.00 Account 101-27000-612820, Requisition 1580163
- 23 [22-0387](#) Issue purchase orders to Alfa Laval, Inc., for Furnish and Deliver Repair Parts for Alfa Laval Centrifuges and Ashbrook Simon-Hartley Gravity Belt Thickeners to various locations for a three year period, in a total amount not to exceed \$2,895,000.00, Accounts 101-66000, 67000, 68000, 69000-623070, 623090, 623270
- 24 [22-0401](#) Issue purchase order for Contract 22-108-11, Preventative Maintenance for Aries Water Systems, to Absolute Water Technologies, LLC, in an amount not to exceed \$12,000.00, Account 101-16000-612790, Requisition 1572766

Award Contract

- 25 [22-0381](#) Authority to award Contract 14-253-AF, Diversion Channel for Flood Control Project on Midlothian Creek in Robbins, CSA to F.H. Paschen, S.N. Nielsen & Associates, LLC, in an amount not to exceed \$9,543,000.00, plus a five (5) percent allowance for change orders in an amount of \$477,150.00, for a total amount not to exceed \$10,020,150.00, Account 501-50000-645620, Requisition 1547234

Attachments: [Contract 14-253-AF Affirmative Action Revised Appendix D and Appendix V Re](#)
- 26 [22-0389](#) Authority to award Contract 22-408-12, Janitorial Services for the Main Office Building Complex (Re-Bid), to Eco-Clean Maintenance, Inc. in an amount not to exceed \$2,589,424.84, Account 101-15000-612370,612390, Requisition 1568230

Attachments: [Contract 22-408-12 \(Re-Bid\) Affirmative Action Revised Appendix D Report.pdf](#)

Increase Purchase Order/Change Order

- 27 [22-0362](#) Authority to increase Contract 19-665-11, Landscape Maintenance at Various Service Areas, Groups A, B, and D, to Lizzette Medina & Company, in an amount of \$112,869.00 from an amount of \$573,282.25 to an amount not to exceed \$686,151.25, Accounts 101-68000/69000-612420, Purchase Orders 5001719 and 5001720

Attachments: [Change Order Log - Purchase Orders 5001719 and 5001720](#)

Budget & Employment Committee**Authorization**

- 28 [22-0404](#) Authority to transfer 2022 departmental appropriations in the amount of \$65,000.00 in the Corporate Fund
 Attachments: [transfer42122](#)

Engineering Committee

Report

- 29 [22-0392](#) Report on change orders authorized and time extensions approved by the Director of Engineering during the month of March 2022
 Attachments: [Attachment 1 CO Report March 2022 5% Contingency.pdf](#)
 [Attachment 2 CO Status Report March 2022.pdf](#)

Judiciary Committee

Report

- 30 [22-0377](#) Report on the Settlement of Workers' Compensation Claims and Miscellaneous Claims under \$10,000.00

Authorization

- 31 [22-0369](#) Authority to settle the Workers' Compensation Claim of Robert Rogers vs. MWRDGC, Claim number 18WC029466, Illinois Workers' Compensation Commission (IWCC), in the sum of \$47,233.62, Account 901-30000-601090

Maintenance & Operations Committee

Reports

- 32 [22-0399](#) Report on change orders authorized and approved by the Director of Maintenance and Operations during the month of March 2022
 Attachments: [R-98 Report March 2022.pdf](#)

Stormwater Management Committee

Authorization

- 33 [22-0393](#) Authority to negotiate intergovernmental agreements with the Lyons Township Road District and the Illinois Department of Transportation in connection with the Flood Control Project Along the Plainfield Road Corridor

- 34 [22-0394](#) Authority to amend the Intergovernmental Agreement with the Village of Western Springs for the design, construction, operation and maintenance of Storm Sewers and Outfall to Flagg Creek in Western Springs, SSA (18-IGA-32)
- 35 [22-0395](#) Authority to negotiate and enter into intergovernmental agreements with Maine Township, the Maine Township Road District, and the City of Park Ridge for Contract 12-056-5F Flood Control Project on Farmers and Prairie Creeks, NSA
Attachments: [12-056-5F_BL Exhibit.pdf](#)

Miscellaneous and New Business

Additional Agenda Items

- 36 [22-0405](#) RESOLUTION sponsored by the Board of Commissioners recognizing the Council of Islamic Organizations of Greater Chicago

(The above items were submitted after the agenda packet distribution)

Adjournment



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: O22-006

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Miscellaneous & New Business

File Type: Ordinance

Agenda Number: 1

ORDINANCE FOR BOARD MEETING OF APRIL 21, 2022

Authority to amend the Metropolitan Water Reclamation District of Greater Chicago's Affirmative Action Ordinance, Revised Appendix D to prohibit a prime contractor from utilizing its status as an MBE, WBE or SBE toward the fulfillment of participation goals

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON AFFIRMATIVE ACTION

Mr. Brian A. Perkovich, Executive Director

..Title

Authority to amend the Metropolitan Water Reclamation District of Greater Chicago's Affirmative Action Ordinance, Revised Appendix D to prohibit a prime contractor from utilizing its status as an MBE, WBE or SBE toward the fulfillment of participation goals

..Body

Dear Sir:

On July 20, 1978, the Board of Commissioners of the Metropolitan Water Reclamation District (District) enacted its Affirmative Action Program as an ordinance. In April of 1989, the Board of Commissioners adopted an interim Appendix D Ordinance (Ordinance) that suspended all numerical goals for the utilization of minority-owned business enterprises (MBEs) and women-owned business enterprises (WBEs) while the District investigated ways in which to craft the program so as to come into conformity with the criteria established by the United States Supreme Court in *City of Richmond v. Croson*, 488 U.S. 469 (1989). The new Ordinance, passed on March 15, 1990, included flexible, industry-specific goals based upon market availability, a waiver provision, and periodic evaluation. Since that time, there have been several periodic reviews of the Ordinance, with modification being made as needed.

On June 4, 2015, the Board of Commissioners once again adopted Appendix D, affirming that the District's Affirmative Action Program is necessary so that the District will not function as a passive participant in a discriminatory marketplace in the Metropolitan Chicago construction industry. The Ordinance included a five year sunset provision ending on June 4, 2020. On May 21, 2020, the Board of Commissioners amended the sunset provision of the Ordinance from June 4, 2020 to December 31, 2021 to allow time to conduct a Disparity Study. Once again on December 2, 2021, the Board of Commissioners amended the sunset provision from December 31, 2021 to June 30, 2022 to allow time to review the results of the Disparity Study.

At the March 17, 2022 Board of Commissioners meeting, it was requested that the District amend the Ordinance to prohibit a prime contractor from utilizing its status as an MBE, WBE or SBE toward the fulfillment of participation goals. Therefore, it is respectfully requested that the Executive Director recommend to the Board of Commissioners the approval of this amendment to the Affirmative Action Ordinance, Revised Appendix D.

Requested, Regina D. Berry, Diversity Administrator, RDB:PCS

Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Affirmative Action

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for April 21, 2022

AFFIRMATIVE ACTION ORDINANCE

REVISED APPENDIX D

OF THE

METROPOLITAN WATER RECLAMATION DISTRICT

OF GREATER CHICAGO

April 21, 2022

AFFIRMATIVE ACTION ORDINANCE
REVISED APPENDIX D
OF THE
METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO

Section 1. Declaration of Policy

Whereas, it is the policy of the Metropolitan Water Reclamation District of Greater Chicago (the “District”) to ensure competitive business opportunities for small, minority- and women-owned business enterprises in the award and performance of District contracts, to prohibit discrimination on the basis of race, sex, gender, color, racial group or perceived racial group, disability, age, religion, national origin or ethnicity, sexual orientation, veteran or military discharge status, association with anyone with these characteristics, or any other legally protected characteristic in the award of or participation in District contracts, and to abolish barriers to full participation in District contracts by all person, regardless of race, ethnicity or sex;

Whereas, the District pursuant to its authority under 70 ILCS 2605/11.3, is committed to establishing procedures to implement this policy as well as state and federal regulations to assure the utilization of minority-owned, women-owned and small business enterprises in a manner consistent with constitutional requirements;

Whereas, the District is committed to equal opportunity for minority-, women-owned and small businesses to participate in the award and performance of District contracts;

Whereas, the Supreme Court of the United States in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), has enunciated certain standards that are necessary to maintain effective contracting affirmative action programs in compliance with constitutional requirements;

Whereas, the District is committed to implementing its affirmative action program in conformance with the United States Supreme Court’s decision in *Croson* and its progeny;

Whereas, in furtherance of this commitment, the Board of Commissioners directed the District staff and its outside consultants in 1990 to conduct an investigation into the scope of any discrimination in the award of and participation in District construction contracts as well as in the construction industry in Metropolitan Chicago, the extent to which such discrimination or the effects thereof has denied and continues to deny minority and women’s business enterprises equal opportunity to participate in District contracts and to recommend the appropriate affirmative action steps to be taken to eliminate any such discrimination and its continuing effects.

Whereas, on June 21, 2001, the District adopted its Revised Appendix D, Notice of Requirements for Affirmative Action Program to Ensure Minority, Small and Women’s Business Participation (“Appendix D”); and

Whereas, in 2006 the Board of Commissioners undertook a review of Appendix D, the District’s contracting policy and operation under Appendix D and an investigation into the existence of continued discrimination against minority and women-owned businesses in the

Metropolitan Chicago construction industry to evaluate the continued need for Appendix D and any necessary revisions thereto;

Whereas, the Board of Commissioners undertaken a review in 2012 of Appendix D, the District's contracting policy and operation under Appendix D and an investigation into the existence of continued discrimination against minority and women-owned businesses in the Metropolitan Chicago construction industry to evaluate the continued need for Appendix D and any necessary revisions thereto.;

Whereas, the Board of Commissioners undertook a new review in 2014 of Appendix D, the District's contracting policy and operation under Appendix D and an investigation into the existence of continued discrimination against minority- and women-owned businesses in the District's geographic and procurement market areas to evaluate the continued need for Appendix D and any necessary revisions thereto.

Section 2. Findings

The Board of Commissioners, having reviewed the 2015 report of its outside consultant finds:

1. In 2003, the U.S. District Court in *Builders Association of Greater Chicago v. City of Chicago*, 298 F. Supp.2d 725 (N.D. Ill. 2003) held that the evidence introduced at trial demonstrated that past and current discriminatory practices continue to place MBE and WBE firms at a competitive disadvantage in the award of governmental contracts and such practices have and continue to impede the growth and success of MBEs and WBEs.

2. In 2004, a study of the Metropolitan Chicago Construction Industry by Timothy Bates, Distinguished Professor, Wayne State University, concluded that the evidence that African-American, Hispanic and women-owned businesses have been, and continue to be disadvantaged in the construction industry and small businesses is strong, has remained consistent and that compelling evidence indicates that African-American, Hispanic, and women-owned businesses face barriers in the Metropolitan Chicago construction industry greater than those faced by white males.

3. A November, 2005 study of the Metropolitan Chicago construction industry by David Blanchflower, Professor of Economics at Dartmouth College, has determined that discrimination against Asian-owned businesses existed in the business community in areas of business financing and construction wages and that this, together with evidence of individual discrimination against Asian-owned construction companies, leads to the conclusion that discrimination against Asian owned businesses continues to exist in the Metropolitan Chicago construction industry.

4. In 2005, the U.S. District Court held in *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005) that there is strong evidence of the effects of past and current discrimination against MBEs and WBEs in the construction industry in the Chicago area.

5. The trial court's decision was affirmed in *Northern Contracting, Inc. v. Illinois Department of Transportation*, 473 F.3d 715 (7th Cir. 2007).

6. In 2006, Cook County, Illinois accepted a report it had commissioned titled, "Review of Compelling Evidence of Discrimination Against Minority-and Women-Owned

Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois” (Cook County 2006 Report), which concluded that there is extensive evidence of discrimination against MBEs and WBEs in the Chicago area construction marketplace, and the participation of MBEs and WBEs in the County’s construction prime contracts and subcontracts is below the availability of such firms.

7. In 2006, the Illinois State Toll Highway Authority commissioned a study for the availability of Disadvantaged Business Enterprises (“DBEs”) in its geographic and procurement markets, to ensure that its DBE program was narrowly tailored as required by constitutional standard, which found 19.56% DBE availability in construction, 19.36% DBE availability in construction-related professional services, and that DBE utilization had steadily increased from 2.40% in 2004 to 24.72% in 2010.

8. Cook County commissioned a new report, entitled “The Status of Minority and Women-Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois” (Cook County 2010 Study), which found that MBEs and WBEs were not utilized in all aspects in proportion to their availability.

9. In 2010 the U.S. Department of Justice produced a report to Congress, entitled “Compelling Interest for Race- and Gender-Conscious Federal Contracting Programs: An Update to the May 23, 1996 Review of Barriers to Minority- and Women-Owned Businesses,” that updated the original basis for the U.S. Department of Transportation’s DBE program and concluded that discriminatory barriers continue to impede the ability of MBEs and WBEs to compete with other firms on a fair and equal footing in government contracting markets, including in the construction industry.

10. In 2012, the District commissioned a report on barriers to construction opportunities in the Chicago area market and recommendations for District efforts to reduce such barriers, which found continuing disparities in the Chicago area construction market.

11. In 2014, The District commissioned a report on barriers to equal opportunities in the District’s geographic and industry market areas and recommendations for District efforts to reduce such barriers, which found continuing disparities in the District’s market areas.

12. In 2015, the trial court in *Midwest Fence, Corp. v. U.S. Department of Transportation et al*, 2015 WL 139676 (N.D. Ill. March 24, 2015), held that discrimination continues to impede full and fair opportunities for disadvantaged business enterprise in the Illinois construction industry.

13. The District has determined that it has a continuing compelling interest in preventing public funds in contracts from perpetuating the effects of past discrimination and current discrimination against minority- and women-owned firms in its market.

14. The Affirmative Action Program adopted by the District and amended April 2, 2009 is hereby modified to further continue to ameliorate the effects of racial and gender discrimination in the marketplace.

15. The remedies adopted herein by the District will not overly burden non-MBE and non-WBE firms in the award of District Contracts.

16. The Commissioners shall periodically review minority-owned and women-owned participation in contracts awarded by the District to ensure that the District continues to have a

compelling interest in remedying discrimination against minority and women-owned firms in the award of District contracts and that the measures adopted herein remain narrowly tailored to accomplish that objective.

Now, therefore, the District Board of Commissioners hereby adopts this revised Appendix D:

Section 3. Purpose and Intent

The purpose and intent of this Ordinance is to mitigate the present effects of discrimination on the basis of race, ethnicity or sex in opportunities to participate on the District's prime contracts and associated subcontracts and to achieve equitable utilization of minority-owned, women-owned and small business enterprises in District contracts.

Section 4. Coverage

The following provisions, to be known as "Appendix D" together with relevant forms, shall apply and be appended to every construction contract awarded by the District where the estimated total expenditure is in excess of \$100,000.00, except contracts let in the event of an emergency pursuant to 70 ILCS 2605/11.5.

Section 5. Definitions

The meaning of these terms in this Ordinance are as follows:

- (a) "Administrator" means the District's Affirmative Action Program Administrator.
- (b) "Affiliate" of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the District shall consider all appropriate factors, including common ownership, common management, and contractual relationships.
- (c) "Annual Participation Goals" mean the targeted levels established by the District for the annual aggregate participation of MBEs and WBEs in District construction contracts
- (d) "Bidder" means an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not for profit corporation, a limited liability company or any other entity which has submitted a bid on a District contract.
- (e) "Books and Records" include, but are not limited to, payroll records, bank statements, bank reconciliations, accounts payable documents, account receivable documents, ledgers, all financial software, and all employer business tax returns.
- (f) "Contract Specific Goals" means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scope(s) of work of the Project.
- (g) "Construction contract" means any District contract or amendment thereto, providing for a total expenditure in excess of One Hundred Thousand Dollars (\$100,000.00) for the construction, demolition, replacement, major repair or renovation and maintenance of real property and improvement thereon or sludge hauling and any other related contract which the District deems appropriate to be subject to Appendix D consistent with the Ordinance.

(h) "Commercially Useful Function" means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling responsibilities.

(i) "Contract Goals" means the numerical percentage goals for MBE, WBE or SBE participation to be applied to an eligible District construction contract subject to Appendix D for the participation of MBEs, WBEs and SBEs, based upon the scopes of work of the contract, the availability of MBEs, WBEs and SBEs to meet the goals, and the District's progress towards meeting its Annual MBE, WBE and SBE goals.

(j) "Director" means the District's Director of Procurement and Materials Management, formerly known as the Purchasing Agent.

(k) "Economically Disadvantaged" means an individual with a Personal Net Worth less than \$2,000,000.00, indexed annually for the Chicago Metro Area Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2008.

(l) "Executive Director" means the chief administrative officer of the District, formerly known as the General Superintendent.

(m) "Expertise" means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the firm as defined by normal industry practices, including licensure where required.

(n) "Good Faith Efforts" means those honest, fair and commercially reasonable actions undertaken by a contractor to meet the MBE or WBE goal, which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

(o) "Hearing Officer" is an attorney licensed to practice in the State of Illinois, appointed by the Board of Commissioners, to conduct hearings as provided in this Ordinance regarding a contractor's compliance or non-compliance with this Ordinance.

(p) "Joint Venture" means an association of two or more persons, or any combination of types of business enterprises and persons numbering two or more, proposing to perform a single for profit business enterprise, in which each Joint Venture partner contributes property, capital, efforts, skill and knowledge, and in which the certified firm is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the Joint Venture are equal to its ownership interest. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

(q) "Job Order Contract" or "JOC" means a firm, fixed price, indefinite quantity contract designed to complete a large number of construction projects quickly.

(r) "Local business" means a business located within the counties of Cook, DuPage, Kane Lake, McHenry or Will in the State of Illinois or Lake County in the State of Indiana which has the majority of its regular full-time work force located in this region or a business which has been placed on the District's vendor list or has bid on or sought District construction work.

(s) "Minority-owned business enterprise" or "MBE" means a Local Small business entity, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity, which is at least fifty-one percent (51%) owned by one or more members of one or more minority groups, or, in the case of a publicly held

corporation, at least fifty-one percent (51%) of the stock of which is owned by one or more members of one or more minority groups, and whose management, policies, major decisions and daily business operations are controlled by one or more Minority Individuals.

(t) "Minority Individual" means a natural person who is a citizen of the United States or lawful permanent resident of the United States and one of the following:

(i) African-American - A person having origins in any of the Black racial groups of Africa and is regarded as such by the African American Community of which the person claims to be a part.

(ii) Hispanic-American - A person having origins from Mexico, Puerto Rico, Cuba and South or Central America and is regarded as such by the Hispanic community of which the person claims to be a part, regardless of race.

(iii) Asian-American – A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands or the Northern Marianas, and is regarded as such by the Asian American community of which the person claims to be a part.

(iv) Native-American – A person having origins in any of the original peoples of North America and who is recognized through tribal certification as a Native American by either a tribe or a tribal organization recognized by the Government of the United States of America.

(v) Individual members of other groups whose participation is required under state or federal regulations or by court order.

(vi) Individual members of other groups found by the District to be Socially Disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the District's marketplace or to do business with the District.

(u) "Personal Net Worth" means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other certified MBE or WBE, provided that the other firm is certified by a governmental agency that meets the District's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse or recognized civil partner, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

(v) "Prime Contractor" means a Contractor that is awarded a District contract and is at risk for the completion of an entire District project, including purchasing all materials, hiring and paying subcontractors, and coordinating all the work.

(w) "Small Business Enterprise" or "SBE" means a small business as defined by the U.S. Small Business Administration (SBA), pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on District contracts, except that the size standard for specialty trade construction firms shall be 150 percent of the SBA size standard. A firm is not an eligible SBE in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

(x) "Socially Disadvantaged" means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

(y) "Subcontractor" means a party that enters into a subcontract agreement with a District Prime Contractor to perform work or provide materials on a District project.

(z) "Tier" refers to the relationship of a subcontractor to the prime contractor. A subcontractor having a contract with the prime contractor, including a material supplier to the prime contractor, is considered a "first-tier subcontractor," while a subcontractor's subcontractor is a "second-tier subcontractor" and the subcontractor's material supplier is a "third-tier subcontractor." The subcontractor is subject to the same duties, obligations and sanctions as the contractor under this Ordinance.

(aa) "Utilization Plan" means the plan, in the form specified by the District, which must be submitted by a Bidder listing the MBEs, WBEs and SBE that the Bidder intends to use in the performance of a contract, the scopes of the work and the dollar values or the percentages of the work to be performed.

(bb) "Vendor list" means the District's list of firms that are certified as minority-owned or women-owned by the City of Chicago, the County of Cook, the State of Illinois, the Women's Business Development Center, or the Chicago Minority Business Development Council, or as a Disadvantaged Business Enterprise by the Illinois Unified Certification Program, or as a Small Disadvantaged Business by the U.S. Small Business Administration.

(cc) "Women-owned business enterprise" or "WBE" means a Local and Small business business entity which is at least fifty-one percent (51%) owned by one or more women, or, in the case of a publicly held corporation, fifty-one percent (51%) of the stock of which is owned by one or more women, and whose management and daily business operations are controlled by one or more women. Determination of whether a business is at least fifty-one percent (51%) owned by a woman or women shall be made without regard to community property laws.

Section 6. Non-Discrimination and Affirmative Action Clause

As a precondition to selection, a Contractor must include in its bid proposal for a covered contract the following commitments:

During the performance of this contract, the Contractor agrees:

(a) It shall not discriminate on the basis of race, sex, gender, color, racial group or perceived racial group, disability, age, religion, national origin or ethnicity, sexual orientation, veteran or military discharge status, association with anyone with these characteristics, or any other legally protected characteristic in the solicitation for or purchase of goods in the performance of this contract.

(b) It shall actively solicit bids for the purchase or subcontracting of goods or services from qualified MBEs, WBEs and SBEs.

(c) It shall undertake Good Faith Efforts in accordance with the criteria established in this Ordinance, to ensure that qualified MBEs, WBE, and SBEs are utilized in the performance of

this contract and share in the total dollar value of the contract in accordance with each of the applicable utilization goals established by the District for the participation of qualified MBEs, WBEs and SBEs.

(d) It shall require its subcontractors to make similar good faith efforts to utilize qualified MBEs, WBEs and SBEs.

(e) It shall maintain records and furnish the District all information and reports required by the District for monitoring its compliance with this Ordinance.

(f) It shall designate a person to act as an Affirmative Action Coordinator to facilitate the review of all concerns related to the participation MBEs, WBEs and SBEs.

Section 7. Race- and Gender- Neutral Measures to Ensure Equal Opportunities for All Contractors and Subcontractors

The District shall develop and use measures to facilitate the participation of all firms in District construction contracting activities. These measures shall include, but are not limited to:

(a) Unbundling contracts to facilitate the participation of MBEs, WBEs and SBEs.

(b) Arranging solicitation times for the presentations of bids, specifications, and delivery schedules to facilitate the participation of interested contractors and subcontractors.

(c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities, including through an electronic system and social media.

(d) Assisting MBEs, WBEs and SBEs with training seminars on the technical aspects of preparing a bid for a District contract.

(e) Providing assistance to businesses in overcoming barriers such as difficulty in obtaining bonding and financing, and support for business development such as accounting, bid estimation, safety requirements, quality control.

(f) Prohibiting Prime Contractors from requiring bonding for subcontractors, where appropriate.

(g) Holding pre-bid conferences, where appropriate, to explain the contract and to encourage Bidders to use all available firms as subcontractors.

(h) Adopting prompt payment procedures, including, requiring by contract that Prime Contractors promptly pay subcontractors and investigating complaints or charges of excessive delay in payments.

(i) Developing Linked Deposit and other financing and bonding assistance programs to assist small firms.

(j) Reviewing retainage, bonding and insurance requirements and their application to bid calculations to eliminate unnecessary barriers to contracting with the District.

(k) Collecting information from Prime Contractors on District construction contracts detailing the bids received from all subcontractors for District contracts and the expenditures to subcontractors utilized by Prime Contractors on District construction contracts.

(l) Prohibiting Prime Contractors from self-performance as an MBE, WBE or SBE.

(m) To the extent practicable, developing future policies to award contracts to SBEs.

(n) Maintaining information on all firms bidding on District prime contracts and subcontracts.

(o) At the discretion of the Board of Commissioners, awarding a representative sample of District contracts without goals, to determine MBE, WBE and SBE utilization in the absence of goals.

(p) Referring complaints of discrimination against MBEs, WBEs or SBEs to the appropriate authority for investigation and resolution.

Section 8. **Certification Eligibility**

(a) Only businesses that meet the criteria for certification as a MBE, WBE or SBE may be eligible for credit towards meeting Utilization Contract Goals. The applicant has the burden of production and persuasion by a preponderance of the evidence at all stages of the certification process.

(b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

(i) The firm's ownership by a Socially and Economically Disadvantaged person(s) must be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.

(ii) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.

(c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

(i) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the dispersing of funds.

(ii) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long term decisions on management, policy, operations and work.

(iii) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.

(iv) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.

(v) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, District ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.

(vi) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day to day activities.

(d) Only an independent firm may be certified as a MBE, WBE or SBE. An independent firm is one whose viability does not depend on its relationship with another firm. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent business, the Director will:

i) Evaluate relationships with non-certified firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

(ii) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant for MBE or WBE certification or any owners of the applicant for SBE certification and non-certified firms or persons associated with non-certified firms compromise the applicant's independence.

(iii) Examine the applicant's relationships with non-certified firms to determine whether a pattern of exclusive or primary dealings with non-certified firm compromises the applicant's independence.

(iv) Consider the consistency of relationships between the applicant and non-certified firms with normal industry practice.

(e) An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) for MBEs and WBEs or the majority owner for SBEs has the ability and Expertise to manage and control the firm's operations and work.

(f) The certification status of all MBEs, WBEs and SBEs shall be reviewed periodically by the Administrator. Failure of the firm to seek recertification by filing the necessary documentation with the Administrator as provided by rule may result in decertification.

(g) It is the responsibility of the certified firm to notify the Administrator of any change in its circumstances affecting its continued eligibility. Failure to do so may result in the firm's decertification.

(h) The Administrator shall decertify a firm that does not continuously meet the eligibility criteria.

(i) Decertification by another agency shall create a *prima facie* case for decertification by the District. The challenged firm shall have the burden of proving by a preponderance of the evidence that its District certification should be maintained.

(j) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification by filing a written appeal with the Executive Director within 10 calendar days of receipt of the denial of District certification, recertification or decertification. The appeal should set forth in detail the facts upon which it is based, and attach all relevant documentations. The Executive Director shall render a decision within 15 calendar days of receipt of a timely appeal. The Executive Director's decision shall be final.

(k) A firm found to be ineligible may not apply for certification for two years after the effective date of the final decision.

Section 9. Schedule of Goals for Minority- and Women-Owned Business Enterprise Utilization

In fulfillment of its policy to provide MBEs, WBEs, and SBEs full and equitable opportunities to participate in the District's prime contracts and subcontracts, the District shall establish annually goals for MBE, WBE and SBE participation, based on the availability of MBEs and WBEs in the District's geographic and procurement market.

Section 10. Contract Goals.

(a) The Director, in consultation with the Administrator and the User Department, shall establish Contract Goals for construction contracts based upon the availability of at least three MBEs and three WBEs registered on the District's vendor list to perform the anticipated contracting functions of the contract and the District's utilization of MBEs and WBEs to date.

(b) Where a substantial portion of the total construction contract cost is for the purchase of equipment, the Director may designate goals for only that portion of the contract relating to construction work and related supplies and/or modify the limitations on the credit for M/WBE suppliers herein.

(c) The Contract Goal(s) shall be designated in the contract documents.

Section 11. Counting MBE, WBE, and SBE Participation towards Contract Goals

(a) A Bidder may achieve the Utilization Contract Goals by first-tier subcontracting a portion of the work to one or more MBEs, WBEs and SBEs or by direct purchase of materials or services from one or more MBEs, WBEs and SBEs or by any combination of the above.

(b) If a firm is certified as both a MBE and a WBE, the Bidder may count the firm's participation either toward the achievement of its MBE or WBE goal, but not both.

(c) A Bidder may count toward the achievement of its SBE goal the utilization of any MBE or WBE that also satisfies the definition of a SBE.

(d) A Bidder may count the entire amount of that portion of a contract that is performed by MBEs, WBEs or SBEs own forces, including the cost of supplies and materials obtained and installed by the MBE, WBE or SBE for the work of the contract, and supplies purchased or equipment leased by the MBE, WBE or SBE used to directly perform the work of the contract (except supplies and equipment the MBE, WBE or SBE purchases or leases from the Prime Contractor or the Prime Contractor's Affiliate).

(e) Only the participation of MBEs, WBEs or SBEs that will perform as first-tier subcontractors will be counted towards meeting the Utilization Contract Goals.

(f) Only expenditures to a MBE, WBE or SBE that is performing a Commercially Useful Function shall be counted towards the Utilization Contract Goal.

(i) A firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. The firm

must pay all costs associated with personnel, materials and equipment. The firm must be formally and directly responsible for the employment, supervision and payment of its workforce must own and /or lease equipment, and must be responsible for negotiating price, determining quality and quantity and paying for and ordering materials used. The firm cannot share employees with the Prime Contractor or its Affiliates. No payments for use of equipment or materials by the firm can be made through deductions by the Prime Contractor. No family members who own related businesses are allowed to lease, loan or provide equipment, employees or materials to the firm.

(ii) A firm does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction through which funds are passed in order to obtain the appearance of MBE, WBE or SBE participation. The Prime Contractor is responsible for ensuring that the firm is performing a commercially useful function.

(iii) The District will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE, WBE or SBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors.

(iv) If a firm subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When a firm is presumed not to be performing a Commercially Useful Function, the firm may present evidence to rebut this presumption.

(g) Credit towards the Contract Goals will be allowed only for those direct services performed or materials supplied by first-tier subcontractor MBEs, WBEs or SBEs must perform no less than eighty-five percent (85%) of their work with their own forces, through the use of its own management and supervision, employees and equipment. If industry standards and practices differ, the firm must furnish supporting documentation for consideration by the District.

(h) Purchase of materials and supplies must be pre-approved if their purchase is related to goal attainment. Bidder may count payments to MBE, WBE or SBE regular dealers or manufacturers who offer only furnish and deliver contracts for materials and supplies for no more than twenty-five percent (25%) of each MBE, WBE or SBE goal, unless approved by the Administrator. If the bidder exceeds the supplier exception amount allowable as stated in the bid documents, the bid will be viewed as non-responsive.

(i) A dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section. A manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Bidder.

(j) If a firm ceases to be a certified during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(k) In determining achievement of Utilization Contract Goals, the participation of a MBE, WBE or SBE shall not be counted until that amount has been paid to the MBE, WBE or SBE.

Section 12. Utilization Plan Submission

(a) Compliance documents must be submitted as provided in the solicitation. Failure to do so will render the bid non-responsive. The Director shall review each bid submission to determine if it meets the requirements herein.

(b) A Bidder must either meet the Utilization Contract Goals or establish its Good Faith Efforts to do so as described in Appendix D and the solicitation.

(c) Each Bidder shall submit with its bid a completed and signed Utilization Plan that lists the names, addresses, telephone numbers, email addresses and a description of the work with contract item number and contact person of the businesses intended to be used as subcontractors, subconsultants and suppliers, including those firms proposed to meet the Contract Goal(s); the type of work or service each business will perform; and the dollar amount to be allocated to the certified firm(s). Each Bidder's Utilization Plan shall commit to MBE, WBE or SBE participation equal to or greater than each of the Contract Goals set forth in the solicitation, unless the Bidder requests a partial or total waiver of the requirement that it file a Utilization Plan or achieve a particular goal by submitting with the bid a signed Waiver Request in the form specified in the solicitation.

(d) Each Bidder must submit with its bid a signed M/W/SBE Subcontractor's Letter of Intent for each firm in the form specified in the solicitation, with either a copy of each MBE, WBE or SBE's current Letter of Certification from a state or local government or agency or documentation demonstrating that the firm is a MBE, WBE or SBE within the meaning of this Appendix D. In the event of a conflict between the amounts stated on the Utilization Plan and the M/W/SBE Subcontractor's Letter of Intent, the terms stated on the Utilization Plan shall control. An original or facsimile copy of the M/W/SBE Subcontractor's Letter of Intent will be acceptable.

(e) Where a Bidder had failed to meet the Contract Goal(s), it must file a Waiver request documenting its Good Faith Efforts to meet the Goal(s) as provided in the format described in the solicitation, the Administrator shall require the contractor to file a Contractor Information Form and provide additional documentation of its good faith efforts in attempting to fulfill such goals.

(i) Such Good Faith Efforts, as defined herein, shall include, but are not limited to, the following:

(i) Attend any pre-bid conference conducted by the District to acquaint contractors with MBEs, WBEs and SBEs available to provide relevant goods and services and to inform MBEs, WBEs and SBEs of subcontract opportunities on the contract;

(ii) Review lists of available MBEs, WBEs and SBEs maintained by the District and other state and local governments and agencies prior to the bid opening to identify qualified MBEs, WBEs and SBEs for solicitation for bids;

(iii) Advertise, not less than 15 calendar days before the bid opening date, in one or more daily newspapers and/or trade publications, for proposals or bids by MBEs, WBEs and SBEs for subcontracts or the supply of goods and services on the contract;

(iv) Make timely written solicitations of available MBEs, and WBEs and SBEs identified on the District's vendor list that provide relevant services for subcontracts or the supply of goods and services;

(v) Provide MBEs, WBEs and SBEs with convenient and timely opportunities to review and obtain relevant plans, specifications or terms and conditions of the contract to enable such MBEs, WBEs and SBEs to prepare an informed response to a contractor solicitation;

(vi) Divide total contract requirements into small tasks or quantities and adjust performance bond and insurance requirements or otherwise assist MBEs, WBEs and SBEs in obtaining the required bonding, insurance or financing, where economically feasible, to encourage participation of MBEs, WBEs and SBEs;

(vii) Follow up initial solicitation of MBEs, WBEs and SBEs by contacting them to determine if the enterprises are interested in making bids or proposals;

(viii) Negotiate in good faith with MBEs, WBEs and SBEs prior to the bid opening and do not reject as unsatisfactory any bids or proposals submitted by M/WBEs without justifiable reason, including the lack of bonding capacity or the ability to obtain insurance requirements such as Completed Builders Risk (All Risk) Insurance, Comprehensive General Liability Insurance, Contractor Contractual Liability Insurance and Public Liability Insurance;

(ix) Establish delivery schedules, where the requirements of the work permit, which will encourage participation by MBEs, WBEs and SBEs;

(x) Use the services and assistance of the District, the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce and appropriate community and minority and women's business organizations;

(ii) Failure of a Bidder to provide requested information to the Administrator or to cooperate with the Administrator's investigation, may be grounds for the rejection of a bid and/or a Waiver request.

(iii) Upon completion of the investigation, the Administrator shall inform the Director of his or her findings.

(iv) The Director, after consultation with the Administrator, shall determine whether to grant the Waiver request based on the Bidder's Good Faith Efforts at the time of bid submission.

(v) Where the Director determines that a Bidder has not made Good Faith Efforts, the Director shall declare the bid submission non-responsive and will reject the bid.

(d) A contractor's submission of a Utilization Plan that commits to a M/WBE participation equal to or greater than the applicable utilization goals shall not provide a basis for a higher bid, an increase in contract price or a later change order.

(e) The requirement to submit a Utilization Plan and M/WBE Subcontractor's Letters of Intent applies when the individual project is awarded under Job Order Contracts awarded by the District.

(i) A Prime Contractor issued a Job Order Contract shall submit with each work order issued under such a Contract its Utilization Plan that lists the name, address, telephone number, email address and contact person for each M/W/SBE to be used on the work order, as well as a description of work to be performed and a dollar amount to be allocated to such M/W/SBE. The Prime Contractor shall submit with each work order a M/W/SBE Subcontractor's Letter of Intent from each certified firm.

(ii) A Prime Contractor awarded a Job Order Contract shall be subject to the compliance monitoring provisions herein. The Prime Contractor must submit to the Administrator monthly documentation, as specified by the Administrator, demonstrating that the Contractor has attained the Contract Goals for the completed portion of the Job Order Contract, or that it has been unable to do so despite its good faith efforts. Good Faith efforts must be documented as provided in this Ordinance

Section 13. Compliance Review

(a) The Director shall declare the bid submission non-responsive if a Bidder:

(i) Failed to submit with its bid a completed and signed Utilization Plan;

(ii) Failed to commit in its Utilization Plan to MBE, WBE and SBE participation equal to or greater than each of the Utilization Contract Goals unless the Bidder submitted with its bid a request for a total or partial waiver of the Goal(s).

(iii) Failed to identify in its Utilization Plan the MBE, WBE or SBE by name, scope of work, contract item number, and dollar value of work or percentage of participation equal to or greater than each of the Contract Goal(s).

(iv) Failed to submit with its bid the M/W/SBE Subcontractor's Letter of Intent from each MBE, WBE and SBE listed on its Utilization Plan.

(b) Where, after consultation with the Administrator, the Director determines that Utilization Plan submitted by a Bidder is false or fraudulent, the bid shall be rejected or, if the determination is made after the bid award, the contract may be forfeited in accordance with the provision of Article 28 of the General Conditions.

(c) If a Mentor-Protégé relationship is proposed to meet the Contract Goal, the Mentor-Protégé Development Plan must be submitted to the Administrator for approval prior to contract award. "Mentor-Protégé relationship" describes an association between large business prime contractor firms and socially disadvantaged firms designed to motivate, encourage and to provide mutually beneficial developmental assistance to those socially disadvantaged firms.

(d) Prior to the award of any contract, the Administrator shall review the Utilization Plan, M/W/SBE Subcontractor's Letter(s) of Intent and Letter(s) of Certification, and Contractor Information and Waiver Request Forms as specified in the solicitation, submitted by the apparent low bidder on a contract and conduct any other investigation the Administrator deems appropriate to determine compliance.

(e) Within 30 calendar days after demand, the Prime Contractor shall furnish executed copies of all MBE, WBE and SBE subcontracts to the Administrator. Subsequently, the contractor shall obtain and submit a copy of all MBE, WBE and SBE subtier contracts on demand.

(f) The Prime Contractor shall set timetables for use of its subcontractors before fifty percent (50%) of the work is completed.

(g) If requested by the Administrator, the Prime Contractor must submit a MBE, WBE and SBE Work Plan projecting the work tasks associated with certified firms' commitments prior to the award of the contract. The Work Plan must provide a description of the work to be subcontracted to other MBEs, WBEs and SBEs and non-certified firms and the dollar amount and the name of the all tiers of subcontractors. The Work Plan becomes part of the Prime Contractor's contractual commitment and the contract record, and may not be changed without prior approval of the Administrator.

Section 14. Contract Performance Compliance

(a) After the award of a contract, the Administrator shall review the Prime Contractor's compliance with its M/W/SBE commitments during the performance of the contract.

(b) The Prime Contractor shall be required to submit the Affirmative Action Monthly MBE/WBE/SBE Status Report providing the information and in the format as specified by the District with every payment request. The Contractor's failure to do so may result in a delay of the progress payment.

(c) Evidence of MBE, WBE and SBE subcontractor participation and payments must be submitted as required by the District to confirm subcontractors' participation and payment.

(d) District contract compliance officers and auditors, or their designees, shall have access to the contractor's and subcontractor's books and records, including certified payroll records, bank statements, employer business tax returns and all records including all computer records and books of account to determine the contractor and MBE, WBE and SBE subcontractor compliance with the goal commitment. Audits may be conducted at any time and without notice in the total discretion of the District. A Prime Contractor must provide the Administrator any additional compliance documentation within 14 calendar days of such request. Audits may be conducted without notice at any time at the discretion of the District.

(e) If District personnel observe that any purported MBE, WBE and SBE subcontractor other than those listed on the Utilization Plan are performing work or providing materials and/or equipment for those M/WBE subcontractors listed on the Utilization Plan, the Prime Contractor will be notified in writing of an apparent violation is taking place and progress payments may be withheld. The contractor will have the opportunity to meet with the Affirmative Action Administrator prior to a finding of noncompliance.

(f) Where a partial or total Waiver of the Contract Goal(s) has been granted, the Prime Contractor must continue to make Good Faith Efforts during the performance of the contract to meet the Goal(s), and the Administrator shall provide technical assistance with respect to such efforts. The Administrator shall require the Prime Contractor to provide documentation of its continuing Good Faith Efforts in attempting to fulfill its commitments.

(g) The Prime Contractor cannot make any changes to the approved Utilization Plan or substitutions of the MBE(s), WBE(s) or SBE(s) listed in the Utilization Plan throughout the life of the contract without the prior, written approval of the Administrator. This includes, but is not limited to, instances in which the Prime Contractor seeks to perform work originally designated for a MBE, WBE or SBE subcontractor with its own forces or those of an affiliate, a non-certified firm or another MBE, WBE or SBE. Failure to obtain the prior, written approval of the Administrator in the format specified by the District shall constitute a breach of the contract, and subject the Prime Contractor to any and all available sanctions. The participation of certified firms that did not receive prior, written approval by the Administrator will not be counted towards the Contract Goal(s).

(i) The Prime Contractor must demonstrate good cause to terminate or reduce the scope of work of the MBE, WBE or SBE to the satisfaction of the Administrator. Good cause is limited to the following circumstances:

(1) The listed MBE, WBE, or SBE subcontractor fails or refuses to execute a written contract.

(2) The listed MBE, WBE or SBE subcontractor becomes bankrupt, insolvent or exhibits credit unworthiness.

(3) The listed MBE, WBE or SBE is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to federal or state or local law.

(4) The Administrator has determined that the listed MBE, WBE or SBE subcontractor is not a responsible contractor.

(5) The listed MBE, WBE or SBE subcontractor voluntarily withdraws from the project and provides the Administrator written notice of its withdrawal.

(6) The listed MBE, WBE or SBE subcontractor is ineligible to receive credit for the type of work required.

(7) The MBE, WBE or SBE owner dies or becomes disabled with the result that the listed MBE, WBE or SBE subcontractor is unable to complete its work on the contract.

(8) Other good cause as determined in the Administrator's sole discretion.

(ii) Good cause does not include where the Contractor seeks to terminate a MBE, WBE or SBE it relied upon to obtain the contract so that the Contractor can self-perform the work or substitute another MBE, WBE or SBE or non-certified subcontractor to perform the work for which the MBE, WBE or SBE was engaged or listed on the Utilization Plan.

(iii) The Prime Contractor must give the MBE, WBE or SBE notice in writing, with a copy to the Administrator, of its intent to request to terminate and/or substitute, and the detailed reasons for the request.

(iv) If the Prime Contractor proposes to terminate or substitute a MBE, WBE or SBE subcontractor for any reason, the Contractor must make Good Faith Efforts as defined herein to find a substitute MBE, WBE or SBE subcontractor for the original MBE, WBE or SBE to meet its MBE, WBE or SBE contractual commitment. Its Good Faith Efforts shall be directed at finding another MBE, WBE or SBE to perform or provide at least the same amount of work, material or service under the contract as the original MBE, WBE or SBE to the extent necessary to meet its MBE, WBE or SBE contractual commitment.

(v) The Prime Contractor must submit a MBE, WBE or SBE Subcontractor's Letter of Intent for each proposed new MBE, WBE or SBE subcontractor.

(vi) The Administrator will approve or disapprove the substitution based on the Prime Contractor's documented compliance with these provisions.

(h) In the event a Prime Contractor fails to achieve the level of MBE, WBE or SBE participation described in its Utilization Plan as the result of the District's deletion of the work to be performed by a MBE, WBE or SBE, the Prime Contractor shall notify the Administrator in writing and may request an amendment of its Utilization Plan. A letter of release signed by the subcontractor must be included with the request.

(i) In the event a Prime Contractor, in the performance of its contract, determines that the conditions of the work warrant a reduction in the scope of work to be performed by a MBE, WBE or SBE the Prime Contractor must utilize Good Faith Efforts to fulfill its MBE, WBE or SBE contractual commitment. The Prime Contractor must notify the Administrator in writing within 14 calendar days of the determination to request an amendment of its Utilization Plan. The Prime Contractor must give the MBE, WBE or SBE notice in writing, with a copy to the Administrator, of its intent to request to reduce the scope of work, and the detailed reasons for the request. The Administrator will approve or disapprove the reduction based on the Prime Contractor's documented compliance with these provisions.

(j) Where contract change orders are made individually or in the aggregate that increase the total value of the contract by more than ten percent (10%) of the original contract value, the Prime Contractor shall increase the utilization of all MBEs, WBEs or SBEs, where feasible, so that the total value of the percentage of work performed by MBEs, WBEs or SBEs as to increased contract value bears the same relationship to the total value of the contract (as modified by change orders) as the percentage of MBEs, WBEs or SBEs utilization committed to in the contractor's original Utilization Plan.

Section 15. Sanctions for Non-Compliance

(a) Where the Administrator believes that the Prime Contractor or subcontractor has committed fraud or misrepresentation against the District or has failed to comply with this Ordinance or its contract, or provided false or fraudulent documentation, the Administrator shall notify the Prime Contractor and/or subcontractor in writing of such determination of noncompliance and withhold up to one hundred percent (100%) of the current progress or final payment due the Prime Contractor for up to 90 days. The amount to be withheld shall be based upon a determination of the degree to which the Prime Contractor has failed to meet its MBE, WBE or SBE contractual commitments and to what extent the Prime Contractor has made Good Faith Efforts to achieve such commitments. The Prime Contractor and/or subcontractor shall have the right to meet with the Administrator within 10 calendar days of receipt of the notice. After conference and conciliation, the Administrator will determine whether the Prime Contractor and/or subcontractor is in compliance.

(b) If the Administrator determines the Prime Contractor and/or subcontractor is not in compliance and the violation cannot be resolved by conference and conciliation, the Administrator shall refer the matter to the Executive Director and the Executive Director may return the referral to the Administrator with direction or may direct the Prime Contractor and/or subcontractor to show cause on a date certain why further sanctions should not be imposed.

(i) The Prime Contractor or subcontractor shall have 15 calendar days after receipt of the show cause notice within which to file a response in writing with the Administrator. A

hearing before a duly appointed Hearing Officer shall be convened to provide the contractor and/or subcontractor an opportunity to be heard with respect to the non-compliance. Within 30 calendar days after the Executive Director's referral, the Hearing Officer shall schedule a hearing to be held within 30 calendar days of receipt of the referral for hearing at which the District, the contractor and/or subcontractor may present evidence of the purported violation and/or the absence thereof. The District will carry the burden of proof by a preponderance of the evidence. The Prime Contractor and/or subcontractor may present additional evidence and witnesses to show cause why sanctions should not be imposed. An official record will be kept with the Clerk of the District. All filings by the District or the respondents should be made with the Clerk of the District, with courtesy copies going to the parties and the Hearing Officer.

(ii) The Hearing Officer shall conduct such show cause hearings involving the Ordinance and shall render findings of fact, conclusions of law and recommendations regarding disposition of the hearings. Procedures and rules governing the show cause hearings will be adopted by the Board of Commissioners. The Hearing Officer will not become co-counsel with any attorneys appearing before him/her at any time during the hearing.

(iii) All Show Cause Hearings must be conducted on the record and all testimony must be under oath and transcribed verbatim by a court reporter. All parties shall be given the opportunity to present and respond to evidence. The Hearing Officer shall conduct a fair hearing and maintain order and shall abide by the Judicial Canons of Ethics enacted by the Illinois Supreme Court.

(iv) Within 30 calendar days after the hearing with the Prime Contractor and/or subcontractor, the Hearing Officer shall issue in writing to the Executive Director his/her written findings of fact, conclusions of law as to compliance and recommendations with respect to any appropriate sanctions. The Executive Director shall transmit the Hearing Officer's findings, conclusions and recommendations to the Board of Commissioners which may impose sanctions for a Prime Contractor's and/or subcontractor's noncompliance with this Ordinance including, but not limited to:

(1) Withholding up to fifty percent (50%) of the current progress or final payment due the contractor until the Administrator determines that the contractor is in compliance. Following the withholding of up to fifty percent (50%) of the current progress payment, up to one hundred percent (100%) of further progress payments may be withheld until the contractor is found to be in compliance with the requirements of this Ordinance. The amount to be withheld will be based upon a determination of the degree to which the Prime Contractor has failed to meet its MBE, WBE or SBE contractual commitments and to what extent the Prime Contractor has made good faith efforts to achieve such commitments.

(2) Declaring the Prime Contractor and/or subcontractor to be non-responsible and disqualify/debar the Prime Contractor and/or subcontractor from eligibility to bid on District construction contracts for a period of not less than one (1) year, and not more than three (3) years. An entity that is disqualified pursuant to the provisions of this Ordinance shall be precluded from participation on any District contract as a Prime Contractor, subcontractor and supplier for the period of disqualification. In cases of the use of false documentation, the making of false statements, fraud or misrepresentation, the disqualification period will be not less than eighteen (18) months, and not more than three (3) years for the second violation of the Ordinance and not less than twenty-four (24) months and not more than three (3) years for the third violation of the Ordinance from the date of disqualification established in the Board Order.

(3) Rejecting bids by the Prime Contractor for other contract(s) not yet awarded to that Bidder in instances of the use of false documentation, the making of false statements, fraud or misrepresentation.

(4) For any MBE, WBE or SBE that has misrepresented its MBE, WBE or SBE status and/or failed to operate as an independent business concern performing a Commercially Useful Function, declaring by the Director that the MBE, WBE or SBE ineligible to participate as a MBE, WBE or SBE in District contracts. A firm that has been declared ineligible may not participate as a MBE, WBE or SBE for a period of not less than one (1) year and not more than three (3) years.

(5) Forfeiting and deducting from the Prime Contractor's progress or final payments under the contract an amount up to the dollar amount of its MBE, WBE goal commitment that the contractor has failed to meet. The amount to be deducted will be based upon a determination of the extent to which the Prime Contractor made Good Faith Efforts to achieve such commitments.

(6) Referring the matter to the Office of the Attorney General or Cook County State's Attorney for follow-up action.

(c) The Administrator and Director will take action to prevent a contract from being awarded to a Prime Contractor or first-tier subcontractor disqualified from bidding hereunder for the period of disqualification.

(d) The District's attorneys' fees and costs will be assessed against the Prime Contractor and/or subcontractor where the Hearing Officer makes a finding that the Prime Contractor or subcontractor used false documentation, made false statements, or committed fraud or misrepresentation.

(e) Notice of sanctions imposed by the Board of Commissioners for violations of the Ordinance by the Prime Contractor, subcontractor and/or supplier will be spread upon the public record by the District, including but not limited to publication in the Record of Proceedings of the Board of Commissioners, posting on the District's web site, publication in any type of media, newspaper publication and direct notice by letter to governmental entities.

(f) Any sanctions imposed against an entity shall also apply personally to all officers and directors of the entity or partners of the entity, and their successors and assigns with knowledge of the acts and omissions that give rise to the sanctions against the entity.

(g) The District may take other action, as appropriate, within the discretion of the Administrator, subject to the approval of the Hearing Officer and the Board of Commissioners.

Section 16. Other Federal Regulations

The provisions of this Ordinance shall not apply to any contract to the extent that different procedures or standards are required by any law or regulation of the United States and nothing herein shall be interpreted to diminish or supplant the present Equal Employment Opportunity Requirements contained in Appendices B and C of Grant funded contracts or Appendix C non-Grant funded contracts.

Section 17. Reporting and Review

The Board of Commissioners directs the District staff to report to the Board of Commissioners on an annual basis with respect to the following:

- (a) The level of MBE, WBE or SBE participation achieved in each year in District construction contracts subject to Appendix D.
- (b) Identification of any problems with the enforcement of Appendix D; and
- (c) Any recommendations with respect to improving the implementation of Appendix D.

Section 18. Sunset Provision

This Appendix D shall expire on June 30, 2022, unless the District finds its remedial purposes have not been fully achieved and that there is a compelling interest in continuing to implement narrowly tailored remedies to redress discrimination against MBEs and WBEs so that the District will not function as a passive participant in a discriminatory marketplace in the Metropolitan Chicago construction industry.

Section 19. Repeal of Prior Inconsistent Provisions

All enactments and provisions heretofore adopted by this Board of Commissioners in the area of affirmative action in connection with construction contracts subject to this Interim Ordinance that are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 20. Severability

If any clause, sentence, paragraph, section or part of this Interim Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this Interim Ordinance directly involved in the controversy in which the judgment shall have been rendered.

Section 21. Effective Dates

This amendment to revised Appendix D shall be effective and apply to all bids for contracts advertised after April 21, 2022.

ADOPTED:

Kari K. Steele, President
Board of Commissioners of the
Metropolitan Water Reclamation
District of Greater Chicago

Approved as to form and legality:

Head Assistant Attorney

General Counsel

AFFIRMATIVE ACTION ORDINANCE
REVISED APPENDIX D
OF THE
METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO

~~December 2, 2021~~ April 21, 2022

AFFIRMATIVE ACTION ORDINANCE
REVISED APPENDIX D
OF THE
METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO

Section 1. Declaration of Policy

Whereas, it is the policy of the Metropolitan Water Reclamation District of Greater Chicago (the “District”) to ensure competitive business opportunities for small, minority- and women-owned business enterprises in the award and performance of District contracts, to prohibit discrimination on the basis of race, sex, gender, color, racial group or perceived racial group, disability, age, religion, national origin or ethnicity, sexual orientation, veteran or military discharge status, association with anyone with these characteristics, or any other legally protected characteristic in the award of or participation in District contracts, and to abolish barriers to full participation in District contracts by all person, regardless of race, ethnicity or sex;

Whereas, the District pursuant to its authority under 70 ILCS 2605/11.3, is committed to establishing procedures to implement this policy as well as state and federal regulations to assure the utilization of minority-owned, women-owned and small business enterprises in a manner consistent with constitutional requirements;

Whereas, the District is committed to equal opportunity for minority-, women-owned and small businesses to participate in the award and performance of District contracts;

Whereas, the Supreme Court of the United States in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), has enunciated certain standards that are necessary to maintain effective contracting affirmative action programs in compliance with constitutional requirements;

Whereas, the District is committed to implementing its affirmative action program in conformance with the United States Supreme Court’s decision in *Croson* and its progeny;

Whereas, in furtherance of this commitment, the Board of Commissioners directed the District staff and its outside consultants in 1990 to conduct an investigation into the scope of any discrimination in the award of and participation in District construction contracts as well as in the construction industry in Metropolitan Chicago, the extent to which such discrimination or the effects thereof has denied and continues to deny minority and women’s business enterprises equal opportunity to participate in District contracts and to recommend the appropriate affirmative action steps to be taken to eliminate any such discrimination and its continuing effects.

Whereas, on June 21, 2001, the District adopted its Revised Appendix D, Notice of Requirements for Affirmative Action Program to Ensure Minority, Small and Women’s Business Participation (“Appendix D”); and

Whereas, in 2006 the Board of Commissioners undertook a review of Appendix D, the District’s contracting policy and operation under Appendix D and an investigation into the existence of continued discrimination against minority and women-owned businesses in the

Metropolitan Chicago construction industry to evaluate the continued need for Appendix D and any necessary revisions thereto;

Whereas, the Board of Commissioners undertaken a review in 2012 of Appendix D, the District's contracting policy and operation under Appendix D and an investigation into the existence of continued discrimination against minority and women-owned businesses in the Metropolitan Chicago construction industry to evaluate the continued need for Appendix D and any necessary revisions thereto.;

Whereas, the Board of Commissioners undertook a new review in 2014 of Appendix D, the District's contracting policy and operation under Appendix D and an investigation into the existence of continued discrimination against minority- and women-owned businesses in the District's geographic and procurement market areas to evaluate the continued need for Appendix D and any necessary revisions thereto.

Section 2. Findings

The Board of Commissioners, having reviewed the 2015 report of its outside consultant finds:

1. In 2003, the U.S. District Court in *Builders Association of Greater Chicago v. City of Chicago*, 298 F. Supp.2d 725 (N.D. Ill. 2003) held that the evidence introduced at trial demonstrated that past and current discriminatory practices continue to place MBE and WBE firms at a competitive disadvantage in the award of governmental contracts and such practices have and continue to impede the growth and success of MBEs and WBEs.

2. In 2004, a study of the Metropolitan Chicago Construction Industry by Timothy Bates, Distinguished Professor, Wayne State University, concluded that the evidence that African-American, Hispanic and women-owned businesses have been, and continue to be disadvantaged in the construction industry and small businesses is strong, has remained consistent and that compelling evidence indicates that African-American, Hispanic, and women-owned businesses face barriers in the Metropolitan Chicago construction industry greater than those faced by white males.

3. A November, 2005 study of the Metropolitan Chicago construction industry by David Blanchflower, Professor of Economics at Dartmouth College, has determined that discrimination against Asian-owned businesses existed in the business community in areas of business financing and construction wages and that this, together with evidence of individual discrimination against Asian-owned construction companies, leads to the conclusion that discrimination against Asian owned businesses continues to exist in the Metropolitan Chicago construction industry.

4. In 2005, the U.S. District Court held in *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005) that there is strong evidence of the effects of past and current discrimination against MBEs and WBEs in the construction industry in the Chicago area.

5. The trial court's decision was affirmed in *Northern Contracting, Inc. v. Illinois Department of Transportation*, 473 F.3d 715 (7th Cir. 2007).

6. In 2006, Cook County, Illinois accepted a report it had commissioned titled, "Review of Compelling Evidence of Discrimination Against Minority-and Women-Owned

Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois” (Cook County 2006 Report), which concluded that there is extensive evidence of discrimination against MBEs and WBEs in the Chicago area construction marketplace, and the participation of MBEs and WBEs in the County’s construction prime contracts and subcontracts is below the availability of such firms.

7. In 2006, the Illinois State Toll Highway Authority commissioned a study for the availability of Disadvantaged Business Enterprises (“DBEs”) in its geographic and procurement markets, to ensure that its DBE program was narrowly tailored as required by constitutional standard, which found 19.56% DBE availability in construction, 19.36% DBE availability in construction-related professional services, and that DBE utilization had steadily increased from 2.40% in 2004 to 24.72% in 2010.

8. Cook County commissioned a new report, entitled “The Status of Minority and Women-Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois” (Cook County 2010 Study), which found that MBEs and WBEs were not utilized in all aspects in proportion to their availability.

9. In 2010 the U.S. Department of Justice produced a report to Congress, entitled “Compelling Interest for Race- and Gender-Conscious Federal Contracting Programs: An Update to the May 23, 1996 Review of Barriers to Minority- and Women-Owned Businesses,” that updated the original basis for the U.S. Department of Transportation’s DBE program and concluded that discriminatory barriers continue to impede the ability of MBEs and WBEs to compete with other firms on a fair and equal footing in government contracting markets, including in the construction industry.

10. In 2012, the District commissioned a report on barriers to construction opportunities in the Chicago area market and recommendations for District efforts to reduce such barriers, which found continuing disparities in the Chicago area construction market.

11. In 2014, The District commissioned a report on barriers to equal opportunities in the District’s geographic and industry market areas and recommendations for District efforts to reduce such barriers, which found continuing disparities in the District’s market areas.

12. In 2015, the trial court in *Midwest Fence, Corp. v. U.S. Department of Transportation et al*, 2015 WL 139676 (N.D. Ill. March 24, 2015), held that discrimination continues to impede full and fair opportunities for disadvantaged business enterprise in the Illinois construction industry.

13. The District has determined that it has a continuing compelling interest in preventing public funds in contracts from perpetuating the effects of past discrimination and current discrimination against minority- and women-owned firms in its market.

14. The Affirmative Action Program adopted by the District and amended April 2, 2009 is hereby modified to further continue to ameliorate the effects of racial and gender discrimination in the marketplace.

15. The remedies adopted herein by the District will not overly burden non-MBE and non-WBE firms in the award of District Contracts.

16. The Commissioners shall periodically review minority-owned and women-owned participation in contracts awarded by the District to ensure that the District continues to have a

compelling interest in remedying discrimination against minority and women-owned firms in the award of District contracts and that the measures adopted herein remain narrowly tailored to accomplish that objective.

Now, therefore, the District Board of Commissioners hereby adopts this revised Appendix D:

Section 3. Purpose and Intent

The purpose and intent of this Ordinance is to mitigate the present effects of discrimination on the basis of race, ethnicity or sex in opportunities to participate on the District's prime contracts and associated subcontracts and to achieve equitable utilization of minority-owned, women-owned and small business enterprises in District contracts.

Section 4. Coverage

The following provisions, to be known as "Appendix D" together with relevant forms, shall apply and be appended to every construction contract awarded by the District where the estimated total expenditure is in excess of \$100,000.00, except contracts let in the event of an emergency pursuant to 70 ILCS 2605/11.5.

Section 5. Definitions

The meaning of these terms in this Ordinance are as follows:

- (a) "Administrator" means the District's Affirmative Action Program Administrator.
- (b) "Affiliate" of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the District shall consider all appropriate factors, including common ownership, common management, and contractual relationships.
- (c) "Annual Participation Goals" mean the targeted levels established by the District for the annual aggregate participation of MBEs and WBEs in District construction contracts
- (d) "Bidder" means an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not for profit corporation, a limited liability company or any other entity which has submitted a bid on a District contract.
- (e) "Books and Records" include, but are not limited to, payroll records, bank statements, bank reconciliations, accounts payable documents, account receivable documents, ledgers, all financial software, and all employer business tax returns.
- (f) "Contract Specific Goals" means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scope(s) of work of the Project.
- (g) "Construction contract" means any District contract or amendment thereto, providing for a total expenditure in excess of One Hundred Thousand Dollars (\$100,000.00) for the construction, demolition, replacement, major repair or renovation and maintenance of real property and improvement thereon or sludge hauling and any other related contract which the District deems appropriate to be subject to Appendix D consistent with the Ordinance.

(h) "Commercially Useful Function" means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling responsibilities.

(i) "Contract Goals" means the numerical percentage goals for MBE, WBE or SBE participation to be applied to an eligible District construction contract subject to Appendix D for the participation of MBEs, WBEs and SBEs, based upon the scopes of work of the contract, the availability of MBEs, WBEs and SBEs to meet the goals, and the District's progress towards meeting its Annual MBE, WBE and SBE goals.

(j) "Director" means the District's Director of Procurement and Materials Management, formerly known as the Purchasing Agent.

(k) "Economically Disadvantaged" means an individual with a Personal Net Worth less than \$2,000,000.00, indexed annually for the Chicago Metro Area Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2008.

(l) "Executive Director" means the chief administrative officer of the District, formerly known as the General Superintendent.

(m) "Expertise" means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the firm as defined by normal industry practices, including licensure where required.

(n) "Good Faith Efforts" means those honest, fair and commercially reasonable actions undertaken by a contractor to meet the MBE or WBE goal, which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

(o) "Hearing Officer" is an attorney licensed to practice in the State of Illinois, appointed by the Board of Commissioners, to conduct hearings as provided in this Ordinance regarding a contractor's compliance or non-compliance with this Ordinance.

(p) "Joint Venture" means an association of two or more persons, or any combination of types of business enterprises and persons numbering two or more, proposing to perform a single for profit business enterprise, in which each Joint Venture partner contributes property, capital, efforts, skill and knowledge, and in which the certified firm is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the Joint Venture are equal to its ownership interest. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

(q) "Job Order Contract" or "JOC" means a firm, fixed price, indefinite quantity contract designed to complete a large number of construction projects quickly.

(r) "Local business" means a business located within the counties of Cook, DuPage, Kane Lake, McHenry or Will in the State of Illinois or Lake County in the State of Indiana which has the majority of its regular full-time work force located in this region or a business which has been placed on the District's vendor list or has bid on or sought District construction work.

(s) "Minority-owned business enterprise" or "MBE" means a Local Small business entity, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity, which is at least fifty-one percent (51%) owned by one or more members of one or more minority groups, or, in the case of a publicly held

corporation, at least fifty-one percent (51%) of the stock of which is owned by one or more members of one or more minority groups, and whose management, policies, major decisions and daily business operations are controlled by one or more Minority Individuals.

(t) "Minority Individual" means a natural person who is a citizen of the United States or lawful permanent resident of the United States and one of the following:

(i) African-American - A person having origins in any of the Black racial groups of Africa and is regarded as such by the African American Community of which the person claims to be a part.

(ii) Hispanic-American - A person having origins from Mexico, Puerto Rico, Cuba and South or Central America and is regarded as such by the Hispanic community of which the person claims to be a part, regardless of race.

(iii) Asian-American – A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands or the Northern Marianas, and is regarded as such by the Asian American community of which the person claims to be a part.

(iv) Native-American – A person having origins in any of the original peoples of North America and who is recognized through tribal certification as a Native American by either a tribe or a tribal organization recognized by the Government of the United States of America.

(v) Individual members of other groups whose participation is required under state or federal regulations or by court order.

(vi) Individual members of other groups found by the District to be Socially Disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the District's marketplace or to do business with the District.

(u) "Personal Net Worth" means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other certified MBE or WBE, provided that the other firm is certified by a governmental agency that meets the District's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse or recognized civil partner, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

(v) "Prime Contractor" means a Contractor that is awarded a District contract and is at risk for the completion of an entire District project, including purchasing all materials, hiring and paying subcontractors, and coordinating all the work.

(w) "Small Business Enterprise" or "SBE" means a small business as defined by the U.S. Small Business Administration (SBA), pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on District contracts, except that the size standard for specialty trade construction firms shall be 150 percent of the SBA size standard. A firm is not an eligible SBE in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

(x) "Socially Disadvantaged" means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

(y) "Subcontractor" means a party that enters into a subcontract agreement with a District Prime Contractor to perform work or provide materials on a District project.

(z) "Tier" refers to the relationship of a subcontractor to the prime contractor. A subcontractor having a contract with the prime contractor, including a material supplier to the prime contractor, is considered a "first-tier subcontractor," while a subcontractor's subcontractor is a "second-tier subcontractor" and the subcontractor's material supplier is a "third-tier subcontractor." The subcontractor is subject to the same duties, obligations and sanctions as the contractor under this Ordinance.

(aa) "Utilization Plan" means the plan, in the form specified by the District, which must be submitted by a Bidder listing the MBEs, WBEs and SBE that the Bidder intends to use in the performance of a contract, the scopes of the work and the dollar values or the percentages of the work to be performed.

(bb) "Vendor list" means the District's list of firms that are certified as minority-owned or women-owned by the City of Chicago, the County of Cook, the State of Illinois, the Women's Business Development Center, or the Chicago Minority Business Development Council, or as a Disadvantaged Business Enterprise by the Illinois Unified Certification Program, or as a Small Disadvantaged Business by the U.S. Small Business Administration.

(cc) "Women-owned business enterprise" or "WBE" means a Local and Small business business entity which is at least fifty-one percent (51%) owned by one or more women, or, in the case of a publicly held corporation, fifty-one percent (51%) of the stock of which is owned by one or more women, and whose management and daily business operations are controlled by one or more women. Determination of whether a business is at least fifty-one percent (51%) owned by a woman or women shall be made without regard to community property laws.

Section 6. Non-Discrimination and Affirmative Action Clause

As a precondition to selection, a Contractor must include in its bid proposal for a covered contract the following commitments:

During the performance of this contract, the Contractor agrees:

(a) It shall not discriminate on the basis of race, sex, gender, color, racial group or perceived racial group, disability, age, religion, national origin or ethnicity, sexual orientation, veteran or military discharge status, association with anyone with these characteristics, or any other legally protected characteristic in the solicitation for or purchase of goods in the performance of this contract.

(b) It shall actively solicit bids for the purchase or subcontracting of goods or services from qualified MBEs, WBEs and SBEs.

(c) It shall undertake Good Faith Efforts in accordance with the criteria established in this Ordinance, to ensure that qualified MBEs, WBE, and SBEs are utilized in the performance of

this contract and share in the total dollar value of the contract in accordance with each of the applicable utilization goals established by the District for the participation of qualified MBEs, WBEs and SBEs.

(d) It shall require its subcontractors to make similar good faith efforts to utilize qualified MBEs, WBEs and SBEs.

(e) It shall maintain records and furnish the District all information and reports required by the District for monitoring its compliance with this Ordinance.

(f) It shall designate a person to act as an Affirmative Action Coordinator to facilitate the review of all concerns related to the participation MBEs, WBEs and SBEs.

Section 7. Race- and Gender- Neutral Measures to Ensure Equal Opportunities for All Contractors and Subcontractors

The District shall develop and use measures to facilitate the participation of all firms in District construction contracting activities. These measures shall include, but are not limited to:

(a) Unbundling contracts to facilitate the participation of MBEs, WBEs and ~~SBEs~~ as Prime Contractors.

(b) Arranging solicitation times for the presentations of bids, specifications, and delivery schedules to facilitate the participation of interested contractors and subcontractors.

(c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities, including through an electronic system and social media.

(d) Assisting MBEs, WBEs and SBEs with training seminars on the technical aspects of preparing a bid for a District contract.

(e) Providing assistance to businesses in overcoming barriers such as difficulty in obtaining bonding and financing, and support for business development such as accounting, bid estimation, safety requirements, quality control.

(f) Prohibiting Prime Contractors from requiring bonding for subcontractors, where appropriate.

(g) Holding pre-bid conferences, where appropriate, to explain the contract and to encourage Bidders to use all available firms as subcontractors.

(h) Adopting prompt payment procedures, including, requiring by contract that Prime Contractors promptly pay subcontractors and investigating complaints or charges of excessive delay in payments.

(i) Developing Linked Deposit and other financing and bonding assistance programs to assist small firms.

(j) Reviewing retainage, bonding and insurance requirements and their application to bid calculations to eliminate unnecessary barriers to contracting with the District.

(k) Collecting information from Prime Contractors on District construction contracts detailing the bids received from all subcontractors for District contracts and the expenditures to subcontractors utilized by Prime Contractors on District construction contracts.

(l) Prohibiting Prime Contractors from self-performance as an MBE, ~~or~~ WBE or SBE. ~~Limiting the self-performance of prime contractors, where appropriate.~~

(m) To the extent practicable, developing future policies to award contracts to SBEs.

(n) Maintaining information on all firms bidding on District prime contracts and subcontracts.

(o) At the discretion of the Board of Commissioners, awarding a representative sample of District contracts without goals, to determine MBE, WBE and SBE utilization in the absence of goals.

(p) Referring complaints of discrimination against MBEs, WBEs or SBEs to the appropriate authority for investigation and resolution.

Section 8. **Certification Eligibility**

(a) Only businesses that meet the criteria for certification as a MBE, WBE or SBE may be eligible for credit towards meeting Utilization Contract Goals. The applicant has the burden of production and persuasion by a preponderance of the evidence at all stages of the certification process.

(b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

(i) The firm's ownership by a Socially and Economically Disadvantaged person(s) must be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.

(ii) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.

(c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

(i) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the dispersing of funds.

(ii) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long term decisions on management, policy, operations and work.

(iii) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.

(iv) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by

other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.

(v) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, District ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.

(vi) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day to day activities.

(d) Only an independent firm may be certified as a MBE, WBE or SBE. An independent firm is one whose viability does not depend on its relationship with another firm. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent business, the Director will:

i) Evaluate relationships with non-certified firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

(ii) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant for MBE or WBE certification or any owners of the applicant for SBE ~~certificaiton~~ certification and non-certified firms or persons associated with non-certified firms compromise the applicant's independence.

(iii) Examine the applicant's relationships with non-certified firms to determine whether a pattern of exclusive or primary dealings with non-certified firm compromises the applicant's independence.

(iv) Consider the consistency of relationships between the applicant and non-certified firms with normal industry practice.

(e) An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) for MBEs and WBEs or the majority owner for SBEs has the ability and Expertise to manage and control the firm's operations and work.

~~(f) The District shall certify the eligibility of Joint Ventures involving MBEs, WBEs or SBEs and non-certified firms.~~

(g) The certification status of all MBEs, WBEs and SBEs shall be reviewed periodically by the Administrator. Failure of the firm to seek recertification by filing the necessary documentation with the Administrator as provided by rule may result in decertification.

(h) It is the responsibility of the certified firm to notify the Administrator of any change in its circumstances affecting its continued eligibility. Failure to do so may result in the firm's decertification.

(i) The Administrator shall decertify a firm that does not continuously meet the eligibility criteria.

(j) Decertification by another agency shall create a *prima facie* case for decertification by the District. The challenged firm shall have the burden of proving by a preponderance of the evidence that its District certification should be maintained.

(k) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification by filing a written appeal with the Executive Director within

10 calendar days of receipt of the denial of District certification, recertification or decertification. The appeal should set forth in detail the facts upon which it is based, and attach all relevant documentations. The Executive Director shall render a decision within 15 calendar days of receipt of a timely appeal. The Executive Director's decision shall be final.

(l) A firm found to be ineligible may not apply for certification for two years after the effective date of the final decision.

Section 9. Schedule of Goals for Minority- and Women-Owned Business Enterprise Utilization

In fulfillment of its policy to provide MBEs, WBEs, and SBEs full and equitable opportunities to participate in the District's prime contracts and subcontracts, the District shall establish annually goals for MBE, WBE and SBE participation, based on the availability of MBEs and WBEs in the District's geographic and procurement market.

Section 10. Contract Goals.

(a) The Director, in consultation with the Administrator and the User Department, shall establish Contract Goals for construction contracts based upon the availability of at least three MBEs and three WBEs registered on the District's vendor list to perform the anticipated contracting functions of the contract and the District's utilization of MBEs and WBEs to date.

(b) Where a substantial portion of the total construction contract cost is for the purchase of equipment, the Director may designate goals for only that portion of the contract relating to construction work and related supplies and/or modify the limitations on the credit for M/WBE suppliers herein.

(c) The Contract Goal(s) shall be designated in the contract documents.

Section 11. Counting MBE, WBE, and SBE Participation towards Contract Goals

(a) A Bidder may achieve the Utilization Contract Goals ~~by its status as a MBE, WBE or SBE or by entering into a Joint Venture with one or more MBEs, WBEs and SBEs or~~ by first-tier subcontracting a portion of the work to one or more MBEs, WBEs and SBEs or by direct purchase of materials or services from one or more MBEs, WBEs and SBEs or by any combination of the above.

(b) If a firm is certified as both a MBE and a WBE, the Bidder may count the firm's participation either toward the achievement of its MBE or WBE goal, but not both.

(c) A Bidder may count toward the achievement of its SBE goal the utilization of any MBE or WBE that also satisfies the definition of a SBE.

(d) A Bidder may count the entire amount of that portion of a contract that is performed by MBEs, WBEs or SBEs own forces, including the cost of supplies and materials obtained and installed by the MBE, WBE or SBE for the work of the contract, and supplies purchased or equipment leased by the MBE, WBE or SBE used to directly perform the work of the contract (except supplies and equipment the MBE, WBE or SBE purchases or leases from the Prime Contractor or the Prime Contractor's Affiliate).

~~(e) Where a Bidder or first tier subcontractor engages in a Joint Venture to meet the Contract Goal, the Administrator shall review the profits and losses, initial capital investment,~~

~~actual participation of the Joint Venture in the performance of the contract with its own forces and for which it is separately at risk, and other pertinent factors of the joint venture, which must be fully disclosed and documented in the Utilization Plan in the same manner as for other types of participation, to determine the degree of MBE, WBE or SBE participation that will be credited towards the Contract Goal. The Joint Venture's Utilization Plan must evidence how it will meet the goal or document the Bidder's Good Faith Efforts to do so. The Administrator has the authority to review all records pertaining to Joint Venture agreements before and after the award of a contract in order to assess compliance with this Ordinance. The MBE, WBE or SBE Joint Venture partner must have a history of proven expertise in performance of a specific area of work and will not be approved for performing only general management of the Joint Venture. The specific work activities for which the MBE, WBE or SBE Joint Venture partner will be responsible and the assigned individuals must be clearly designated in the Joint Venture Agreement. The Joint Venture must submit to the Administrator quarterly work plans, including scheduling dates of the tasks. The Administrator must approve the quarterly plans for the MBE, WBE or SBE Joint Venture partner's participation to be credited towards the Contract Goals.~~

(ef) Only the participation of MBEs, WBEs or SBEs that will perform as first-tier subcontractors will be counted towards meeting the Utilization Contract Goals.

(fg) Only expenditures to a MBE, WBE or SBE that is performing a Commercially Useful Function shall be counted towards the Utilization Contract Goal.

(i) A firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. The firm must pay all costs associated with personnel, materials and equipment. The firm must be formally and directly responsible for the employment, supervision and payment of its workforce must own and /or lease equipment, and must be responsible for negotiating price, determining quality and quantity and paying for and ordering materials used. The firm cannot share employees with the Prime Contractor or its Affiliates. No payments for use of equipment or materials by the firm can be made through deductions by the Prime Contractor. No family members who own related businesses are allowed to lease, loan or provide equipment, employees or materials to the firm.

(ii) A firm does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction through which funds are passed in order to obtain the appearance of MBE, WBE or SBE participation. The Prime Contractor is responsible for ensuring that the firm is performing a commercially useful function.

(iii) The District will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE, WBE or SBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors.

(iv) If a firm subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When a firm is presumed not to be performing a Commercially Useful Function, the firm may present evidence to rebut this presumption.

(gh) Credit towards the Contract Goals will be allowed only for those direct services performed or materials supplied by ~~MBEs, WBEs or SBEs~~ or first-tier subcontractor MBEs, WBEs or SBEs must perform no less than eighty-five percent (85%) of their work with their own

forces, through the use of its own management and supervision, employees and equipment. If industry standards and practices differ, the firm must furnish supporting documentation for consideration by the District.

(~~h~~~~i~~) Purchase of materials and supplies must be pre-approved if their purchase is related to goal attainment. Bidder may count payments to MBE, WBE or SBE regular dealers or manufacturers who offer only furnish and deliver contracts for materials and supplies for no more than twenty-five percent (25%) of each MBE, WBE or SBE goal, unless approved by the Administrator. If the bidder exceeds the supplier exception amount allowable as stated in the bid documents, the bid will be viewed as non-responsive.

(~~i~~~~j~~) A dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section. A manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Bidder.

(~~j~~~~k~~) If a firm ceases to be a certified during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(~~k~~~~l~~) In determining achievement of Utilization Contract Goals, the participation of a MBE, WBE or SBE shall not be counted until that amount has been paid to the MBE, WBE or SBE.

Section 12. Utilization Plan Submission

(a) Compliance documents must be submitted as provided in the solicitation. Failure to do so will render the bid non-responsive. The Director shall review each bid submission to determine if it meets the requirements herein.

(b) A Bidder must either meet the Utilization Contract Goals or establish its Good Faith Efforts to do so as described in Appendix D and the solicitation.

(c) Each Bidder shall submit with its bid a completed and signed Utilization Plan that lists the names, addresses, telephone numbers, email addresses and a description of the work with contract item number and contact person of the businesses intended to be used as subcontractors, subconsultants and suppliers, including those firms proposed to meet the Contract Goal(s); the type of work or service each business will perform; and the dollar amount to be allocated to the certified firm(s). Each Bidder's Utilization Plan shall commit to MBE, WBE or SBE participation equal to or greater than each of the Contract Goals set forth in the solicitation, unless the Bidder requests a partial or total waiver of the requirement that it file a Utilization Plan or achieve a particular goal by submitting with the bid a signed Waiver Request in the form specified in the solicitation.

(d) Each Bidder must submit with its bid a signed M/W/SBE Subcontractor's Letter of Intent for each firm in the form specified in the solicitation, with either a copy of each MBE,

WBE or SBEs current Letter of Certification from a state or local government or agency or documentation demonstrating that the firm is a MBE, WBE or SBE within the meaning of this Appendix D. In the event of a conflict between the amounts stated on the Utilization Plan and the M/W/SBE Subcontractor's Letter of Intent, the terms stated on the Utilization Plan shall control. An original or facsimile copy of the M/W/SBE Subcontractor's Letter of Intent will be acceptable.

(e) Where a Bidder had failed to meet the Contract Goal(s), it must file a Waiver request documenting its Good Faith Efforts to meet the Goal(s) as provided in the format described in the solicitation, the Administrator shall require the contractor to file a Contractor Information Form and provide additional documentation of its good faith efforts in attempting to fulfill such goals.

(i) Such Good Faith Efforts, as defined herein, shall include, but are not limited to, the following:

(i) Attend any pre-bid conference conducted by the District to acquaint contractors with MBEs, WBEs and SBEs available to provide relevant goods and services and to inform MBEs, WBEs and SBEs of subcontract opportunities on the contract;

(ii) Review lists of available MBEs, WBEs and SBEs maintained by the District and other state and local governments and agencies prior to the bid opening to identify qualified MBEs, WBEs and SBEs for solicitation for bids;

(iii) Advertise, not less than 15 calendar days before the bid opening date, in one or more daily newspapers and/or trade publications, for proposals or bids by MBEs, WBEs and SBEs for subcontracts or the supply of goods and services on the contract;

(iv) Make timely written solicitations of available MBEs, and WBEs and SBEs identified on the District's vendor list that provide relevant services for subcontracts or the supply of goods and services;

(v) Provide MBEs, WBEs and SBEs with convenient and timely opportunities to review and obtain relevant plans, specifications or terms and conditions of the contract to enable such MBEs, WBEs and SBEs to prepare an informed response to a contractor solicitation;

(vi) Divide total contract requirements into small tasks or quantities and adjust performance bond and insurance requirements or otherwise assist MBEs, WBEs and SBEs in obtaining the required bonding, insurance or financing, where economically feasible, to encourage participation of MBEs, WBEs and SBEs;

(vii) Follow up initial solicitation of MBEs, WBEs and SBEs by contacting them to determine if the enterprises are interested in making bids or proposals;

(viii) Negotiate in good faith with MBEs, WBEs and SBEs prior to the bid opening and do not reject as unsatisfactory any bids or proposals submitted by M/WBEs without justifiable reason, including the lack of bonding capacity or the ability to obtain insurance requirements such as Completed Builders Risk (All Risk) Insurance, Comprehensive General Liability Insurance, Contractor Contractual Liability Insurance and Public Liability Insurance;

(ix) Establish delivery schedules, where the requirements of the work permit, which will encourage participation by MBEs, WBEs and SBEs;

~~(x) Establish joint ventures with MBEs, WBEs and SBEs;~~

(xi) Use the services and assistance of the District, the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce and appropriate community and minority and women's business organizations;

(ii) Failure of a Bidder to provide requested information to the Administrator or to cooperate with the Administrator's investigation, may be grounds for the rejection of a bid and/or a Waiver request.

(iii) Upon completion of the investigation, the Administrator shall inform the Director of his or her findings.

(iv) The Director, after consultation with the Administrator, shall determine whether to grant the Waiver request based on the Bidder's Good Faith Efforts at the time of bid submission.

(v) Where the Director determines that a Bidder has not made Good Faith Efforts, the Director shall declare the bid submission non-responsive and will reject the bid.

(d) A contractor's submission of a Utilization Plan that commits to a M/WBE participation equal to or greater than the applicable utilization goals shall not provide a basis for a higher bid, an increase in contract price or a later change order.

(e) The requirement to submit a Utilization Plan and M/WBE Subcontractor's Letters of Intent applies when the individual project is awarded under Job Order Contracts awarded by the District.

(i) A Prime Contractor issued a Job Order Contract shall submit with each work order issued under such a Contract its Utilization Plan that lists the name, address, telephone number, email address and contact person for each M/W/SBE to be used on the work order, as well as a description of work to be performed and a dollar amount to be allocated to such M/W/SBE. The Prime Contractor shall submit with each work order a M/W/SBE Subcontractor's Letter of Intent from each certified firm.

(ii) A Prime Contractor awarded a Job Order Contract shall be subject to the compliance monitoring provisions herein. The Prime Contractor must submit to the Administrator monthly documentation, as specified by the Administrator, demonstrating that the Contractor has attained the Contract Goals for the completed portion of the Job Order Contract, or that it has been unable to do so despite its good faith efforts. Good Faith efforts must be documented as provided in this Ordinance

Section 13. Compliance Review

(a) The Director shall declare the bid submission non-responsive if a Bidder:

(i) Failed to submit with its bid a completed and signed Utilization Plan;

(ii) Failed to commit in its Utilization Plan to MBE, WBE and SBE participation equal to or greater than each of the Utilization Contract Goals unless the Bidder submitted with its bid a request for a total or partial waiver of the Goal(s).

(iii) Failed to identify in its Utilization Plan the MBE, WBE or SBE by name, scope of work, contract item number, and dollar value of work or percentage of participation equal to or greater than each of the Contract Goal(s).

(iv) Failed to submit with its bid the M/W/SBE Subcontractor's Letter of Intent from each MBE, WBE and SBE listed on its Utilization Plan.

(b) Where, after consultation with the Administrator, the Director determines that Utilization Plan submitted by a Bidder is false or fraudulent, the bid shall be rejected or, if the determination is made after the bid award, the contract may be forfeited in accordance with the provision of Article 28 of the General Conditions.

(c) If a Mentor-Protégé relationship is proposed to meet the Contract Goal, the Mentor-Protégé Development Plan must be submitted to the Administrator for approval prior to contract award. "Mentor-Protégé relationship" describes an association between large business prime contractor firms and socially disadvantaged firms designed to motivate, encourage and to provide mutually beneficial developmental assistance to those socially disadvantaged firms.

(d) Prior to the award of any contract, the Administrator shall review the Utilization Plan, M/W/SBE Subcontractor's Letter(s) of Intent and Letter(s) of Certification, and Contractor Information and Waiver Request Forms as specified in the solicitation, submitted by the apparent low bidder on a contract and conduct any other investigation the Administrator deems appropriate to determine compliance.

(e) Within 30 calendar days after demand, the Prime Contractor shall furnish executed copies of all MBE, WBE and SBE subcontracts to the Administrator. Subsequently, the contractor shall obtain and submit a copy of all MBE, WBE and SBE subtier contracts on demand.

(f) The Prime Contractor shall set timetables for use of its subcontractors before fifty percent (50%) of the work is completed.

(g) If requested by the Administrator, the Prime Contractor must submit a MBE, WBE and SBE Work Plan projecting the work tasks associated with certified firms' commitments prior to the award of the contract. The Work Plan must provide a description of the work to be subcontracted to other MBEs, WBEs and SBEs and non-certified firms and the dollar amount and the name of the all tiers of subcontractors. The Work Plan becomes part of the Prime Contractor's contractual commitment and the contract record, and may not be changed without prior approval of the Administrator.

Section 14. Contract Performance Compliance

(a) After the award of a contract, the Administrator shall review the Prime Contractor's compliance with its M/W/SBE commitments during the performance of the contract.

(b) The Prime Contractor shall be required to submit the Affirmative Action Monthly MBE/WBE/SBE Status Report providing the information and in the format as specified by the District with every payment request. The Contractor's failure to do so may result in a delay of the progress payment.

(c) Evidence of MBE, WBE and SBE subcontractor participation and payments must be submitted as required by the District to confirm subcontractors' participation and payment.

(d) District contract compliance officers and auditors, or their designees, shall have access to the contractor's and subcontractor's books and records, including certified payroll records, bank statements, employer business tax returns and all records including all computer records and books of account to determine the contractor and MBE, WBE and SBE subcontractor compliance with the goal commitment. Audits may be conducted at any time and without notice in the total discretion of the District. A Prime Contractor must provide the Administrator any additional compliance documentation within 14 calendar days of such request. Audits may be conducted without notice at any time at the discretion of the District.

(e) If District personnel observe that any purported MBE, WBE and SBE subcontractor other than those listed on the Utilization Plan are performing work or providing materials and/or equipment for those M/WBE subcontractors listed on the Utilization Plan, the Prime Contractor will be notified in writing of an apparent violation is taking place and progress payments may be withheld. The contractor will have the opportunity to meet with the Affirmative Action Administrator prior to a finding of noncompliance.

(f) Where a partial or total Waiver of the Contract Goal(s) has been granted, the Prime Contractor must continue to make Good Faith Efforts during the performance of the contract to meet the Goal(s), and the Administrator shall provide technical assistance with respect to such efforts. The Administrator shall require the Prime Contractor to provide documentation of its continuing Good Faith Efforts in attempting to fulfill its commitments.

(g) The Prime Contractor cannot make any changes to the approved Utilization Plan or substitutions of the MBE(s), WBE(s) or SBE(s) listed in the Utilization Plan throughout the life of the contract without the prior, written approval of the Administrator. This includes, but is not limited to, instances in which the Prime Contractor seeks to perform work originally designated for a MBE, WBE or SBE subcontractor with its own forces or those of an affiliate, a non-certified firm or another MBE, WBE or SBE. Failure to obtain the prior, written approval of the Administrator in the format specified by the District shall constitute a breach of the contract, and subject the Prime Contractor to any and all available sanctions. The participation of certified firms that did not receive prior, written approval by the Administrator will not be counted towards the Contract Goal(s).

(i) The Prime Contractor must demonstrate good cause to terminate or reduce the scope of work of the MBE, WBE or SBE to the satisfaction of the Administrator. Good cause is limited to the following circumstances:

(1) The listed MBE, WBE, or SBE subcontractor fails or refuses to execute a written contract.

(2) The listed MBE, WBE or SBE subcontractor becomes bankrupt, insolvent or exhibits credit unworthiness.

(3) The listed MBE, WBE or SBE is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to federal or state or local law.

(4) The Administrator has determined that the listed MBE, WBE or SBE subcontractor is not a responsible contractor.

(5) The listed MBE, WBE or SBE subcontractor voluntarily withdraws from the project and provides the Administrator written notice of its withdrawal.

(6) The listed MBE, WBE or SBE subcontractor is ineligible to receive credit for the type of work required.

(7) The MBE, WBE or SBE owner dies or becomes disabled with the result that the listed MBE, WBE or SBE subcontractor is unable to complete its work on the contract.

(8) Other good cause as determined in the Administrator's sole discretion.

(ii) Good cause does not include where the Contractor seeks to terminate a MBE, WBE or SBE it relied upon to obtain the contract so that the Contractor can self-perform the work or substitute another MBE, WBE or SBE or non-certified subcontractor to perform the work for which the MBE, WBE or SBE was engaged or listed on the Utilization Plan.

(iii) The Prime Contractor must give the MBE, WBE or SBE notice in writing, with a copy to the Administrator, of its intent to request to terminate and/or substitute, and the detailed reasons for the request.

(iv) If the Prime Contractor proposes to terminate or substitute a MBE, WBE or SBE subcontractor for any reason, the Contractor must make Good Faith Efforts as defined herein to find a substitute MBE, WBE or SBE subcontractor for the original MBE, WBE or SBE to meet its MBE, WBE or SBE contractual commitment. Its Good Faith Efforts shall be directed at finding another MBE, WBE or SBE to perform or provide at least the same amount of work, material or service under the contract as the original MBE, WBE or SBE to the extent necessary to meet its MBE, WBE or SBE contractual commitment.

(v) The Prime Contractor must submit a MBE, WBE or SBE Subcontractor's Letter of Intent for each proposed new MBE, WBE or SBE subcontractor.

(vi) The Administrator will approve or disapprove the substitution based on the Prime Contractor's documented compliance with these provisions.

(h) In the event a Prime Contractor fails to achieve the level of MBE, WBE or SBE participation described in its Utilization Plan as the result of the District's deletion of the work to be performed by a MBE, WBE or SBE, the Prime Contractor shall notify the Administrator in writing and may request an amendment of its Utilization Plan. A letter of release signed by the subcontractor must be included with the request.

(i) In the event a Prime Contractor, in the performance of its contract, determines that the conditions of the work warrant a reduction in the scope of work to be performed by a MBE, WBE or SBE the Prime Contractor must utilize Good Faith Efforts to fulfill its MBE, WBE or SBE contractual commitment. The Prime Contractor must notify the Administrator in writing within 14 calendar days of the determination to request an amendment of its Utilization Plan. The Prime Contractor must give the MBE, WBE or SBE notice in writing, with a copy to the Administrator, of its intent to request to reduce the scope of work, and the detailed reasons for the request. The Administrator will approve or disapprove the reduction based on the Prime Contractor's documented compliance with these provisions.

(j) Where contract change orders are made individually or in the aggregate that increase the total value of the contract by more than ten percent (10%) of the original contract value, the Prime Contractor shall increase the utilization of all MBEs, WBEs or SBEs, where feasible, so that the total value of the percentage of work performed by MBEs, WBEs or SBEs as to increased contract value bears the same relationship to the total value of the contract (as

modified by change orders) as the percentage of MBEs, WBEs or SBEs utilization committed to in the contractor's original Utilization Plan.

Section 15. Sanctions for Non-Compliance

(a) Where the Administrator believes that the Prime Contractor or subcontractor has committed fraud or misrepresentation against the District or has failed to comply with this Ordinance or its contract, or provided false or fraudulent documentation, the Administrator shall notify the Prime Contractor and/or subcontractor in writing of such determination of noncompliance and withhold up to one hundred percent (100%) of the current progress or final payment due the Prime Contractor for up to 90 days. The amount to be withheld shall be based upon a determination of the degree to which the Prime Contractor has failed to meet its MBE, WBE or SBE contractual commitments and to what extent the Prime Contractor has made Good Faith Efforts to achieve such commitments. The Prime Contractor and/or subcontractor shall have the right to meet with the Administrator within 10 calendar days of receipt of the notice. After conference and conciliation, the Administrator will determine whether the Prime Contractor and/or subcontractor is in compliance.

(b) If the Administrator determines the Prime Contractor and/or subcontractor is not in compliance and the violation cannot be resolved by conference and conciliation, the Administrator shall refer the matter to the Executive Director and the Executive Director may return the referral to the Administrator with direction or may direct the Prime Contractor and/or subcontractor to show cause on a date certain why further sanctions should not be imposed.

(i) The Prime Contractor or subcontractor shall have 15 calendar days after receipt of the show cause notice within which to file a response in writing with the Administrator. A hearing before a duly appointed Hearing Officer shall be convened to provide the contractor and/or subcontractor an opportunity to be heard with respect to the non-compliance. Within 30 calendar days after the Executive Director's referral, the Hearing Officer shall schedule a hearing to be held within 30 calendar days of receipt of the referral for hearing at which the District, the contractor and/or subcontractor may present evidence of the purported violation and/or the absence thereof. The District will carry the burden of proof by a preponderance of the evidence. The Prime Contractor and/or subcontractor may present additional evidence and witnesses to show cause why sanctions should not be imposed. An official record will be kept with the Clerk of the District. All filings by the District or the respondents should be made with the Clerk of the District, with courtesy copies going to the parties and the Hearing Officer.

(ii) The Hearing Officer shall conduct such show cause hearings involving the Ordinance and shall render findings of fact, conclusions of law and recommendations regarding disposition of the hearings. Procedures and rules governing the show cause hearings will be adopted by the Board of Commissioners. The Hearing Officer will not become co-counsel with any attorneys appearing before him/her at any time during the hearing.

(iii) All Show Cause Hearings must be conducted on the record and all testimony must be under oath and transcribed verbatim by a court reporter. All parties shall be given the opportunity to present and respond to evidence. The Hearing Officer shall conduct a fair hearing and maintain order and shall abide by the Judicial Canons of Ethics enacted by the Illinois Supreme Court.

(iv) Within 30 calendar days after the hearing with the Prime Contractor and/or subcontractor, the Hearing Officer shall issue in writing to the Executive Director his/her written findings of fact, conclusions of law as to compliance and recommendations with respect to any

appropriate sanctions. The Executive Director shall transmit the Hearing Officer's findings, conclusions and recommendations to the Board of Commissioners which may impose sanctions for a Prime Contractor's and/or subcontractor's noncompliance with this Ordinance including, but not limited to:

(1) Withholding up to fifty percent (50%) of the current progress or final payment due the contractor until the Administrator determines that the contractor is in compliance. Following the withholding of up to fifty percent (50%) of the current progress payment, up to one hundred percent (100%) of further progress payments may be withheld until the contractor is found to be in compliance with the requirements of this Ordinance. The amount to be withheld will be based upon a determination of the degree to which the Prime Contractor has failed to meet its MBE, WBE or SBE contractual commitments and to what extent the Prime Contractor has made good faith efforts to achieve such commitments.

(2) Declaring the Prime Contractor and/or subcontractor to be non-responsible and disqualify/debar the Prime Contractor and/or subcontractor from eligibility to bid on District construction contracts for a period of not less than one (1) year, and not more than three (3) years. An entity that is disqualified pursuant to the provisions of this Ordinance shall be precluded from participation on any District contract as a Prime Contractor, subcontractor and supplier for the period of disqualification. In cases of the use of false documentation, the making of false statements, fraud or misrepresentation, the disqualification period will be not less than eighteen (18) months, and not more than three (3) years for the second violation of the Ordinance and not less than twenty-four (24) months and not more than three (3) years for the third violation of the Ordinance from the date of disqualification established in the Board Order.

(3) Rejecting bids by the Prime Contractor for other contract(s) not yet awarded to that Bidder in instances of the use of false documentation, the making of false statements, fraud or misrepresentation.

(4) For any MBE, WBE or SBE that has misrepresented its MBE, WBE or SBE status and/or failed to operate as an independent business concern performing a Commercially Useful Function, declaring by the Director that the MBE, WBE or SBE ineligible to participate as a MBE, WBE or SBE in District contracts. A firm that has been declared ineligible may not participate as a MBE, WBE or SBE for a period of not less than one (1) year and not more than three (3) years.

(5) Forfeiting and deducting from the Prime Contractor's progress or final payments under the contract an amount up to the dollar amount of its MBE, WBE goal commitment that the contractor has failed to meet. The amount to be deducted will be based upon a determination of the extent to which the Prime Contractor made Good Faith Efforts to achieve such commitments.

(6) Referring the matter to the Office of the Attorney General or Cook County State's Attorney for follow-up action.

(c) The Administrator and Director will take action to prevent a contract from being awarded to a Prime Contractor or first-tier subcontractor disqualified from bidding hereunder for the period of disqualification.

(d) The District's attorneys' fees and costs will be assessed against the Prime Contractor and/or subcontractor where the Hearing Officer makes a finding that the Prime Contractor or subcontractor used false documentation, made false statements, or committed fraud or misrepresentation.

(e) Notice of sanctions imposed by the Board of Commissioners for violations of the Ordinance by the Prime Contractor, subcontractor and/or supplier will be spread upon the public

record by the District, including but not limited to publication in the Record of Proceedings of the Board of Commissioners, posting on the District's web site, publication in any type of media, newspaper publication and direct notice by letter to governmental entities.

(f) Any sanctions imposed against an entity shall also apply personally to all officers and directors of the entity or partners of the entity, and their successors and assigns with knowledge of the acts and omissions that give rise to the sanctions against the entity.

(g) The District may take other action, as appropriate, within the discretion of the Administrator, subject to the approval of the Hearing Officer and the Board of Commissioners.

Section 16. Other Federal Regulations

The provisions of this Ordinance shall not apply to any contract to the extent that different procedures or standards are required by any law or regulation of the United States and nothing herein shall be interpreted to diminish or supplant the present Equal Employment Opportunity Requirements contained in Appendices B and C of Grant funded contracts or Appendix C non-Grant funded contracts.

Section 17. Reporting and Review

The Board of Commissioners directs the District staff to report to the Board of Commissioners on an annual basis with respect to the following:

- (a) The level of MBE, WBE or SBE participation achieved in each year in District construction contracts subject to Appendix D.
- (b) Identification of any problems with the enforcement of Appendix D; and
- (c) Any recommendations with respect to improving the implementation of Appendix D.

Section 18. Sunset Provision

This Appendix D shall expire on June 30, 2022, unless the District finds its remedial purposes have not been fully achieved and that there is a compelling interest in continuing to implement narrowly tailored remedies to redress discrimination against MBEs and WBEs so that the District will not function as a passive participant in a discriminatory marketplace in the Metropolitan Chicago construction industry.

Section 19. Repeal of Prior Inconsistent Provisions

All enactments and provisions heretofore adopted by this Board of Commissioners in the area of affirmative action in connection with construction contracts subject to this Interim Ordinance that are inconsistent with the provisions of this Interim Ordinance are hereby expressly repealed.

Section 20. Severability

If any clause, sentence, paragraph, section or part of this Interim Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect,

impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this Interim Ordinance directly involved in the controversy in which the judgment shall have been rendered.

Section 21. Effective Dates

This amendment to revised Appendix D shall be effective and apply to all bids for contracts advertised after ~~December 2, 2021~~April 21, 2022.

ADOPTED:

Kari K. Steele, President
Board of Commissioners of the
Metropolitan Water Reclamation
District of Greater Chicago

Approved as to form and legality:

Head Assistant Attorney

General Counsel



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0390

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Miscellaneous & New Business

File Type: Resolution

Agenda Number: 2

RESOLUTION FOR BOARD MEETING OF APRIL 21, 2022

RESOLUTION sponsored by the Board of Commissioners recognizing the 100th birthday of Harold Washington

WHEREAS, Harold Lee Washington was born on April 15, 1922 in Chicago, Illinois to Roy Lee and Bertha Washington. His father was an attorney, a Methodist minister, and one of the first Black precinct captains in the City of Chicago, while his mother was a well-known singer; and

WHEREAS, as a youth, Mr. Washington attended Forestville Elementary School and DuSable High School, both of which at that time were segregated. During his junior year of high school at DuSable, Mr. Washington quit school to work at a meat-packing factory. A short time later, his father helped him to obtain a job at the United States Department of the Treasury in Chicago; and

WHEREAS, in 1942, Mr. Washington was drafted into the United States Army into a segregated unit of the Air Force Engineers (at the time, this unit was located within the Army). He served three years overseas, where he attained the rank of First Sergeant; and

WHEREAS, upon returning to Chicago in 1945, Mr. Washington decided to complete his education. He attended Roosevelt University, where he earned a Bachelor of Arts degree in political science in 1949, and Northwestern School of Law, where he earned his Juris Doctorate degree in 1952. He was the only Black student in his class; and

WHEREAS, following graduation, Mr. Washington worked in private practice with his father. He was later employed at the City of Chicago Department of Law, where he worked as an assistant prosecutor from 1954 to 1958. In 1960, he was hired as an arbitrator for the Illinois State Industrial Commission, where he was employed for four years; and

WHEREAS, after the passing of his father in 1953, Mr. Washington succeeded him as precinct captain of the Third Ward. In 1965, he campaigned for office in the Illinois House of Representatives. He was successful in his bid, and served until 1976, when he was elected to the Illinois State Senate. Mr. Washington served there until 1980; and

WHEREAS, while working in the Illinois General Assembly, Mr. Washington established a reputation of being willing to step outside of the established political agenda. In doing so, he supported such causes as the Equal Rights Amendment, the establishment of a state holiday to honor Dr. Martin Luther King Jr., and a fair housing code; and

WHEREAS, in November of 1980, Mr. Washington was elected as a Representative in the 97th United States Congress. In what was considered a landslide election, he was sworn in on

January 3, 1981. During his term in Congress (1981-1983), Mr. Washington served on the following committees: Education and Labor; Judiciary; and Government Operations; and

WHEREAS, while in Congress, Mr. Washington was known for his passion in advocating for revisions to the 1965 Voting Rights Act and an Equal Rights Amendment. He was an avid proponent of affirmative action and equity for Black people; and

WHEREAS, in February of 1983, encouraged by numerous Black leaders, Mr. Washington decided to try his hand again at running for the office of Mayor of the City of Chicago (his first run was in 1977 when he unsuccessfully ran in a special election to replace Richard J. Daley, who tragically died while in office). Against stiff and favored competition, and despite a financial disadvantage, Mr. Washington won the democratic nomination; and

WHEREAS, on April 12, 1983, Mr. Washington was elected as the first Black Mayor of the City of Chicago. He was sworn in on April 29th and proudly claimed his office; and

WHEREAS, Mr. Washington's first term in office was marred by numerous contentious battles. However, refusing to accept defeat, he again was victorious in his run for office and was elected to his second term as Mayor of the City of Chicago on April 7, 1987; and

WHEREAS, on November 25, 1987, Mr. Washington suffered a heart attack in his office, to which he succumbed. He was 65 years old; and

WHEREAS, Harold Washington is celebrated as a leader, a trailblazer, and an activist. He is remembered for his humor and his kindness. He was a well-loved political leader, not only in Chicago, but around the world. Mr. Washington is credited with not just advocating for change but putting in the work necessary to bring about that change. Through his leadership and his successful ascension to the office of mayor, he demonstrated the depth of what is possible; and

NOW, THEREFORE, BE IT RESOLVED that we, the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, on behalf of ourselves and our staff, do hereby recognize the 100th birthday of Harold Washington; and

BE IT FURTHER RESOLVED, that this Resolution be spread upon the permanent Record of Proceedings of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago.

Dated: April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0398

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Miscellaneous & New Business

File Type: Resolution

Agenda Number: 3

RESOLUTION FOR BOARD MEETING OF APRIL 21, 2022

RESOLUTION sponsored by the Board of Commissioners recognizing April as National Arab American Heritage Month

WHEREAS, the month of April is widely recognized as National Arab American Heritage Month. During this month, homage is paid to the contributions of Arab Americans and their rich heritage and diverse culture is celebrated. Celebration of National Arab American Heritage Month presents an opportunity to enhance understanding of the nuanced and varied aspects of Arab American heritage; and

WHEREAS, in celebration of National Arab American Heritage Month, numerous schools, cultural institutions, and government offices throughout the United States sponsor local events acknowledging the many contributions of Arab Americans; and

WHEREAS, people of Middle Eastern descent began migrating to the United States in significant numbers in the 1800's, and today it is estimated that the current population of Arab Americans is approximately four million people; and

WHEREAS, Arab Americans trace their origins back to twenty-two countries in the Middle East and North Africa and represent multiple faiths, cultures, and linguistic traditions; and

WHEREAS, Arab Americans have achieved countless accomplishments, received innumerable awards, and made immeasurable contributions in many facets of society including the arts, business, law, medicine, science, and technology; and

WHEREAS, established in 2001, Arab American Family Services (AAFS) is a nonprofit organization that serves over thirty communities in the South Suburbs of Chicago by providing assistance with services for seniors, food assistance, mental health stability, immigration issues, and domestic violence services. AAFS celebrates local Arab American culture and contributions; and

WHEREAS, the Syrian Community Network (SCN) is a charitable organization that was founded in Chicago in 2015 in response to the Syrian refugee crisis. With the goal of creating a safe environment for arriving Syrian immigrants, SCN focused on assisting with education, economic stability, and legal immigration status. SCN currently offers assistance to anyone regardless of ethnicity, national origin, religion, or sexual orientation; and

WHEREAS, founded in 1985, the Arab-American Business & Professional Association (ABPA) is a nonprofit organization that empowers Arab-American small business owners and professionals by providing networking opportunities with local and international investors.

Additionally, ABPA offers internship, professional development, and student ambassador opportunities to students to enhance their business comprehension; and

NOW, THEREFORE, BE IT RESOLVED, that we, the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, on behalf of ourselves and our staff, do hereby recognize April as National Arab American Heritage Month; and

BE IT FURTHER RESOLVED, that this Resolution be spread upon the permanent Record of Proceedings of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago and that a copy of same, suitably engrossed, be presented to Arab American Family Services, the Syrian Community Network, and the Arab-American Business & Professional Association.

Dated: April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0402

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Miscellaneous & New Business

File Type: Resolution

Agenda Number: 4

RESOLUTION FOR BOARD MEETING OF APRIL 21, 2022

RESOLUTION sponsored by the Board of Commissioners congratulating Judge Ketanji Brown Jackson

WHEREAS, on February 25, 2022, Judge Ketanji Brown Jackson made history by being the first Black woman nominated to serve on the Supreme Court of the United States (Supreme Court), the highest judicial body in the country. She was nominated by President Joseph R. Biden Jr. to succeed Associate Justice Stephen G. Breyer. On April 7, 2022, in a vote of 53-47, she again made history by becoming the first Black woman confirmed to serve on the Supreme Court; and

WHEREAS, prior to being nominated to the Supreme Court, Judge Jackson served in numerous esteemed capacities including serving as Vice chair/Commissioner on the United States Sentencing Commission (2010-2014), a federal judge on the United States District Court for the District of Columbia (2013-2021), and an appellate judge on the United States Court of Appeals for the District of Columbia Circuit (2021-2022). It is also noteworthy that Judge Jackson clerked for Associate Justice Breyer at the Supreme Court from 1999-2000; and

WHEREAS, born in Washington, D.C. on September 14, 1970, the daughter of school teachers, Judge Jackson moved with her family to Miami, Florida at a young age. Following her graduation from Miami Palmetto High School in 1988, she was selected to attend the esteemed Harvard University. Judge Jackson earned her bachelor's degree in government, magna cum laude, in 1992 and her juris doctor, cum laude, in 1996; and

WHEREAS, Judge Jackson has been honored numerous times for her unyielding commitment to the law, including the Edward H. Levi Distinguished Visiting Jurist award from the University of Chicago Law School; the Stars of the Bar award from the Women's Bar Association of the District of Columbia; the David T. Lewis Distinguished Jurist-in-Residence award from the University of Utah, S.J. Quiney College of Law; the Distinguished Visiting Jurist, Third Annual Judge James B. Parsons Legacy award from the Black Law Students Association at the University of Chicago Law School; and the Constance Baker Motley award for Empowering Women of Color from Columbia Law School; and

WHEREAS, Judge Jackson will take her oath of office later this summer after Associate Justice Breyer officially retires at the beginning of the Supreme Court's summer recess. It is anticipated that her official first day on the bench will be October 3, 2022. As if Judge Jackson has not broken enough barriers in her historic nomination and confirmation, she will also be the first former public defender to serve on the Supreme Court; and

File Number: 22-0402

NOW, THEREFORE, BE IT RESOLVED that we, the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, on behalf of ourselves and our staff, do hereby congratulate Judge Ketanji Brown Jackson on her Supreme Court of the United States confirmation; and

BE IT FURTHER RESOLVED, that this Resolution be spread upon the permanent Record of Proceedings of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago.

Dated: April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0361

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Finance Committee

File Type: Report

Agenda Number: 5

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON FINANCE

Mr. Brian A. Perkovich, Executive Director

Report on Cash Disbursements for the Month of March 2022, in the amount of \$17,818,546.86

Dear Sir:

Submitted herewith are the Cash Disbursements for the Month of March 2022.

Corporate Fund	\$14,008,292.48
Capital Improvement Bond Fund	2,309,711.88
All Other Funds	<u>1,500,542.50</u>
Total Disbursements	\$17,818,546.86

The Chairman of the Committee on Finance submits the following Cash Disbursements Report for acceptance by the Board of Commissioners. BMO Harris Bank checks as well as electronic vendor payments, both as referenced on Vendor Payment ledger, are included in the attached report.

Pursuant to 70 ILCS 2605 11.23, the Comptroller shall conduct audits of all expenditures incident to all purchase orders and contracts awarded by the Director of Procurement and Materials Management. The Comptroller shall report the results of such audits to the President and the Board of Commissioners. As a result, it is requested that the Board of Commissioners accept the Cash Disbursements Report and direct the Clerk to publish and file the report.

Respectfully Submitted, Andrew Dziadkowiec, Comptroller

Attachment

Metropolitan Water Reclamation District of Greater Chicago
M003 - Cash Disbursements - Summary
From 03/01/2022 to 03/31/2022

		Fund							
Year of Obligation	Method of Payment	101	201	401	501	901	P802	Total	
2022	Checks	\$ 2,187,373.81	\$ 597,537.83	\$ 137,371.58	\$ 326,331.29	\$ 4,490.40	\$ 4,000.00	\$ 3,257,104.91	
	Electronic Payments	11,820,918.67	29,610.60	2,172,340.30	188,334.27	350,238.11	0.00	14,561,441.95	
	Total - 2022	\$ 14,008,292.48	\$ 627,148.43	\$ 2,309,711.88	\$ 514,665.56	\$ 354,728.51	\$ 4,000.00	\$ 17,818,546.86	

Metropolitan Water Reclamation District of Greater Chicago
M003 - Cash Disbursements - Checks
From 03/01/2022 to 03/31/2022

Date	Vendor	Name	Description	Payment
03/14/22	5000076	A DISCOUNT LOCK CO.	Admin Bldg Annex Ops	\$ 617.70
03/09/22	5000100	ABBOTT RUBBER CO INC	Plumb Access & Supl	1,729.62
03/30/22	6001750	ABEST SCALE CO INC	Mech Repair Parts	480.00
03/21/22	5017958	ADVANCED ANTIVIBRATION CO	Mech Repair Parts	243.82
03/17/22	5013576	AECOM TECHNICAL SERVICES	Prof Eng Svc Cnst Pr	106,414.96
03/30/22	2018591	AFRICAN AMERICAN CONTRACT	Contractual Srvc NOC	2,000.00
03/22/22	6000770	ALLIED WASTE SERVICES #71	Waste Matl Disp Chgs	18,895.64
03/04/22	2005897	AMALGAMATED BANK OF CHICA	Pmts Prof Svcs	1,306.25
03/29/22	2009102	AMEREN ILLINOIS	Natural Gas	1,029.69
03/31/22	2010726	AMERICAN INSTITUTE OF STE	Subscripts Membrshps	225.00
03/02/22	5017841	ANCHOR LUBRICANTS LLC	Lubricants	176.31
03/09/22	5013880	APPLIED HYDRAULICS CORP	Plumb Access & Supl	1,689.72
03/28/22	5013954	AT&T	Communication Svcs	44,647.88
03/21/22	5011186	ATLAS FIRST ACCESS LLC	Repairs Vehicle Eqpt	397.22
03/16/22	5013665	BAKER TILLY VIRCHOW KRAUS	Pmts Prof Svcs	29,000.00
03/22/22	5013366	BARCODING INC	Computer Supplies	656.05
03/09/22	2018577	BENJAMIN ARTHUR SHEPHERD	Pmts Prof Svcs	86.25
03/02/22	5000456	BROOKFIELD AMETEK	Repair Test Lab Eqpt	1,692.00
03/02/22	5002652	BURRIS EQUIPMENT CO	Tools and Supplies	457.49
03/30/22	5000942	CALCO LTD	Contractual Srvc NOC	735.33
03/11/22	5000954	CALUMET HARBOR LUMBER & S	Build Grnd Matl Supl	25,045.60
03/02/22	5017921	CANARY SYSTEMS INC	Computer Software	5,891.34
03/18/22	5014862	CAROLLO ENGINEERS INC.	Pmts Prof Svcs	2,679.00
03/04/22	5006026	CHAPMAN AND CUTLER	Pmts Prof Svcs	2,961.00
03/11/22	2006352	CITY OF BLUE ISLAND	Water & Water Svcs	229.32
03/11/22	2009119	CITY OF CALUMET CITY	Gov Srvc Chrgs	700.00
03/04/22	2006359	CITY OF CHICAGO DEPT OF W	Water & Water Svcs	158,671.90
03/09/22	2009126	CITY OF CUBA WATER/SEWER	Water & Water Svcs	96.22
03/04/22	2009278	CITY OF DES PLAINES	Water & Water Svcs	1,579.47
03/22/22	2009107	CITY OF EVANSTON	Water & Water Svcs	11.31
03/02/22	2009147	CITY OF MARKHAM	Water & Water Svcs	48.76
03/29/22	5017187	CITY OF PARK RIDGE	Intrgvnmntl Agreemnt	63,175.55
03/02/22	5001207	CLARK DEVON HARDWARE	Plumb Access & Supl	7,735.66
03/02/22	5011726	CLASSIC LANDSCAPE LTD	BMO Concntrn Dep Clrg	1,000.00
03/14/22	5005926	COMED	Electrical Energy	840,375.13
03/02/22	5015747	CONVEYALL INDUSTRIAL SUPP	Mech Repair Parts	6,296.73
03/23/22	2006425	COOK COUNTY RECORDER OF D	Pmts for Easements	508.00
03/04/22	5016534	COOK COUNTY SHERIFF'S OFF	Intrgvnmntl Agreemnt	12,734.42
03/14/22	5017954	CR MAGNETICS INC	Elec Parts and Supl	625.58
03/09/22	2017475	DIONISIA MIKROULIS	Pmts Prof Svcs	90.00
03/08/22	5001682	DRESSER-RAND GROUP	Preservation Process Faci	594,858.83
03/09/22	5017634	EXPONENTIAL POWER	Elec Parts and Supl	1,052.80
03/16/22	2017223	FBINAA	Subscripts Membrshps	120.00
03/08/22	5001976	FEDEX	Post Freight Chgs	558.48
03/22/22	5009900	FLUID DYNAMICS MIDWEST	Mech Repair Parts	3,050.00
03/08/22	5016266	FOTRONIC CORPORATION	Tools and Supplies	1,383.00
03/10/22	2018587	GAVIN E DAILEY	Pmts Prof Svcs	1,096.47
03/25/22	5002264	GORDON ELECTRIC SUPPLY IN	Elec Parts and Supl	135.50
03/16/22	5017519	GROWING COMMUNITY MEDIA N	Advertising	514.90
03/22/22	5017925	HATCH LTD	Comp Software Maint	3,870.00
03/17/22	5015597	ICE QUBE INC	Elec Parts and Supl	4,304.06
03/09/22	5015894	ILLINOIS DEPARTMENT OF NA	Matls & Supl, N.O.C.	1,500.00

Date	Vendor	Name	Description	Payment
03/10/22	2008517	ILLINOIS WORKERS" COMPENS	Employee Claims	4,490.40
03/18/22	5016009	INDUSTRIAL PROCESS CONTRO	Mech Repair Parts	580.00
03/04/22	5015860	INNOVATIVE HYDRAULICS	Comp Software Maint	600.00
03/31/22	2018493	INTERNATIONAL CIO LEADERS	Subscripts Membrshps	2,000.00
03/16/22	2017522	INTERNATIONAL INFORMATION	Subscripts Membrshps	125.00
03/28/22	2010798	IRIS N CORRAL	Pmts Prof Svcs	67.50
03/16/22	2017521	ISACA	Subscripts Membrshps	350.00
03/04/22	6001191	J & L CONTRACTORS INC	Repair Waterwy Facil	195,165.00
03/15/22	5011866	JADE SCIENTIFIC INC	Lab Supl Sm Eqpt Chm	2,033.98
03/29/22	5015341	JOHNSON CONTROLS SECURITY	Test & Insp Svcs	255.00
03/31/22	5002886	JOHNSTONE SUPPLY INC	Plumb Access & Supl	464.40
03/10/22	2011847	JULIE, INC	Pmts Prof Svcs	46,814.16
03/02/22	5015251	KATTEN MUCHIN ROSENMAN LL	Pmts Prof Svcs	4,000.00
03/15/22	5015008	KIRBY RISK CORPORATION	Elec Parts and Supl	11,773.75
03/21/22	2015723	LAW BULLETIN PUBLISHING C	Books Maps & Chart	493.44
03/11/22	5017981	LION FIRST RESPONDERS PPE	Safety Medical Supl	11,914.21
03/07/22	6001755	LUSE ENVIRONMENTAL SERVIC	Safety Repairs Svcs	13,008.11
03/30/22	2007615	MCGOVERN, LAURA	Pmts Prof Svcs	4,762.50
03/17/22	5009498	MESIROW INSURANCE SERVICE	Insurance Premiums	13,202.00
03/16/22	5015753	MOBILE HEALTH & TESTING S	Medical Services	1,213.50
03/02/22	5013827	MORTON SALT INC	Build Grnd Matl Supl	8,268.99
03/09/22	5003737	MURRAY & TRETTEL INC	Pmts Prof Svcs	730.00
03/16/22	2012203	NATIONAL ASSOCIATION OF F	Subscripts Membrshps	499.00
03/22/22	5010542	NETWORKFLEET	Repairs Vehicle Eqpt	7,430.08
03/21/22	5010266	NEWARK CORPORATION	Tools and Supplies	319.00
03/18/22	2018585	NEWSSOURCE LLC	Subscripts Membrshps	540.00
03/02/22	2008990	NICOR GAS	Natural Gas	380,786.05
03/31/22	5007151	PARKER SALES CO INC	Safety Medical Supl	2,487.60
03/25/22	5006141	PAUL L WILLIAMS & ASSOCIA	Pmts Prof Svcs	3,500.00
03/04/22	2009116	PEOPLES GAS	Natural Gas	167,210.43
03/18/22	5011378	PERKINELMER HEALTH SCIENC	Lab Supl Sm Eqpt Chm	4,494.00
03/04/22	5004179	PETERSON & MATZ INC	Plumb Access & Supl	4,942.08
03/31/22	2015898	PHARES A NOEL II	Pmts Prof Svcs	1,200.00
03/16/22	2008091	POSTMASTER	Rental Charges	1,736.00
03/16/22	5017744	POWERDRIVE LLC	Mech Repair Parts	68,387.62
03/08/22	5016526	PRINTLAB	Reprographic Svcs	80.00
03/02/22	5017301	PURE TECHNOLOGIES U.S. IN	Repairs Proc Facil	4,847.72
03/04/22	5015225	RADWELL INTERNATIONAL INC	Plumb Access & Supl	3,939.87
03/28/22	5006221	RED SKY TECHNOLOGIES, INC	Comp Software Maint	100.00
03/22/22	5015503	REPUBLIC SERVICES #710	Admin Building Ops	649.42
03/18/22	5004525	REVERE ELECTRIC SUPPLY	Plumb Access & Supl	14,777.31
03/04/22	5009762	RITTER TECHNOLOGY INC	Plumb Access & Supl	4,217.14
03/31/22	5010764	SCHNEIDER ELECTRIC SYSTEM	Repairs Colet Facil	7,819.50
03/15/22	5015859	SERV-A-PURE	Lab Supl Sm Eqpt Chm	2,233.78
03/04/22	2018581	SHUNTAE RICHARDSON	Pmts Prof Svcs	67.50
03/09/22	5017406	SLG INNOVATION INC	Pmts Prof Svcs	8,316.00
03/04/22	2009120	SOUTH STICKNEY SANITARY D	Water & Water Svcs	19.00
03/15/22	2009125	SPOON RIVER ELECTRIC CO-O	Electrical Energy	1,705.34
03/31/22	5008776	SPRAYING SYSTEMS CO	Plumb Access & Supl	548.59
03/02/22	2016781	ST. RITA OF CASCIA HIGH S	Rental Charges	3,200.00
03/28/22	2008533	STATE FIRE MARSHAL	Test & Insp Svcs	280.00
03/08/22	5012417	STATE OF IL BUREAU OF IDE	Contractual Srvc NOC	285.00
03/11/22	5013268	STAUFFER MFG CO	Safety Medical Supl	3,532.48
03/09/22	5008914	STEEL-FAB INC	Mech Repair Parts	84,493.00
03/02/22	5005067	STEINER ELECTRIC COMPANY	Elec Parts and Supl	2,717.92

Date	Vendor	Name	Description	Payment
03/14/22	5014025	SUN-TIMES MEDIA LLC	Advertising	2,682.40
03/31/22	5004584	SUPER ROCO STEEL & TUBE L	Metals	410.00
03/07/22	5016977	TECHNOLOGY MANAGEMENT REV	Communication Srves	1,919.10
03/04/22	5005954	THOMAS PUMP CO	Mech Repair Parts	22,624.00
03/28/22	5014369	THOMPSON ELEVATOR INSPECT	Test & Insp Srves	75.00
03/16/22	5017716	TO 11 LLC D/B/A TO ELEVEN	Tuition Training Pmt	7,000.00
03/09/22	2018586	TODD D. CONN	Pmts Prof Srves	922.52
03/11/22	5008429	TOMPKINS PRINTING EQUIPME	Repair Ofc Furn Eqpt	1,030.00
03/04/22	2010777	TONY VOURIS	Pmts Prof Srves	153.75
03/09/22	5010387	TONYS TRUCK SERVICES INC	Test & Insp Srves	50.00
03/11/22	5005345	TRANSCAT	Tools and Supplies	509.25
03/04/22	5015824	TRINITY CONSULTANTS INC	Comp Software Maint	1,045.00
03/31/22	5012286	TRUMBULL INDUSTRIES	Plumb Access & Supl	271.80
03/23/22	5005398	TUREK & SONS LLC	Tools and Supplies	146.25
03/30/22	5015661	U OF IL, GRANTS & CONTRAC	Pmts Prof Srves	1,172.55
03/24/22	5007481	UNIVERSITY OF ILLINOIS	Prelim Eng Rpts Stds	23,602.35
03/02/22	5017962	US ALARM & DETECTION SUPP	Elec Parts and Supl	1,737.50
03/04/22	5005423	UTILITY SUPPLY OF AMERICA	Processing Chemicals	2,693.34
03/24/22	5009707	VERISON WIRELESS	Communication Srves	210.60
03/04/22	2009117	VILLAGE OF ALSIP WATER DE	Water & Water Srves	22.64
03/16/22	2009188	VILLAGE OF FOREST VIEW -	Water & Water Srves	197.75
03/11/22	2009106	VILLAGE OF HANOVER PARK	Water & Water Srves	261.40
03/11/22	2009376	VILLAGE OF HAZEL CREST	Water & Water Srves	25.00
03/17/22	2009187	VILLAGE OF HODGKINS	Water & Water Srves	34,135.52
03/11/22	2009310	VILLAGE OF LEMONT-WATER &	Water & Water Srves	819.36
03/24/22	2011041	VILLAGE OF PALATINE	Water & Water Srves	39.75
03/08/22	2009371	VILLAGE OF RIVER FOREST	Water & Water Srves	874.38
03/11/22	2008770	VILLAGE OF SCHAUMBURG	Water & Water Srves	875.36
03/17/22	2009118	VILLAGE OF WORTH	Water & Water Srves	109.96
03/04/22	6000795	VULCAN CONSTRUCTION MATER	Waterwy Facil Struct	69,544.01
03/04/22	5005647	WASTE MANAGEMENT	Waste Matl Disp Chgs	837.81
03/09/22	5013204	WATER ENVIRONMENT RESEARC	Tuition Training Pmt	1,195.00
03/16/22	2011303	WATER ISAC	Subscripts Membrshps	5,500.00
03/08/22	5005685	WEST GROUP	Books Maps & Chart	5,569.78
03/16/22	2012156	WEST PAYMENT CENTER	Subscripts Membrshps	574.92
03/16/22	2009189	WEST SUBURBAN WATER COMMI	Water & Water Srves	59.89
03/14/22	5005719	WHIPPS INC.	Plumb Access & Supl	1,628.00
03/28/22	2008895	WRZESINSKI, STEPHEN A	Pmts Prof Srves	1,218.75
03/02/22	5017286	ZORO TOOLS INC.	Plumb Access & Supl	306.89
				\$ 3,257,104.91

Metropolitan Water Reclamation District of Greater Chicago
M003 - Cash Disbursements - ACH
From 03/01/2022 to 03/31/2022

Date	Vendor	Name	Description	Payment
03/01/22	5011503	24 HOUR SAFETY LLC	Gases	\$ 3,435.92
03/10/22	5014707	AARGUS PLASTICS INC	Cleaning Supplies	12,058.51
03/17/22	5011924	ABT ELECTRONICS INC	Matls & Supl, N.O.C.	1,552.00
03/24/22	5017388	ACCELERATED TECHNOLOGY	Computer Software	14,612.50
03/01/22	5000108	ACCENT BEARINGS CO INC	Mech Repair Parts	943.33
03/09/22	5000113	ACCREDITED LOCK & DOOR HA	Hardware	258.40
03/10/22	5016053	ACRES ENTERPRISES INC	Maint Grnds Pavement	1,999.00
03/03/22	5000145	ACTIVE ELECTRICAL SUPPLY	Elec Parts and Supl	7,507.75
03/10/22	5000153	ADDISON BUILDING MATERIAL	Build Grnd Matl Supl	1,704.76
03/01/22	5000181	AETNA TRUCK PARTS INC	Lubricants	6,832.28
03/03/22	5000184	AFFILIATED STEAM EQUIPMEN	Plumb Access & Supl	3,136.84
03/30/22	5016284	AGATHOS LABORATORIES INC	Lab Supl Sm Eqpt Chm	167.46
03/04/22	5005967	AGILENT TECHNOLOGIES, INC	Lab Supl Sm Eqpt Chm	664.94
03/01/22	5000208	AIR ONE EQUIPMENT INC	Gases	8,336.00
03/07/22	5010067	AL WARREN OIL CO INC	Lubricants	927.08
03/04/22	5005841	ALEXANDER CHEMICAL CORP	Processing Chemicals	161,462.41
03/17/22	5015438	ALFA LAVAL INC	Mech Repair Parts	144,401.21
03/14/22	2018523	ALRICK C KNIGHT	Pmts Prof Svcs	956.25
03/01/22	5016796	ALSCO INC	Contractual Srvc NOC	608.65
03/24/22	5012288	ALTURA COMMUNICATION SOLU	Communications Supl	958.60
03/09/22	5013669	AMERICAN GASES CORP	Processing Chemicals	19,600.69
03/18/22	5014370	AMERICAN PRECISION SUPPLY	Plumb Access & Supl	5,794.86
03/03/22	5014434	AMERICAN REPROGRAPHICS CO	Ofc Supl Eqpt Furn	1,223.50
03/01/22	5015306	AMERICAN WELDING & GAS IN	Gases	3,863.04
03/04/22	6001635	AUTUMN CONSTRUCTION SERVI	Repairs Buildings	32,529.00
03/01/22	5000546	AVALON PETROLEUM COMPANY	Fuel	62,553.07
03/15/22	5013650	B & H FOTO & ELECTRONICS	Tools and Supplies	210.00
03/07/22	5011898	B2B COMPUTER PRODUCTS	Elec Parts and Supl	4,662.70
03/03/22	5012172	BARNES & THORNBURG LLP	Pmts Prof Svcs	387.50
03/01/22	5002650	BAY INSULATION OF IL INC	Fibr Papr Insul Matl	4,629.27
03/03/22	5000660	BEARING DISTRIBUTORS INC	Mech Repair Parts	928.80
03/10/22	5012215	BEARING SERVICE CO	Mech Repair Parts	3,366.61
03/31/22	5000662	BEARINGS & INDUSTRIAL SUP	Mech Repair Parts	190.13
03/17/22	5007818	BEBON OFFICE MACHINES CO	Ofc Supl Eqpt Furn	20,652.00
03/10/22	5016767	BENEFITFOCUS.COM INC	Comp Software Maint	1,675.28
03/03/22	2018584	BENJAMIN G. FRANK	Pmts Prof Svcs	1,387.50
03/01/22	2014004	BEVERLY ATWOOD	Pmts Prof Svcs	258.75
03/30/22	5013789	BIOTAGE LLC	Lab Supl Sm Eqpt Chm	195.89
03/09/22	5015802	BIRD LADDER & EQUIPMENT C	Tools and Supplies	2,723.18
03/25/22	5000746	BLACK & VEATCH CORPORATIO	Pers Srvc PstAwd DNU	26,353.25
03/09/22	2006098	BLUE CROSS BLUE SHIELD	Dental Ins Ded	3,226,143.54
03/21/22	2015560	BMO	P-Card Purchases	30,565.46
03/15/22	5014289	BOILER EQUIPMENT CO	Mech Repair Parts	309.81
03/17/22	5013363	BRINKMANN INSTRUMENTS INC	Lab Supl Sm Eqpt Chm	264.00
03/23/22	6001575	BROADWAY ELECTRIC INC	Repairs Proc Facil	362,470.50
03/02/22	6000345	BUILDERS CHICAGO CORPORAT	Repairs Buildings	14,904.26
03/04/22	5000880	BUSHNELL INC	Plumb Access & Supl	4,075.31
03/04/22	5012518	CANON SOLUTIONS AMERICA I	Computer Eqpt Maint	17,816.19
03/02/22	5011666	CAPP USA	Elec Parts and Supl	7,201.00
03/07/22	5016965	CAREERBUILDER EMPLOYMENT	Pmts Prof Svcs	497.00
03/30/22	5016274	CDM SMITH INC	Prelim Eng Rpts Stds	11,288.89
03/10/22	5001304	CDW GOVERNMENT LLC	Comp Software Maint	132,117.09

Date	Vendor	Name	Description	Payment
03/25/22	5016817	CENTRAL ZONE LOGISTICS, D	Post Freight Chgs	1,356.60
03/15/22	5005855	CHICAGO CHAIN & TRANSMISS	Mech Repair Parts	21,103.10
03/25/22	5001158	CHICAGO SPENCE TOOL & RUB	Mech Repair Parts	121.80
03/08/22	5000873	CHRISTOPHER B BURKE ENGIN	Prof Eng Svc Cnst Pr	34,375.44
03/02/22	5014205	CICERO MFG & SUPPLY CO IN	Cleaning Supplies	15,330.57
03/01/22	5001260	COLUMBIA PIPE & SUPPLY CO	Plumb Access & Supl	26,588.06
03/17/22	5015811	CONNOR-WINFIELD CORPORATI	Elec Parts and Supl	6,188.30
03/15/22	5016139	CONSOLIDATED PRINTING COM	Reprographic Svcs	136.00
03/02/22	5016898	COOK COUNTY IL, OFFICE OF	Pmts Prof Svcs	150,000.00
03/08/22	5017961	CORRDESA LLC	Computer Software	5,500.00
03/14/22	5014888	CREATIVE INFORMATION SYST	Comp Software Maint	9,543.00
03/04/22	5001444	CROWN PACKAGING INTL INC	Lab Supl Sm Eqpt Chm	3,415.03
03/22/22	5016932	DAIGGER SCIENTIFIC INC	Lab Supl Sm Eqpt Chm	355.16
03/18/22	5001538	DAUGHERTY SALES INC	Plumb Access & Supl	2,400.00
03/14/22	5009968	DENNIS NOBLE & ASSOCIATES	Pmts Prof Svcs	7,321.88
03/02/22	2018536	DIRECT ENERGY BUSINESS LL	Electrical Energy	129,093.49
03/09/22	2016731	DYNEGY ENERGY SERVICES LL	Electrical Energy	2,628,534.95
03/04/22	6001375	ECO-CLEAN MAINTENANCE INC	Admin Bldg Annex Ops	124,062.17
03/17/22	5001877	ENVIRONMENTAL EXPRESS INC	Lab Supl Sm Eqpt Chm	3,012.00
03/03/22	5001881	ENVIRONMENTAL RESOURCE	Lab Supl Sm Eqpt Chm	89.20
03/03/22	2018516	EYEMED/FIRST AMERICAN ADM	Health Life Ins Prem	12,879.36
03/25/22	5004889	FCX PERFORMANCE	Elec Parts and Supl	686.00
03/08/22	5001982	FEECE OIL CO	Lubricants	15,596.90
03/01/22	5002027	FISHER SCIENTIFIC COMPANY	Lab Supl Sm Eqpt Chm	57,401.29
03/02/22	6001530	FLOOD BROS DISPOSAL COMPA	Waste Matl Disp Chgs	12,947.12
03/11/22	5002042	FLOW-TECHNICS INC	Eqpt for Proc Facil	6,098.45
03/02/22	5006176	FOX RIVER WATER RECLAMATI	Intrgvnmntl Agreemnt	777,662.56
03/03/22	5002112	FULLMER LOCKSMITH SERVICE	Mech Repair Parts	2,928.60
03/31/22	5002184	GASVODA & ASSOCIATES INC	Elec Parts and Supl	14,855.00
03/11/22	5008289	GENERAL PUMP & MACHINERY	Mech Repair Parts	11,484.00
03/01/22	5014146	GEORGE E BOOTH CO INC	Elec Parts and Supl	7,130.18
03/01/22	5002210	GEOSYNTEC CONSULTANTS INC	Pmts Prof Svcs	51,678.62
03/01/22	2015797	GLENN R POLLOWAY	Pmts Prof Svcs	258.75
03/10/22	5002244	GLOBAL EQUIPMENT COMPANY	Safety Medical Supl	2,505.08
03/09/22	5009163	GLOBAL WATER TECHNOLOGY I	Processing Chemicals	21,302.00
03/02/22	5015113	GOBEECH LLC	Elec Parts and Supl	1,317.87
03/09/22	5005135	GOLD EDGE SUPPLY INC	Cleaning Supplies	3,064.40
03/11/22	2006886	GORDIAN GROUP, INC	Repairs Proc Facil	2,072.53
03/02/22	5002291	GRAYBAR ELECTRIC COMPANY	Elec Parts and Supl	12,117.75
03/08/22	2014708	GREGORY T KLEINHEINZ	Pmts Prof Svcs	4,500.00
03/02/22	5002364	HACH COMPANY	Elec Parts and Supl	16,637.78
03/01/22	5006219	HARRISON ELECTRIC INC	Elec Parts and Supl	537.18
03/08/22	5017401	HD SUPPLY FACILITIES MAIN	Plumb Access & Supl	4,405.85
03/10/22	5012576	HEARTLAND BANK AND TRUST	Pmts Prof Svcs	3,303.54
03/01/22	5002467	HELSEL-JEPPERSON ELECTRIC	Elec Parts and Supl	23,505.14
03/04/22	5012095	HEY & ASSOCIATES INC	Prof Eng Svc Cnst Pr	3,566.25
03/08/22	5005055	HI TEK ENVIRONMENTAL, D/B	Contractual Srvc NOC	304.00
03/16/22	5012608	HILTI INC	Tools and Supplies	366.97
03/09/22	2006938	HMO ILLINOIS INC	Retiree Medical Insurance	701,471.54
03/18/22	5014567	HOLT & ASSOCIATES, COLETT	Pmts Prof Svcs	18,300.00
03/02/22	5014037	HOME DEPOT PRO	Tools and Supplies	458.00
03/09/22	5016336	HORWOOD MARCUS & BERK CHA	Pmts Prof Svcs	1,687.50
03/09/22	5017216	HOYA OPTICAL LABS OF AMER	Lab Supl Sm Eqpt Chm	110.00
03/15/22	5007672	HP INC, D/B/A HP COMPUTIN	Computer Supplies	39,743.11
03/15/22	5002572	HUFF & HUFF INC	Pmts Prof Svcs	12,413.75

Date	Vendor	Name	Description	Payment
03/18/22	6000054	IHC CONSTRUCTION COMPANIE	NewContractRetainage	1,192,629.05
03/01/22	5016316	ILLINOIS ALARM SERVICE IN	Test & Insp Svcs	544.24
03/28/22	5007632	IMAGING ESSENTIALS INC	Repair Ofc Furn Eqpt	182.38
03/01/22	6000002	INDEPENDENT MECHANICAL	Repairs Proc Facil	547,848.09
03/09/22	6001190	INDEPENDENT RECYCLING SER	Waste Matl Disp Chgs	56,458.00
03/18/22	5013424	INDI ENTERPRISE INC	Lubricants	4,815.78
03/07/22	5012694	INDUSTRIAL AIR POWER LLC	Mech Repair Parts	4,016.00
03/01/22	5013288	INDUSTRIAL CONTROLS	Plumb Access & Supl	5,363.93
03/01/22	5017930	INFOBEYOND TECHNOLOGY LLC	Medical Services	4,500.00
03/08/22	5016308	INOVA HEALTH CARE SERVICE	Medical Services	9,880.50
03/22/22	5015461	ITW FOOD EQUIPMENT GROUP	Repair Test Lab Eqpt	852.36
03/02/22	5004906	J P SIMONS & CO	Elec Parts and Supl	10,658.05
03/04/22	5002832	JACKS RENTAL INC	Mech Repair Parts	717.98
03/29/22	5017221	JACOBS ENGINEERING GROUP	Prelim Eng Rpts Stds	12,381.74
03/01/22	2017528	JACQUELINE D TERRELL	Pmts Prof Svcs	75.00
03/29/22	6001321	JK-CO LLC	Repairs to Railroads	160.00
03/04/22	5008354	JOHNSON CONTROLS FIRE PRO	Admin Building Ops	4,370.00
03/18/22	5016138	JOHNSON CONTROLS INC	Repairs Buildings	4,403.43
03/04/22	5002883	JOHNSON PIPE & SUPPLY COR	Plumb Access & Supl	2,149.30
03/01/22	2013920	JOSEPH T GATRELL	Pmts Prof Svcs	255.00
03/31/22	5002953	KELLER HEARTT CO INC	Lubricants	2,880.00
03/09/22	5009029	KEMIRA WATER SOLUTIONS IN	Processing Chemicals	4,800.00
03/04/22	2013491	KIM W TRACY	Pmts Prof Svcs	1,800.00
03/11/22	5003029	KOMLINE-SANDERSON CORPORA	Mech Repair Parts	3,919.00
03/15/22	5003649	KONICA MINOLTA BUSINESS S	Repair Ofc Furn Eqpt	13,799.53
03/14/22	5003094	LA MARCHE MANUFACTURING C	Elec Parts and Supl	563.00
03/08/22	5003168	LAI LTD	Elec Parts and Supl	82,510.25
03/29/22	6001651	LAKE COUNTY GRADING CO LL	Waterwy Facil Struct	3,997.00
03/15/22	5007190	LAWNDALE BILINGUAL NEWSPA	Advertising	442.40
03/22/22	5001341	LEASE PLAN U S A INC	Repairs Vehicle Eqpt	29,763.13
03/01/22	2007435	LEWIS, SEBRENA A	Pmts Prof Svcs	240.00
03/07/22	5011574	LIBERTY FASTENER CO	Hardware	1,904.14
03/04/22	5006021	LITTMANN INDUSTRIES INC	Plumb Access & Supl	12,699.04
03/04/22	5015018	LOADSPRING SOLUTIONS INC	Comp Software Maint	5,778.00
03/17/22	5003323	MAGID GLOVE AND SAFETY	Safety Medical Supl	11,229.00
03/11/22	5013184	MARCO SUPPLY CO INC, D/B/	Plumb Access & Supl	373.00
03/04/22	5003365	MARINE SERVICES CORP	Repairs Marine Eqpt	1,262.13
03/11/22	6001650	MCDONAGH DEMOLITION INC	Proc Facil Struct	207,637.00
03/10/22	5012165	MERCURY PARTNERS 90 BI IN	Mech Repair Parts	2,077.76
03/25/22	6001250	METROPOLITAN BIOSOLIDS MA	Princip-Capit Lease	365,813.71
03/07/22	5017084	METROPOLITAN LIFE INSURAN	Life Ins Ded-GrpTerm	120,328.67
03/23/22	5006732	METTLER-TOLEDO RAININ LLC	Lab Supl Sm Eqpt Chm	1,581.91
03/07/22	5017245	MICRO MOTION INC	Elec Parts and Supl	24,830.69
03/31/22	6001383	MID-AMERICAN ELEVATOR COM	Repairs Buildings	1,560.00
03/03/22	5003559	MIDLAND PLASTICS INC	Ofc Supl Eqpt Furn	288.30
03/29/22	5011853	MIDLAND SCIENTIFIC INC	Matls & Supl, N.O.C.	936.00
03/01/22	5016986	MIDWEST SALT LLC	Build Grnd Matl Supl	367.35
03/28/22	5003710	MORROW BROS FORD INC	Vehicle Equipment	102,690.00
03/01/22	5003718	MOTION INDUSTRIES INC	Mech Repair Parts	8,967.78
03/07/22	5003764	NAK-MAN CORP	Metals	2,951.73
03/07/22	6000192	NATIONAL POWER RODDING CO	Test & Insp Svcs	126,704.65
03/17/22	2018381	NATIONAL STEWARDSHIP ACTI	Subscripts Membrshps	2,500.00
03/01/22	5014053	NEHER ELECTRIC SUPPLY INC	Elec Parts and Supl	491.47
03/07/22	5003911	NOVASPECT INC	Plumb Access & Supl	17,075.17
03/16/22	5003922	NUWAY DISPOSAL SVC INC	Waste Matl Disp Chgs	99.75

Date	Vendor	Name	Description	Payment
03/15/22	5011723	NYHAN BAMBRICK KINZIE & L	Pmts Prof Svcs	7,013.00
03/17/22	5016063	OCCUPATIONAL HEALTH CENTE	Medical Services	6,980.00
03/07/22	5015822	OCONNELL & DEMPSEY LLC	Pmts Prof Svcs	28,908.00
03/07/22	5008751	OEM AIR COMPRESSOR CORPOR	Lubricants	1,426.87
03/07/22	5008046	OHERRON COMPANY INC, RAY	Wearing Apparel	1,359.10
03/01/22	5006351	ORR SAFETY CORP	Safety Medical Supl	100.00
03/07/22	5016797	OVE WATER SERVICES INC	Water & Water Svcs	440.81
03/07/22	5017894	P&A ADMINISTRATIVE SERVIC	Pmts Prof Svcs	3,118.45
03/02/22	5016054	PACIFIC STAR CORP	Elec Parts and Supl	333.69
03/02/22	6001110	PARKWAY ELEVATORS INC	Repairs Buildings	17,733.84
03/02/22	6000942	PER MAR SECURITY AND RESE	Contractual Srvc NOC	6,177.32
03/01/22	5017253	PETROCHOICE	Lubricants	1,040.72
03/09/22	6001671	PIPING & CORROSION SPECIA	Repairs Colet Facil	3,089.00
03/04/22	2016310	PMA MANAGEMENT CORP	Employee Claims	351,283.61
03/10/22	5006956	POLYDYNE INC	Processing Chemicals	609,391.04
03/16/22	2008098	POSTMASTER OF CHICAGO	Post Freight Chgs	25,000.00
03/08/22	5006031	PRACTICAL ANGLE	Vouchers Payable	3,235.14
03/10/22	5015122	PROVANTAGE LLC	Communications Supl	7,136.00
03/09/22	5013214	PT CHICAGO LLC	Rental Charges	10,556.60
03/08/22	5015303	PUBLIC SAFETY DIRECT INC	Contractual Srvc NOC	900.00
03/23/22	5010510	PVS CHEMICAL SOLUTIONS IN	Processing Chemicals	32,431.13
03/09/22	5016174	QORPAK, A DIVISION OF BER	Lab Supl Sm Eqpt Chm	1,440.31
03/11/22	5004383	QUIMEX INC	Lubricants	7,863.40
03/04/22	5008452	R S HUGHES COMPANY INC	Wearing Apparel	1,340.64
03/14/22	5015426	R-4 SERVICES LLC	Contractual Srvc NOC	2,820.12
03/28/22	6001660	RAUSCH INFRASTRUCTURE LLC	Preservation Waterway Fcl	38,640.48
03/09/22	5013873	RCM DATA CORP	Computer Supplies	324.00
03/03/22	2018583	ROBERT MCGUCKIN	Pmts Prof Svcs	2,718.75
03/02/22	5004603	RONCO INDUSTRIAL SUPPLY C	Tools and Supplies	907.95
03/02/22	5004610	ROOT BROS MFG & SUPPLY CO	Tools and Supplies	3,036.62
03/11/22	5004112	ROWELL CHEMICAL CORP	Processing Chemicals	12,311.00
03/11/22	5004634	ROYAL PIPE & SUPPLY CO	Plumb Access & Supl	729.00
03/09/22	5012111	RUNCO OFFICE SUPPLY	Ofc Supl Eqpt Furn	1,253.28
03/02/22	5004649	RUSO HARDWARE INC	Mech Repair Parts	4,612.79
03/07/22	5004702	SAF-T-GARD INTL	Wearing Apparel	1,405.81
03/24/22	5016536	SCIENTIFIC SERVICES PLUS	Repair Test Lab Eqpt	410.00
03/25/22	5015301	SEALING EQUIPMENT PRODUCT	Mech Repair Parts	803.60
03/04/22	5015707	SERVICE SANITATION INC	Rental Charges	385.00
03/01/22	5005936	SHERWIN WILLIAMS CO, THE	Paint Solv Rltd Matl	2,407.52
03/01/22	5003639	SID TOOL CO, D/B/A MSC IN	Tools and Supplies	22,921.93
03/02/22	5001070	SIEMENS INDUSTRY INC	Safety Repairs Svcs	4,428.00
03/04/22	6000140	SIEVERT ELECTRIC SERVICE	Repair Matl Hndl Eqp	4,602.41
03/30/22	5008111	SKALAR INC	Lab Supl Sm Eqpt Chm	280.00
03/29/22	6001735	SOLLITT/SACHI JOINT VENTU	Proc Facil Struct	163,232.58
03/22/22	5013864	SPOON RIVER MECHANICAL SE	Repairs Buildings	1,520.28
03/04/22	5011651	SPOON RIVER PEST CONTROL	Maint Grnds Pavement	450.00
03/29/22	5014071	STANTEC CONSULTING SERVIC	Pers Srvc PstAwd DNU	12,000.26
03/01/22	5008593	STAPLES CONTRACT AND COMM	Ofc Supl Eqpt Furn	6,035.06
03/01/22	2014117	STEPHANIE M EDWARDS	Pmts Prof Svcs	78.75
03/03/22	2018582	STEPHEN S. CRAVEN	Pmts Prof Svcs	2,681.25
03/01/22	5004584	SUPER ROCO STEEL & TUBE L	Metals	17,782.28
03/21/22	6001705	SYNAGRO CENTRAL LLC	Waste Matl Disp Chgs	10,862.10
03/09/22	5015506	SYNERGY SYSTEMS LLC	Cleaning Supplies	3,729.72
03/02/22	5006616	TARTER FEED & FERTILIZER	Contractual Srvc NOC	2,842.35
03/02/22	5005037	THE STANDARD COMPANIES IN	Cleaning Supplies	1,548.42

Date	Vendor	Name	Description	Payment
03/14/22	6001771	THE STONE GROUP INC	Admin Building Ops	117,913.84
03/23/22	5016831	THOMAS SCIENTIFIC LLC	Lab Supl Sm Eqpt Chm	874.92
03/29/22	2010777	TONY VOURIS	Pmts Prof Svcs	71.25
03/03/22	2017162	UNITED HEALTHCARE INSURAN	Retiree Medical Insurance	454,671.65
03/03/22	6001715	URT E&R TOWING INC	Vehicle Parts & Supl	2,245.26
03/08/22	5009209	US COMPLIANCE CENTERS INC	Safety Medical Supl	3,090.55
03/14/22	5012648	V3IT CONSULTING INC	Pmts Prof Svcs	510.00
03/07/22	5011836	VERITEXT CORP	Court Reporting Srvc	206.20
03/09/22	5011739	VISION SVC PLAN INSURANCE	Health Life Ins Prem	100.00
03/01/22	5002279	W W GRAINGER INC	Elec Parts and Supl	33,886.28
03/10/22	5006766	WAREHOUSE DIRECT INC	Cleaning Supplies	23,751.56
03/31/22	5009774	WESCO DISTRIBUTION INC	Elec Parts and Supl	160.00
03/15/22	6000821	WESCO DISTRIBUTION INC, D	Elec Parts and Supl	21,543.66
03/02/22	5004262	WEST MARINE PRODUCTS	Tools and Supplies	1,634.52
03/02/22	6001680	WEST SIDE TRACTOR SALES C	Repair Matl Hndl Eqp	18,516.81
03/02/22	5013570	WESTERN SAFETY PRODUCTS I	Elec Parts and Supl	3,164.00
03/18/22	5013818	WOODLAND VALUATION SERVIC	Pmts Prof Svcs	6,000.00
03/30/22	5014808	WORKFORCE SOFTWARE LLC	Computer Eqpt Maint	2,665.80
03/29/22	2018571	YOLANDA WHITEHEAD	Pmts Prof Svcs	67.50
				\$ 14,561,441.95



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0383

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Procurement Committee

File Type: Report

Agenda Number: 6

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Report of bid opening of Tuesday, April 5, 2022

Dear Sir:

Bids were received and opened on 4/5/2022 for the following contracts:

CONTRACT 22-006-11 FURNISH AND DELIVER JANITORIAL SUPPLIES TO VARIOUS
LOCATIONS FOR A ONE-YEAR PERIOD

LOCATION: VARIOUS

ESTIMATE: \$168,000.00

GROUP: A BRUSHES, MOPS, PAILS, ETC.

CICERO MFG. & SUPPLY COMPANY, INC.	\$66,843.93
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GROUP: B CLEANERS AND DETERGENTS

TRINITY ECO SOLUTIONS LLC	\$36,030.12
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GROUP: C HAND SOAPS AND DISPENSERS

WAREHOUSE DIRECT, INC.	\$40,366.05
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THE STANDARD COMPANIES	\$48,087.07
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CONTRACT 22-073-11 FURNISH AND DELIVER MISCELLANEOUS LAB ACCESSORIES TO
VARIOUS LOCATIONS FOR A ONE (1) YEAR PERIOD

LOCATION: VARIOUS

ESTIMATE: \$54,000.00

GROUP: TOTAL

PACIFIC STAR CORPORATION	\$33,453.81
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JADE SCIENTIFIC, INC.	\$43,004.37
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Respectfully Submitted, Darlene A. LoCascio, Director of Procurement and Materials
Management



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0400

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Procurement Committee

File Type: Report

Agenda Number: 7

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Report of bid opening of Tuesday, April 12, 2022

Dear Sir:

Bids were received and opened on 4/12/2022 for the following contracts:

CONTRACT 21-911-21 REHABILITATE LOCOMOTIVE #4 AT THE STICKNEY WATER
RECLAMATION PLANT
LOCATION: STICKNEY, IL
ESTIMATE: \$955,000.00
GROUP: TOTAL
MOTIVE POWER RESOURCES INC \$825,000.00

CONTRACT 21-988-13 SPECIALTY RAILROAD GRADE CROSSING SIGNAL SYSTEM
SERVICES IN THE STICKNEY SERVICE AREA (RE-BID)
LOCATION:
ESTIMATE: \$243,000.00
GROUP: TOTAL
OK RAIL SYSTEMS, INC. \$236,100.00
J.A. WATTS, INC. \$241,083.19
CLARK TRANSPORTATION CONSULTING & \$243,000.00
SERVICES, LLC D/B/A BISON RAIL SYSTEMS

Respectfully Submitted, Darlene A. LoCascio, Director of Procurement and Materials
Management



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0366

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to
Advertise

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 8

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-RFP-08 On-site Health Care Services, estimated cost \$750,000.00, Account 101-25000-612260, Requisition 1580030 *(As Revised)*

Dear Sir:

The Human Resources Department is requesting authorization to prepare request for proposal documents for a provider of on-site health care services for the period from January 1, 2023 through December 31, 2025.

The purpose of this contract is to select a vendor to provide on-site health care services for use by the District's employees. The COVID-19 pandemic has underscored how critical employee health and wellness are in allowing the District to fulfill its essential mission. The District continues to explore ways to safeguard the health of its employees and create a culture of health in the workplace. This is in direct alignment with the strategic plan which seeks to foster a culture that recognizes the value of every employee. Focusing on employee health and wellness has a positive impact on employee morale, can be a tool in recruiting top talent, helps the District ensure continuity of operations, assists in managing health care costs, and can increase the overall productivity of staff. A key factor in building a culture of health is making health and wellness visible in the work environment. Developing programs and initiatives that focus on health will further embed this message into the District culture. One such program is the introduction of on-site health care services for employees.

The nature of the work environment at the District is particularly well suited for on-site health care services. The District has a wide range of jobs that require physically demanding work including police officers, laborers and 12 different skilled trades. In addition to the nature of the work, the environment itself includes potential exposure to such hazards as sludge and untreated wastewater, hazardous chemicals, heavy machinery and industrial equipment, and high voltage electricity. The wide variety of physical hazards in the work environment and the physically demanding nature of the work, provide an opportunity for on-site health care services to have a meaningful impact on the population health. This positive impact on health can help ensure employees can safely and effectively perform their job.

The District has utilized on-site health care services in the past. Occupational nursing services were used at the Stickney Plant through the end of 2009 when the contract was not renewed

due to budget constraints. The nurse was responsible for providing medical first aid, immunizations, spirometry and hearing tests, blood pressure checks, and CPR training. The nurse was available Monday through Friday from 7:00 a.m. to 3:30 pm. During the final year of the contract, the nurse treated 3,710 employees providing a total of 5,308 individual services. The most frequent services provided during that period included: blood pressure checks (2,251), health counseling (1,370), first aid (447), immunizations (368), and follow-up care (85).

The reintroduction of on-site health care services at the District would have the following objectives:

Provide convenient access to basic health care services

The on-site nurse would provide routine health care services such as performing a basic physical examination; diagnosing and treating common and chronic health problems (i.e., infections, injuries, asthma, diabetes, hypertension); conducting preventive screenings; prescribing, and possibly dispensing, medications; administering vaccinations; and providing health coaching and counseling. These services are typically performed as part of a standard office visit with a physician. This is not meant to replace the need for a primary care physician but can serve as an additional resource for employees to get the care they need for routine health issues without the need to schedule an appointment with their regular physician or make a visit to an urgent care clinic. The average cost of a visit to the primary care physician is \$130.00. The average cost of a visit to an urgent care clinic is \$135.00. Each visit eliminated using the on-site nursing services will have a direct impact on health care costs by reducing the claims related to professional services. The employee will also benefit by avoiding the co-insurance (approximately \$20.00 for PPO) or co-payment (\$25.00 for HMO) that would result from a medical claim for a visit to the physician.

Reduce lost time, absenteeism and presenteeism; improve productivity

By providing access to health care services on-site, employees will be able to get the care they need without leaving the worksite or missing work on a subsequent day for a doctor's appointment. This should reduce lost time and absenteeism related to minor health issues. A study conducted by Mercer in 2010 compared the lost time of care received in a traditional setting versus care received on-site. The study estimates that each visit shifted from the traditional office setting to the on-site setting would reduce lost time by 2 hours. Each unnecessary emergency room visit that is shifted to the on-site setting reduces lost time by 4 hours. The table below shows the results of this study.

	Traditional Setting	On-Site Setting
Office Visit	150 minutes	30 minutes
ER Visit	270 minutes	30 minutes
Pharmacy Visit	75 minutes	15 minutes

- Estimates include travel, wait and treatment times

In addition, getting the appropriate care in a more timely manner should allow employees to return to full productivity more quickly. This is especially true if the on-site services include the ability to write a prescription and potentially dispense common medications (i.e., antibiotics, pain relievers, etc.). These services should also reduce presenteeism, defined as employees that are at work but not functioning at full capacity.

Promote health and wellness and provide basic preventive screenings and

immunizations

The on-site nurse can be leveraged as part of the employee wellness plan. The nurse can provide biometric screenings (i.e., blood pressure, body mass index, cholesterol checks, glucose) as part of the District's push for employees to access preventive services. The District currently conducts annual on-site health fairs which include a biometric screening. In 2019, 244 employees participated in these events at a cost of \$54.00 per participant. The nurse would be able to provide these screenings throughout the year making it more convenient for employees to take advantage of this service. Marketing campaigns could be conducted throughout the year promoting similar health and wellness events with the nurse serving as the centerpiece of these services. The nurse would also provide basic health coaching for employees. This can be particularly valuable to employees managing chronic conditions. The nurse serves as an easy access point for these employees which can improve their adherence to treatment plans prescribed for these conditions. Management of these conditions can have a significant impact on medical claims. For example, Blue Cross Blue Shield estimates the projected cost savings for a diabetic employee whose condition is "well-managed" from a clinical standpoint is \$1,158 per year. Finally, the nurse can administer immunizations such as flu shots, tetanus, or COVID-19 vaccines/boosters. In 2019, the District offered flu shots on-site through Blue Cross Blue Shield. There were 350 employees that participated in the flu shot events. The total administration cost of the flu shot event was approximately \$15,000. The administrative portion of this expense would be eliminated if the vaccinations were administered on-site by the nurse. The convenience of making the vaccinations available throughout the season should also help increase participation rates. These preventive services can have a significant impact on the population health which benefits both the employee and the District.

Acute care services for work injuries; determine appropriate means of care

One of the roles of the on-site nurse will be to provide traditional occupational health services managing work-site injuries, illnesses, and exposures and providing follow-up care. In this capacity, the nurse will be able to triage these incidents and determine the appropriate level of care. This should help eliminate unnecessary visits to the urgent care clinic or the emergency room. Each unnecessary visit avoided will have a direct impact on health care claims. The average cost of an emergency room visit in 2020 was \$1,555.00. The employee would also benefit by not unnecessarily incurring an emergency room co-payment, currently \$100.00. In addition to avoiding unnecessary services, the nurse may also identify a critical need for care helping prevent a more serious health event. Finally, the nurse can be utilized as part of the emergency response plan providing the District with a resource with medical training on-site.

Perform required job-specific evaluations for existing employees

The District is required to perform certain medical evaluations mandated by occupational health guidelines for employees in specific job classifications. Some examples are audiometric tests, spirometry (lung function) tests, and respirator evaluations. These types of tests are currently performed by qualified vendors under separate purchase orders issued each year. The goal would be to leverage the on-site nurse for these evaluations and eliminate the need for the purchase orders related to the services. The District spends approximately \$11,000.00 per year on these services.

Enhance recruitment and retention by making employee health and wellness a priority

The presence of an on-site nurse and the services this position provides are a visible, tangible sign that the District values its employees. This can be a powerful tool in

attracting top talent to the organization. Company culture is also shown to be a top reason employees stay with an employer. A culture that focuses on the wellbeing of its employees and seeks to build this into the work environment is much better positioned to retain its top talent. This is a focal point of Strategic Goal #3, Workforce Excellence under the new strategic business plan.

To accomplish these objectives, the District is seeking to add an advanced practice nurse (APN or APC) also referred to as a nurse practitioner to provide on-site health care services. In a workplace setting, one of the main advantages of hiring an APN over an occupational nurse is the ability to prescribe medications. An APN would be able to not only diagnose a health problem but also prescribe the treatment for more routine health issues. This ability to write a prescription to treat an issue is a key factor in reducing the number of doctor's office visits by employees and the amount of lost time related to these routine health issues.

The nursing services would be provided through this professional services contract. The cost would also include basic supplies and the use of an electronic medical record system. It may also include a medical support position or administrative support services depending on the recommendations of the vendors based on the services and hours of operation requested by the District. Some additional costs may be required for the purchase of vaccines and laboratory tests on an as needed basis.

Most on-site clinic providers consider locations with at least 500 employees to be good candidates for on-site health services to provide the best opportunity for a return on the investment. Given this recommendation, the primary focus of the services would be the Stickney location with its population of approximately 600 employees, utilizing the existing space that had been setup for the prior nursing services. In addition, the District would develop a plan to share the nursing services across several of the other larger plant locations. The goal would be to create a rotation with the Stickney plant at the foundation of the schedule but extending these services to employees at other locations on a rotating basis.

Appendix A (attached) compares the estimated costs associated with adding on-site nursing services with the expected savings that would be generated. The result is a return on investment of approximately \$12,000.00 in the first year. This return on investment is based on projections from utilization data in the final year of the prior nurse contract. The projections do not include other positive impacts related to recruitment and retention, improved employee morale, increased employee engagement, and savings that may be achieved over the long-term through improved condition management and employee utilization of preventive care services.

The reintroduction of on-site health care services would reinforce the District's commitment to the health and wellbeing of its employees, our greatest asset. This would support Strategic Goal #3 - Workforce Excellence by fostering a culture that recognizes the value of every employee. Demonstrating this commitment to our employees through a visible, tangible program such as this can lead to a healthier, more engaged, and motivated staff ready to help the District achieve its vision. It will also serve as another tool to help the District attract top talent as it builds its workforce of the future.

The estimated cost for this contract is \$750,000.00. The estimated annual expenditures are \$250,000.00 in 2023, 2024, and 2025.

No bid deposit is required for this request for proposal.

The Diversity Section reviewed the request for proposal and concluded that the contract does not provide practical opportunities for subcontracting since there will only be one nurse assigned to provide the on-site health care services. As such, Appendix A and Appendix V will not be included.

The tentative schedule for this contract is as follows:

Advertise	May 25, 2022
Proposals Received	June 24, 2022
Award	September 16, 2022
Completion	December 31, 2025

Funds will be requested for 2023 through 2025 in Account 101-25000-612260 and are contingent on the Board of Commissioners' approval of the District's budget for those years.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-RFP-08.

Requested, Beverly K. Sanders, Director of Human Resources, BKS:JEF
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022

Attachments

82 of 167
On-site Health Care Services
Estimated Return-on-Investment

Appendix A

	Fee	Lost Time			Total Cost	Estimated Avoidance	
		Hours	Rate	Cost		Services	Cost
Office Visit	\$ 130.00	2	\$ 47.00	\$ 94.00	\$ 224.00	875	\$ 196,000.00
Clinic Visit	\$ 135.00	2	\$ 47.00	\$ 94.00	\$ 229.00	135	\$ 30,915.00
ER Visit	\$ 1,555.00	4	\$ 47.00	\$ 188.00	\$ 1,743.00	10	\$ 17,430.00
Spirometry/Respirator/Audiometric	\$ 11,000.00				\$ 11,000.00	-	\$ 11,000.00
Biometric Screening	\$ 54.00	-	-	-	\$ 54.00	125	\$ 6,750.00
Immunizations (Flu)*	\$ 20.00					500	\$ 10,000.00

* This \$20 represents the estimated cost to have a third party administer the shot

Total Estimated Savings \$ 272,095.00

Cost of Nurse \$ 250,000.00

Supplies \$ 10,000.00

Total Cost of Services 260,000.00

Other non-monetary benefits not included in the ROI calculation:

- health and wellness coaching; could result in better condition management
- increases in productivity resulting from decreased presenteeism
- increased utilization of preventive services
- improved employee morale and engagement
- impact on recruitment and retention efforts; turnover costs

	Total	Est. Avoidance
Estimates are based on 2009 services provided by the District nurse (5,300 services)		
Office Visits: 50% of health counseling, immunizations	1738	869
Clinic Visits: 25% of first aid; follow-up care visits	532	133
Biometric Screenings: 50% of health fair participants moved to nurse	244	122
Immunizations: 2019 participation in flu shots; incr. for COVID	350	500

Estimate for OSHA-required respirator evaluations/spirometry/audiometric based on 2019 actual spend (P.O. 8009407, 8009313)

INTEROFFICE MEMORANDUM**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

DEPARTMENT: General Administration
Diversity Section

DATE: March 30, 2022

TO: Beverly K. Sanders, Director of Human Resources

FROM: Regina D. Berry, Diversity Administrator



SUBJECT: Review of 22-RFP-08 On Site Health Care Services

Our review of this RFP indicates that Affirmative Action goals are not recommended.

The District is seeking proposals from a single qualified nursing firm to provide on-site health care services. The estimated cost for these services is \$750,000.00 over a three-year period.

The requested services do not provide practical or cost-effective opportunities for subcontracting because there will only be one nurse traveling to the various locations. Therefore, Appendix A and Appendix V should not be included.

If you have any questions and/or concerns, please contact Diversity Officer, Ms. Ouidie Pollard, at extension 1-3029.

RDB:omp

Attachment(s):

cc: LoCascio, Cornier, Morakalis, file



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0370

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to
Advertise

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 9

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-604-11, Furnish and Deliver HVAC Coils to Various Locations, estimated cost \$177,782.00, Accounts 101-67000/68000/69000-623270, Requisitions 1580046, 1580047, and 1580048

Dear Sir:

Contract documents and specifications have been prepared for Contract 22-604-11, Furnish and Deliver HVAC Coils to Various Locations, at the request of the Maintenance and Operations Department.

The purpose of this contract is to procure replacement HVAC coils for air handling units.

The estimated cost for this contract is \$177,782.00.

The Multi-Project Labor Agreement (MPLA) and the Affirmative Action Ordinance, Revised Appendix D and Appendix V are not included in this contract because it is a furnish and deliver contract for equipment.

The tentative schedule for this contract is as follows:

Advertise	May 18, 2022
Bid Opening	June 7, 2022
Award	July 14, 2022
Completion	November 6, 2022

Funds are available in 2022, in Accounts 101-67000/68000/69000-623270.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-604-11.

Requested, John P. Murray, Director of Maintenance and Operations,

EJS:JS:MAG:JR:jmc:ds:dc:atc

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management

Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement

Disposition of this agenda item will be documented in the official Regular Board Meeting

File Number: 22-0370

Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0374

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to
Advertise

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 10

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-107-21, Installation of a New Air Diffuser System in the North Aeration Basin and associated work at the Egan Water Reclamation Plant (EWRP). estimated cost \$3,024,000.00, Account 201-50000-645650, Requisition 1578162

Dear Sir:

Contract documents and specifications have been prepared for Contract 22-107-21 to install a new air diffuser system in the North Aeration Basin and associated work at the Egan Water Reclamation Plant (EWRP). This contract will end December 31, 2023.

A new full-floor coverage air diffuser system will be installed as a test to compare its operation, maintenance requirements, and energy efficiency to the Metropolitan Water Reclamation District of Greater Chicago's (District) standard spiral-roll diffuser system. In addition, the new diffuser system will include a pressure monitoring system to indicate diffuser fouling and a cleaning system to return fouled diffusers to an "as new" condition. Use of the pressure monitoring and cleaning systems allow for the most efficient operation of the diffuser system. The District's Strategic Plan includes targets for 28 and 80 percent reduction in greenhouse gas emissions by 2025 and 2050, respectively, and 100 percent energy neutrality Districtwide by 2035. These targets require the District to consider energy efficiency. With aeration being one of the largest uses of energy at the District, it is prudent to evaluate other diffuser systems. Once installed, staff will evaluate the effectiveness of the new diffuser system as compared to the spiral roll configuration installed in the south aeration basin and the information will be used to inform future decisions.

This contract will install a new air diffuser system in Tank 2 of the North Aeration Battery at the EWRP, which includes the removal of two baffle walls, the replacement of the in-tank aeration piping and ceramic diffusers, and equipment to track diffuser performance. Additional aspects of this contract include other necessary maintenance items that need to be addressed to ensure that secondary treatment process operates as designed.

The estimated cost for this contract is \$3,024,000.00. The estimated 2022 and 2023 expenditures are \$1,000,000.00 and \$2,024,000.00, respectively.

The bid deposit for this contract is \$151,200.00.

The Multi-Project Labor Agreement will be included in this contract.

The Affirmative Action Ordinance, Revised Appendix D will be included in this contract. The type of work to be performed under this contract is within the general construction services category for establishing Minority-owned Business Enterprises (MBE), Women-owned Business Enterprises (WBE), Small Business Enterprises (SBE), and Veteran-owned Business Enterprises (VBE) goals. The tailored MBE, WBE, SBE, and VBE utilization goals for this contract are 20 percent MBE, 10 percent WBE, 10 percent SBE, and 3 percent VBE.

The tentative schedule for this contract is as follows:

Advertise	May 11, 2022
Bid Opening	June 7, 2022
Award	July 14, 2022
Completion	December 31, 2023

Funds for the 2022 expenditure, in the amount of \$1,000,000.00, are available in Account 201-50000-645650. The estimated expenditure for 2023 in Account 201-50000-645650 is \$2,024,000.00. Funds for the 2023 expenditure are contingent on the Board of Commissioners' approval of the District's budget for that year.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-107-21.


Requested, Edward Podczerwinski, Director of Monitoring and Research, EWP:RA:BB:mb/jvs
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022

Attachment

INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration, **DATE:** March 9, 2022
Diversity Section

TO: Edward W. Podczerwinski, Director of Monitoring and Research

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: **98% Review of Contract 22-107-21 – Installation of a New Air Diffuser System in the North Aeration Basin and Associated Work, EWRP**

We have reviewed the specifications for the subject contract and the material, labor, equipment and man-hours breakdown by trades. The work under this contract should be classified as "Construction Services-GC." The associated Minority Business Enterprise (MBE), Women Business Enterprise (WBE) and Small Business Enterprise (SBE) individual goals are: **20% MBE, 10% WBE, 10% SBE, and 3% VBE**. The goals should be specified in the Invitation to Bid, the Proposal, and the Agreement.

Furthermore, the following language pertaining to **Special Training Provisions for Apprentices**, as specified in Appendix K "Declaration of Policy Special Provisions for Apprenticeships" should be included in the Invitation to Bid, the Proposal, the Agreement, and elsewhere in the contract documents where goals are mentioned:

*"The Bidder agrees to fulfill the Special Training for Apprentices as specified in the Appendix K and to provide training opportunities throughout the life of the contract. The requirements of the Special Training for Apprentices for the purpose of this contract are **310 Minority and 110 Female Hours** for the purpose of the contract".*

In addition:

- A Pre-Bid Conference **must** be conducted
- A Suppliers Exception **is not** recommended
- The Affirmative Action Ordinance Revised Appendix D, dated December 2, 2021, **must** be included
- Appendix K **must** be included
- Appendix C **must** be included
- Assist Agencies List **must** be included
- Appendix V **must** be included
- The following language must be included: "The Contractor agrees to use the District's online compliance monitoring system administered by the Diversity Section for payment and reporting purposes, in order to fulfill the Affirmative Action Program requirements."

Also, please refer to the attached **Revised** memo, February 22, 2021, for new boiler plate language. This language should be consistent in its incorporation in the Invitation to Bid, the Proposal, and the Agreement.

If you have any questions, please contact Diversity Officer, Chase Carthen, at extension 14043.

RDB:CEC

Attachments

c: LoCascio, Cornier, Morakalis, Bendell, Carthen, file



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0378

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to
Advertise

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 11

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-942-11, Job Order Contracting Services, estimated cost \$16,000,000.00, Accounts 101, 201, 401, 501, 901-VAR-VAR

Dear Sir:

Contract documents and specifications have been prepared for Contract 22-942-11, Job Order Contracting Services. The services consist of all management, documentation, labor, materials, and equipment to perform the work for the construction, reconstruction, or repair of District infrastructure. The term of the contract will be 36 months. The Contract will consist of two groups, Group A and Group B. Separate contracts could be awarded for each group.

The estimated cost for this contract is \$16,000,000.00, with Group A \$8,000,000.00 and Group B \$8,000,000.00.

The Multi-Project Labor Agreement (MPLA) will be included in this contract.

The Affirmative Action Ordinance Revised Appendix D, and the Appendix V will be included in both groups of this contract. The PCE utilization goals, for this contract, are 20% Minority Business Enterprises (MBE), 10% Women's Business Enterprises (WBE), 10% Small Business Enterprises (SBE) and 3% Veteran-Owned Business Enterprises (VBE).

The tentative schedule for this contract is as follows:

Advertise	May 4, 2022
Bid Opening	May 24, 2022
Award	June 16, 2022
Completion	June 16, 2025

Funds are available in Accounts 101, 201, 401, 501, 901-VAR-VAR.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-942-11.

Requested, John P. Murray, Director of Maintenance and Operations, EJS

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management

File Number: 22-0378

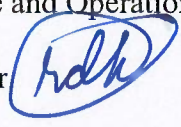
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022

INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration,
Diversity Section

DATE: April 7, 2022

TO: John P. Murray, Director of Maintenance and Operations

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: Goal Review of Contract 22-942-11 Group A - Job Order Contracting Services

We have reviewed the specifications for the subject contract and the associated costs break-down. The work under this contract should be classified as "General Construction." The associated Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE) and Veteran-Owned Business Enterprise (VBE) individual goals are: **20% MBE, 10% WBE, 10% SBE and 3% VBE**. The goals should be specified in the Invitation to Bid, the Proposal, and the Agreement.

In addition:

- A Pre-Bid Conference should be conducted.
- A Suppliers Exception **has not** been recommended.
- The Affirmative Action Ordinance Revised Appendix D, dated December 2, 2021, **must** be included.
- Appendix K **should not** be included.
- Assist Agencies List **must** be included.
- Appendix C **must** be included.
- Appendix V **should** be included.

If you have any questions, please contact Diversity Officer, PJ Spencer, at extension 1-5876.

RDB:PCS

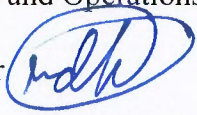
c: LoCascio, Cornier, Morakalis, Kappel, May, Skawski, Cavarretta, file (2)

INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration,
Diversity Section

DATE: April 7, 2022

TO: John P. Murray, Director of Maintenance and Operations

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: **Goal Review of Contract 22-942-11 Group B - Job Order Contracting Services**

We have reviewed the specifications for the subject contract and the associated costs break-down. The work under this contract should be classified as "General Construction." The associated Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE) and Veteran-Owned Business Enterprise (VBE) individual goals are: **20% MBE, 10% WBE, 10% SBE and 3% VBE**. The goals should be specified in the Invitation to Bid, the Proposal, and the Agreement.

In addition:

- A Pre-Bid Conference should be conducted.
- A Suppliers Exception **has not** been recommended.
- The Affirmative Action Ordinance Revised Appendix D, dated December 2, 2021, **must** be included.
- Appendix K **should not** be included.
- Assist Agencies List **must** be included.
- Appendix C **must** be included.
- Appendix V **should** be included.

If you have any questions, please contact Diversity Officer, PJ Spencer, at extension 1-5876.

RDB:PCS

c: LoCascio, Cornier, Morakalis, Kappel, May, Skawski, Cavarretta, file (2)



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0379

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to
Advertise

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 12

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 21-RFP-15 Microfilming and Scanning Services, estimated cost \$360,000.00, Account 101-15000-612090, Requisition 1578488

Dear Sir:

Request for Proposal (RFP) documents have been prepared for Contract 21-RFP-15, Microfilming and Scanning Services, at the request of the General Administration Department. The contract will begin on approximately September 1, 2022 and will expire on August 31, 2025.

The purpose of this contract is to provide scanning, microfilming, and pick-up and delivery services for a thirty-six (36) month period.

The estimated total cost for this RFP is \$360,000.00. The estimated 2022, 2023, 2024, and 2025 expenditures are \$50,000.00, \$120,000.00, \$120,000.00, and \$70,00.00 respectively.

A bid deposit is not required for this RFP.

The Affirmative Action Ordinance Appendix A and Appendix V will be included in this contract. The minority business enterprises (MBE), women owned enterprises (WBE), small business enterprises (SBE), and veterans business enterprise (VBE) utilization goals for this contract are: 20% MBE, 10% WBE, 10% SBE, and 3% VBE.

The tentative schedule for this contract is as follows:

Advertise	May 25, 2022
Proposals Received	June 17, 2022
Award	August 11, 2022
Completion	August 31, 2025

Funds are available in 2022 in Account 101-15000-612090. Funds for expenditures in 2023, 2024, and 2025 are contingent on the Board of Commissioners' approval of the budgets for those years.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 21-RFP-15.

File Number: 22-0379

Requested, Shellie A. Riedle, Administrative Services Officer, JRM:SC
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the Official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022

Attachment

INTEROFFICE MEMORANDUM

METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO

DEPARTMENT: General Administration
Diversity Section

DATE: March 3, 2022

TO: Shellie Riedle, Administrative Services Officer

FROM: Regina D. Berry, Diversity Administrator

SUBJECT: Review of 21-RFP-15 Microfilming and Scanning

Our review of this Request for Proposal indicates that due to the scope of work, Affirmative Action goals of 20% MBE, 10% WBE, 10% SBE and 3% VBE should be included.

References to Minority, Women, Small Business and Veteran requirements and Appendices A and V should be included in the RFP.

The language must be included in the contract: **The Contractor agrees to use the District's online compliance monitoring system administered by the Diversity Section for payment and reporting purposes in order to fulfill the Affirmative Action requirements.**

Should you have any questions, please contact Ouidie Pollard, Diversity Officer, at extension 1-3029.

RDB/PCS
Attachment

c: Darlene A. LoCascio, Director of Procurement and Materials Management
Morakalis, Cornier, file (2)



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0380

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to
Advertise

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 13

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-RFP-11, Professional Legal Services for Bankruptcy and Collection Matters, estimated cost \$75,000.00. Account 101-30000-612430, Requisition 1579421

Dear Sir:

Request for Proposal (RFP) documents have been prepared for professional legal services for bankruptcy and collection matters at the request of the Law Department. The contract begins January 1, 2023, and ends December 31, 2025.

The purpose of this contract is to engage a law firm to provide professional legal services in connection with the District's rights as a creditor in collection and bankruptcy proceedings, and further, relative to lien and mortgage foreclosure actions, wage garnishments, assignments for the benefit of creditors, recommendations for write-offs, and other possible ancillary matters related to creditor issues. One firm will be selected to serve on an as-needed basis as determined by the Law Department.

The estimated cost for this RFP is \$75,000.00. The estimated 2023, 2024, and 2025 expenditures are \$25,000.00 per year.

No bid deposit is required for this RFP.

Appendix A and Appendix V will not be included in this RFP because the estimate is less than the minimum threshold established by Section 4 of the Affirmative Action Ordinance.

The tentative schedule for this contract is as follows:

Advertise	May 18, 2022
Proposals Received	June 10, 2022
Award	August 10, 2022
Completion	September 23, 2022

Funds for 2023, 2024, and 2025 are contingent on the Board of Commissioners' approval of the District's budget for those years.

File Number: 22-0380

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-RFP-11.

Requested, Susan T. Morakalis, General Counsel, STM:CMM:PS:CN:nl
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022

INTEROFFICE MEMORANDUM

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration
Diversity Section

DATE: March 24, 2022

TO: Susan T. Morakalis, General Counsel

FROM: Regina D. Berry, Diversity Administrator



SUBJECT: Review of Scope of Work for 22-RFP-11, Professional Legal Services for Bankruptcy and Collection Matters.

Our review of this RFP indicates that Affirmative Action goals are not recommended.

The District is seeking proposals from qualified law firms to provide professional legal services in connection with the District's rights as a creditor in collection and other possible ancillary matters related to creditor issues. One firm will be selected to serve on an as-needed basis for bankruptcy and collection matters by the Law Department. The estimated cost for these services is \$75,000.00. Affirmative Action participation goals are applicable to District proposals where the estimated total expenditure is in excess of \$100,000.00.

Since the estimated cost for these services is not to exceed \$75,000.00, Affirmative Action participation goals do not apply. Therefore, Appendix A and Appendix V should not be included.

If you have any questions and/or concerns, please contact Diversity Officer, Ms. Ouidie Pollard, at extension 1-3029.

RDB:omp

Attachment(s):

cc: LoCascio, Cornier, file



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0391

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to
Advertise

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 14

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 18-254-3P Chemical Phosphorus Removal Facility, Calumet Water Reclamation Plant, estimated cost between \$13,585,000.00 and \$16,445,000.00, Account 401-50000-645650, Requisition 1579842

Dear Sir:

Contract documents and specifications have been prepared for Contract 18-254-3P Chemical Phosphorus Removal Facility, Calumet Water Reclamation Plant (WRP).

The purpose of this contract is to build a stand alone chemical dosing station to remove phosphorus from the treatment process to meet upcoming permits. By 2024 and 2030, Calumet WRP will be required to meet an effluent monthly average phosphorus limit of 1 mg/L and an annual geometric mean limit of 0.5 mg/L, respectively. Chemical will be dosed to the influent of the primary tanks and at the influent to the final tanks in Batteries A, B, C, E1, and E2.

It is estimated that 69 jobs will be created or saved as a result of award of this contract with an estimated 31,941 man-hours of skilled trades utilized.

The estimated cost for this contract is between \$13,585,000.00 and \$16,445,000.00. The cost range will be stated in the advertisement for bids.

The bid deposit for this contract is \$572,000.00.

The contract specifications require that all work commence 30 calendar days after approval of the contractor's bond and shall be completed within 530 calendar days after approval of the contractor's bond. Liquidated damages are \$1,000.00 for each calendar day that the contractor is in default of the time specified for failing to achieve substantial work completion and \$200.00 for each calendar day that the contractor is in default of the time specified for completion of the entire work.

An IEPA Construction Permit was granted for this project.

The Multi-Project Labor Agreement will be included in this contract.

The Affirmative Action Ordinance, Revised Appendix D and Appendix V will be included in this contract. The type of work to be performed under the contract is within the "Mechanical" category for establishing Minority-owned Business Enterprises (MBE), Women-owned Business Enterprises (WBE), Small Business Enterprises (SBE), and Veteran-owned Business Enterprises (VBE) utilization goals. The MBE, WBE, SBE, and VBE utilization goals for this contract are: 20 percent MBE, 9 percent WBE, 10 percent SBE, and 3 percent VBE.

The tentative schedule for this contract is as follows:

Advertise	May 11, 2022
Bid Opening	June 14, 2022
Award	August 4, 2022
Completion	January 16, 2024

Funds are available in Account 401-50000-645650.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 18-254-3P.

Requested, Catherine A. O'Connor, Director of Engineering, GMR:YL
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022

Attachments

Chemical Phosphorus Removal Facility, CWRP

Project Number	18-254-3P
Service Area	Calumet
Watershed	
Location	Calumet WRP
Engineering Consultant	
Engineering Contractor	
Estimated Construction Cost	\$14,300,000
Contract Award Date	August 2022
Substantial Completion Date	July 2023




Project Description	<p>This project will provide a secondary Phosphorus removal system in the event that the biological phosphorus system is interrupted. This will allow the treatment plant to achieve compliance with the National Pollution Discharge Elimination System permit phosphorus effluent limit during any upsets with the biological process. Without a working biological removal process, the annual chemical costs are estimated to be \$2.9 million annually to meet the 2024 requirement of 1 mg/L effluent phosphorus concentration and \$6.4 million annually to meet the 2030 0.5 mg/L effluent phosphorus concentration requirement. The District believes fermentation of existing carbon sources within the wastewater will provide a stable and effective biological phosphorus removal process and not necessitate any chemical usage to meet the 2024 limit. Compliance with the 2030 effluent limit of 0.5 mg/L will be more challenging. It is conceivable that the chemical system could be required as a polisher to meet the 0.5 mg/L limit, but the actual extent of chemical use cannot be accurately estimated at this time.</p>
Project Justification	<p>This project will explore a number of options to help meet the upcoming phosphorus effluent permit limits (in place in 2024) at the Calumet WRP. Chemical phosphorus removal or polishing, while incurring a high operating cost due to purchase of chemicals, is a certain technology. If biological phosphorus removal is not adequately able to meet the effluent permit limit, chemical phosphorus removal will be necessary. The facility will be designed to both remove all of the phosphorus from the mainstream or serve as a polishing step to remove peak concentrations of phosphorus from the effluent. The decision on the construction of the facility will not be made until it is determined that biological phosphorous cannot meet the National Pollution Discharge Elimination System permit by itself.</p>
Project Status	Design

**INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

DEPARTMENT: General Administration,
Diversity Section

DATE: April 7, 2022

TO: Dr. Catherine O'Connor, Director of Engineering

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: Revised 98% Review of Contract 18-254-3P – Chemical Phosphorus Removal Facility

We have reviewed the specifications for the subject contract and the material, labor, equipment, and man-hours breakdown by trades. The work under this contract should be classified as "Mechanical" The associated Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE) and Veteran-Owned Business Enterprise (VBE) individual goals are: **20% MBE, 9% WBE, 10% SBE and 3% VBE**. The goals should be specified in the Invitation to Bid, the Proposal, and the Agreement.

Note: The MBE, WBE, SBE and VBE utilization goals do not apply to the work assigned to the portions of the DCE work included as part of the Negotiated Price Item with the DCS manufacturer Schneider/Foxboro. The estimated dollar amount of the equipment and services being provided by Schneider/Foxboro is \$586,251.00.

The Bidder agrees to fulfill the Special Training Provisions for Apprentices as specified in Appendix K and to provide training opportunities throughout the life of the contract. The requirements of the Special Training Provisions for Apprentices are 1130 Minority and 400 Female hours for the purpose of this contract. In addition:

- A Pre-Bid Conference **should be** conducted.
- A Suppliers Exception **has been** recommended.
- The Affirmative Action Ordinance Revised Appendix D, dated December 2, 2021, **must** be included.
- Appendix K **must** be included.
- Assist Agency List **must** be included.
- Appendix C **must** be included.
- Appendix V **must** be included.
- The following language **must** be included: "The Contractor agrees to use the District's online compliance monitoring system administered by the Diversity Section for payment and reporting purposes, in order to fulfill the Affirmative Action Program requirements."

Please also refer to the attached Revised memo, dated January 6, 2022, for new boiler plate language. This language should be consistent in its incorporation in the Invitation to Bid, the Proposal, and the Agreement.

If you have any questions, please contact Fred Fortier, Diversity Officer at 1-4032.

RDB:FLF

Attachments

c: D. LoCascio, L. Cornier, S. Morakalis, Y. Lefler, M. Joyce, F. Fortier, File



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0397

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to
Advertise

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 15

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-632-11, Furnishing and Delivering Sodium Hypochlorite, estimated cost \$1,155,314.00, Accounts 101-67000/68000/69000-623560, Requisitions 1580060, 1580381 and 1580168

Dear Sir:

Contract documents and specifications have been prepared for Contract 22-632-11, Furnishing and Delivering Sodium Hypochlorite, at the request of the Maintenance and Operations Department.

The purpose of this contract is to procure sodium hypochlorite for a six-month period. Sodium hypochlorite is used for disinfection.

The estimated cost for this contract is not to exceed \$1,155,314.00.

The bid deposit for this contract is \$57,800.00. The chemical is needed to comply with the District's NPDES permits.

The Multi-Project Labor Agreement (MPLA) is not applicable to this contract because it is primarily a furnish and deliver contract.

The Affirmative Action Ordinance, Revised Appendix D and Appendix V will not be included because it is primarily a furnish and deliver contract.

The tentative schedule for this contract is as follows:

Advertise	May 4, 2022
Bid Opening	May 24, 2022
Award	June 16, 2022
Completion	December 31, 2022

Funds are available in Accounts 101-67000/68000/69000-623560.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-632-11.

File Number: 22-0397

Requested, John P. Murray, Director of Maintenance and Operations, EJS:BK:MAG:JR
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0364

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 16

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order and enter into an agreement with PerkinElmer Health Sciences, Inc. for preventive maintenance, repair, and consumable supplies for various PerkinElmer instruments, in an amount not to exceed \$177,522.00, Accounts 101-16000-612970, 623570, Requisition 1579168

Dear Sir:

Authorization is requested to issue a purchase order and enter into an agreement with PerkinElmer Health Sciences, Inc. (PerkinElmer) for preventive maintenance, repair and consumable supplies for three Inductively Coupled Plasma (ICP) instruments. This purchase order will expire on December 31, 2024.

Two PerkinElmer computer-controlled ICP-Optical Emission Spectrometry Instruments and one ICP-Mass Spectrometry Instrument are used for the analysis of trace metals. The data generated are used for compliance with the National Pollutant Discharge Elimination System permits, sludge management, land application monitoring for compliance with 503 Sludge Regulations, water quality monitoring for the Ambient Water Quality Monitoring Program, and industrial user samples. This is a renewal agreement, and it is critical that the instrumentation remain fully functional to provide essential data in the operation of the District's WRPs, Resource Recovery, and other research projects.

PerkinElmer, the sole-service provider for preventive maintenance, repair and consumable supplies for three ICP instruments and peripheral accessories, has submitted pricing for the services required. The benefits that this service provides are that the ICPs and peripheral equipment are maintained by vendor-trained technicians and the preventive maintenance and emergency repairs will greatly reduce instrument downtime due to failure. Inasmuch as PerkinElmer is the only source of supply for the services required, nothing would be gained by advertising for bids (Section 11.4 of the Purchasing Act).

PerkinElmer is registered and in good standing with the State of Illinois.

The Multi-Project Labor Agreement is not applicable due to the specialized nature of the services required.

The Affirmative Action Ordinance is not included because PerkinElmer is the sole provider of the equipment and services.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to issue a purchase order and enter into an agreement with PerkinElmer in an amount not to exceed \$177,522.00.

Funds for the 2022 expenditure in the amount of \$52,678.00 are available in Accounts 101-16000-612970, 623570. The estimated expenditures for 2023 and 2024 are \$61,444.00 and \$63,400.00, respectively. Funds for the 2023 and 2024 expenditures are contingent on the Board of Commissioners' approval of the District's budget for those years.

Requested, Edward W. Podczewinski, Director of Monitoring and Research,
EWP:RA:JC:PG:ca

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0365

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 17

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order to CDW Government LLC and enter into an agreement with Nearmap US, Inc., for Nearmap Vertical for Government with ArcGIS Integration, in an amount not to exceed \$25,000.00, Account 101-27000-623800, Requisition 1576444

Dear Sir:

Authorization is requested to issue a purchase order to CDW Government LLC and enter into an agreement with Nearmap US, Inc. for Nearmap Vertical for Government with ArcGIS Integration. This purchase order will expire May 6, 2023.

Nearmap provides current and historical georeferenced aerial photography for the entire Cook County area collected on a quarterly basis. This software will facilitate investigation into changes in land use and determination of Watershed Management Ordinance permit applicability, use of leased District property, and investigation of current and historical activity on District easements. Nearmap provides a higher level of resolution and is updated more frequently than current publicly available resources, which will allow the District to perform the aforementioned investigations with a higher level of accuracy.

On February 22, 2012, The City of Chicago advertised a Request for Proposal (RFP) for "Computer Hardware, Software Peripherals and Related Maintenance and Installation Services" in collaboration with the Cook County. Multiple responses were received by the proposal due date of June 6, 2012. CDW Government LLC was awarded the three-year contract effective October 1, 2014, with an option to extend the contract for two additional one-year terms. On September 28, 2017, the City of Chicago contract was extended to September 30, 2019. On September 27, 2019, the City of Chicago contract was extended to September 30, 2021. On April 13, 2021, the City of Chicago Contract was extended to September 30, 2022. Article 10) General Conditions, Section j) "Governmental Joint Purchasing Agreement," allows other government agencies to purchase goods or services under this contract.

CDW Government LLC has submitted prices for Nearmap Vertical for Government with ArcGIS Integration for a one-year period per the established contract discount percentages. Inasmuch as CDW Government LLC, is the only source of supply for the services required, nothing would be gained by advertising for bids (Section 11.4 of the Purchasing Act).

CDW Government LLC is registered and in good standing with the State of Illinois.

The Multi-Project Labor Agreement (MPLA) is not applicable to this contract because the classification of work does not fall within the provisions of the MPLA.

The Affirmative Action Appendix A and Appendix V are not included in this contract because the estimate is less than the minimum threshold established by Section 4 of the Affirmative Action Ordinance.

In view of the foregoing, it is requested that the Director of Procurement and Materials Management be authorized to issue said purchase order to CDW Government LLC and enter into an agreement with Nearmap US, Inc. in an amount not to exceed \$25,000.00.

Funds are available in Account 101-27000-623800.

Requested, John Sudduth, Director of Information Technology, JHS:SK:BVS:vn
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0367

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 18

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order and enter into an agreement with Stanley Consultants, Inc. for professional mechanical consulting services for Contract 21-867-3P Consultant Task Order Agreement for Mechanical Consulting Services, various locations for a three year period, in an amount not to exceed \$2,100,000.00, Accounts 401-50000-612450 and 201-50000-612450, Requisition 1578101

Dear Sir:

Authorization is requested to issue a purchase order and enter into an agreement with Stanley Consultants, Inc. (SCI) for professional mechanical consulting services for Contract 21-867-3P, Consultant Task Order Agreement for Mechanical Consulting Services, various locations, for a three-year period.

The purpose of the services is to augment District staff at times when such services are required for specialized design, inspection, when additional staff is necessary to maintain a critical project schedule and to help reduce backlogs of assignments.

Requests for Statement of Qualifications (SOQs) were sent to eight firms, and four of these firms responded to the request. The firms interviewed were Greeley and Hansen LLC, Milhouse Engineering and Construction, Inc., SPAAN Tech, Inc., and Stanley Consultants, Inc. Based on review of the qualification packages and the results of interviews, SCI was determined to be the most qualified, considering its experience and ability to respond to the District's needs. SCI has worked on District projects as a consultant and subconsultant on multiple projects and has a thorough knowledge of District's procedures and standards.

The total fee for the agreement is \$2,100,000.00 and will be distributed over a three-year period on an as-needed basis.

The date of completion of the work is March 18, 2025. There are no provisions in the agreement for an extension of time, except for a reasonable period that may be agreed upon between parties.

It is estimated that over five people will be working on the contract at various times with an anticipated total of 12,700 man-hours. The average payroll rate for the term of the agreement is

approximately \$54.50/hour.

The components of the total fee are as follows:

<u>ITEM:</u>	<u>FEE:</u>
1. Prime Consultant Fee (SCI)	
a. Direct Labor Cost	\$ 461,721.00
b. Overhead and Profit	\$ <u>939,279.00</u>
c. Total Labor Fee	\$1,401,000.00
2. Reimbursable Direct Costs	\$ 6,000.00
3. Sub-Consultant	
a. MBE firms	\$ 420,000.00
b. WBE firms	\$ 210,000.00
c. VBE firms	\$ <u>63,000.00</u>
d. Total Sub-Consultant Fee	\$ 693,000.00
TOTAL FEE (Not to Exceed)	\$ 2,100,000.00

The firm Primera Engineers, Ltd. is a Women-owned Business Enterprises (WBE) firm. The firm CCJM Engineers, Ltd. is a Minority-owned Business Enterprises and a Small Business Enterprises (MBE/SBE) firm, and Orion Engineers, LLC is a Veteran-owned Business Enterprises (VBE) firm. All MBE, WBE and VBE firms will actively participate in providing services for the core elements of the work in accordance with their areas of expertise. SCI will receive reimbursement based on direct labor costs actually expended with an allowance for recovery of related indirect costs, profit, reimbursable direct costs, and any other relevant costs, as applicable.

The Diversity Section has reviewed the SCI's agreement and concluded that it is in compliance with the District's Affirmative Action Policy.

Inasmuch as the firm of Stanley Consultants, Inc. and the team of professionals of that firm possess a high degree of professional skill, it is recommended that the Director of Procurement and Materials Management be authorized to issue a purchase order and enter into an agreement without advertising, per Section 11.4 of the Purchasing Act, in an amount not to exceed \$2,100,000.00.

Funds for the 2022 expenditure in the amounts of \$1,500,000.00 and \$200,000.00, are available in Accounts 401-50000-612450 and 201-50000-612450, respectively. The estimated expenditure for 2023 is \$200,000.00 and 2024 is \$200,000.00. Funds for the 2023 and 2024 expenditures in 201-50000-612450 are contingent on the Board of Commissioners' approval of the District's budget for those years.

Requested, Catherine A. O'Connor, Director of Engineering, GMR:P'OB
 Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
 Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
 Disposition of this agenda item will be documented in the official Regular Board Meeting
 Minutes of the Board of Commissioners for April 21, 2022

Attachments

INTEROFFICE MEMORANDUM

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration
Diversity Section

DATE: March 29, 2022

TO: Catherine O'Connor, Director of Engineering

FROM: Dr. Regina D. Berry, Diversity Administrator *RDB* *RDB*

SUBJECT: 21-867-3P, "Mechanical Engineering Consulting Services on a Three-Year Basis"

Per your request, the Diversity Section has determined that the following firms are acceptable for MBE/WBE/SBE/VBE participation:

Classification Type	Business Name	Contact
MBE/SBE	CCJM Engineers, Ltd.	Rhonda Garrett
WBE	Primera Engineers, Ltd.	Lourdes Gonzalez
VBE	Orion Engineers, LLC	John Naughton

The Minority, Women and Small Business Enterprises goals for the above contract are 20% MBE, 10% WBE, 10% SBE and 3% VBE. According to the MBE/WBE/SBE and VBE Commitment Forms, Stanley Consultants, Inc. commits to the following goals:

<u>MBE</u>	<u>WBE</u>	<u>SBE</u>	<u>VBE</u>
20%	10	*	3%

* MBE satisfy SBE requirements

The Consultant, Stanley Consultants, Inc. has met the requirements of Appendix A and Appendix V.

If you have any additional questions, please contact Ms. Ouidie Pollard, Diversity Officer, at extension 1-3029.

RDB/omp

Attachment

c: Ms. Darlene A. LoCascio, Director of Procurement and Materials Management
Morakalis, Cornier, May, file (2)

Revised/October 20, 2015

APPENDIX A - CONSULTANT CONTRACT

MINORITY, WOMEN, and SMALL BUSINESS REQUIREMENTS

1. The Consultant will make positive efforts to satisfy the Minority (MBE), and Women (WBE) and Small Business Enterprise (SBE) requirements set forth in the Affirmative Action policy of the Metropolitan Water Reclamation District of Greater Chicago (MWRD).
2. The standard Affirmative Action participation goals for Consulting Services are 20% MBE, 10% WBE, and 10% SBE, unless otherwise specified in the Invitation to Bid. Affirmative Action participation goals are applicable to District proposals where the estimated total expenditure is in excess of \$100,000.00.
3. The Consultant will undertake "Good Faith Efforts" to ensure that qualified MBE, WBE and SBE firms are utilized in the performance of the contract and will provide maximum opportunities for MBE, SBE, WBE participation, notwithstanding the fact that the Consultant may have the capability to complete the project without the use of sub-consultants.
4. Commitment to meet MBE/WBE/SBE goals:
 - Complete the **MBE/WBE/SBE COMMITMENT FORM**.
Provide the names, contact information and qualifications for the prospective MBE, WBE and SBE firms that you plan to use. Delineate the various anticipated categories and/or disciplines of work/services to be provided by MBE, WBE and SBE firms.
 - Summarize Consultant's commitment to comply with the MBE/WBE/SBE goals regarding Minority Business Enterprise (MBE), Women Business Enterprise (WBE) and, Small Business Enterprise (SBE) for this project.
5. In accordance with the District's Affirmative Action Ordinance Revised Appendix D, the Consultant shall make every effort to comply with the following requirements:
 - Where a contractor is a business owned and controlled by minority women ("M/WBE") or where the contractor utilizes a M/WBE in a joint venture or as a subcontractor, the contractor may count the M/WBE participation either towards achievement of the MBE or WBE goal, but not both. A contractor may count toward the achievement of its SBE goals the utilization of any MBE or WBE which also satisfies the definition of a SBE.
 - *A "Small business enterprise" or "SBE" means any contractor who has received gross receipts of \$41.25 million or less, per year averaged over the preceding five business years. Size determinations shall include the SBE concern and all its domestic and foreign affiliates.*
 - All minority, women and small businesses must conform to the definition of "Participating Businesses." A participating business means a business located within the counties of Cook, DuPage, Kane, Lake, McHenry or Will in the State of Illinois or Lake County in the State of Indiana which has the majority of its regular full-time work force located in this region and/or a business which has been placed on the District's vendor list and/or has bid on or sought District construction work.

MBE/WBE/SBE COMMITMENT FORM

1. Name of MBE/WBE/SBE: CCJM Engineers, Ltd.
 Identify MBE, WBE, SBE Status: MBE Address: 303 E. Wacker Dr, Suite 303
 City, State, Zip Code: Chicago, IL 60601
 Contact Person: Rhonda Garrett Telephone Number: 312-626-2980
 eMail Address: RGarrett@ccjm.com
 Dollar Amount of Participation: \$ _____ Percent of Participation: 20 %
 Scope of Consulting Contract: Mechanical support services, field, verification, and commissioning related services.
-
2. Name of MBE/WBE/SBE: Primera Engineers, Ltd.
 Identify MBE, WBE, SBE Status: WBE Address: 550 W. Jackson Blvd, Suite 660
 City, State Zip Code: Chicago, IL 60661
 Contact Person: Lourdes Gonzalez Telephone Number: 312-242-6364
 eMail Address: lgonzalez@primeraeng.com
 Dollar Amount of Participation: \$ _____ Percent of Participation: 10 %
 Scope of Consulting Contract: Related architectural, building code reviews , life safety code, associated fire protection, field verification and commissioning services.
-
3. Name of MBE/WBE/SBE: Orion Engineers, LLC
 Identify MBE, WBE, SBE Status: SBE Address: 3750 N. Kedzie Ave.
 City, State Zip Code: Chicago, IL 60618
 Contact Person: John Naughton Telephone Number: 630-426-9898
 eMail Address: JNaughton@orionengineersllc.com
 Dollar Amount of Participation: \$ _____ Percent of Participation: 10 %
 Scope of Consulting Contract: Related civil, underground, foundations, structural services and field verification.
-
4. Name of MBE/WBE/SBE: _____
 Identify MBE, WBE, SBE Status: _____ Address: _____
 City, State, Zip Code: _____
 Contact Person: _____ Telephone Number: _____
 eMail Address: _____
 Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
 Scope of Consulting Contract: _____

Attach a copy of qualifications for each MBE, WBE and SBE firm
 Please duplicate this blank page when additional certified MBE/WBE subcontractors are being used on this contract.



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0373

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 19

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order and enter into an agreement for Contract 22-RFP-01 Employee Assistance Program with ComPsych Behavioral Health Corporation d/b/a ComPsych Corporation in an amount not to exceed \$190,000.00, Account 101-25000-612260, Requisition 1571717

Dear Sir:

Authorization is requested to issue a purchase order and enter into an agreement with ComPsych Behavioral Health Corporation d/b/a ComPsych Corporation to provide a comprehensive employee assistance program (EAP) to the District's approximately 1,900 employees and their family members for the period from July 1, 2022 through June 30, 2027.

On January 12, 2022, request for proposal for Contract 22-RFP-01 Employee Assistance Program was publicly advertised. One hundred thirty-five (135) firms were notified and twenty-five (25) requested proposal documents. On February 18, 2022, the District received four (4) responsive proposals from the following vendors: ComPsych Behavioral Health Corporation d/b/a ComPsych Corporation; Employee Resources Systems; Humana EAP and Work-life Services; and Inova Employee Assistance.

The proposals were evaluated by staff from Human Resources, Maintenance and Operations, and the Procurement and Materials Management departments. The criteria for these evaluations were outlined in request for proposal for Contract 22-RFP-01 and included: experience; programs and services; network provider capabilities; program administration; financial stability; compliance with insurance and licensure requirements; and cost.

Following the preliminary evaluation of proposals, excluding cost, all four proposers were deemed to be finalists and were invited to interviews conducted March 16 - 17, 2022. On March 25, 2022, a solicitation was sent to the finalists requesting an unqualified "best and final" offer. The "best and final" offers were received on April 1, 2022.

Based on the evaluation of proposals, finalist interviews and pricing, the Human Resources Department recommends ComPsych Behavioral Health Corporation d/b/a ComPsych Corporation as the selected vendor. ComPsych Behavioral Health Corporation d/b/a ComPsych Corporation is the largest EAP provider in the market serving over 60,000

organizations including 2,425 in Illinois and 1,100 in the public sector. They are a local company with headquarters located in Chicago. The program includes telephonic counseling, tele-behavioral health services, and up to 8 face-to-face counseling sessions per employee or family member at no cost to the employee. The EAP call center is available to District employees 24 hours a day, 365 days a year with all calls being answered by Masters-level clinicians. Counselors speak multiple languages including Spanish, French, Polish, Arabic, Tagalog, and others. The toll-free number is unique to the District allowing counselors to immediately identify the caller as a District employee or family member. Services can also be accessed via a co-branded website, mobile app, or via live chat. The website includes a unique self-service option that allows employees to select a counselor based on their area of need and various counselor preferences such as language, gender, race, and religious faith. The employee can view a profile of the counselor, select the preferred appointment type (ex. in-person, telephonic, virtual), and schedule an appointment right from the website. The network includes more than 28,000 providers in Illinois with 100% of employees having access to at least one counselor within 10 miles of their home. The robust suite of work-life services includes FamilySource® (resources for child/elder care, adoption, education, relocation, event planning, pet care, etc.), LegalConnect® (resources and referrals for family law, estate planning, landlord issues, consumer issues, civil law, etc.), and FinancialConnect® (resources for advice for budgeting, planning, credit issues, debt/bankruptcy, money management, etc.). The program also includes critical incident response services; services to support managers in their role; access to webinars and other trainings; employee orientation sessions; and tailored communication campaigns.

The Diversity Section reviewed the request for proposal and concluded that the contract does not provide practical opportunities for subcontracting. Fees for the employee assistance program are assessed on a per-employee-per-quarter basis. This fee encompasses any services provided by the plan and does not change regardless of the number or type of services rendered during that time period. There is no way to anticipate the number of services that will be utilized or where in the independent provider network those services will be accessed. As such, Appendix A and Appendix V were not be included.

In view of the foregoing, it is requested that the Director of Procurement and Materials Management be authorized to issue a purchase order and enter into an agreement with ComPsych Behavioral Health Corporation d/b/a ComPsych Corporation for Contract 22-RFP-01 in the amount of \$190,000.00. The estimated annual expenditures are as follows: \$19,000.00 in 2022, \$38,000.00 annually from 2023 through 2026, and \$19,000.00 in 2027.

Funds for the 2022 expenditure are available in Account 101-25000-612260. Funds for the 2023 through 2027 expenditures are contingent on the Board of Commissioners' approval of the District's budget for those years.

Recommended, Beverly K. Sanders, Director of Human Resources
 Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
 Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
 Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for April 21, 2022


Attachment

INTEROFFICE MEMORANDUM**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

DEPARTMENT: General Administration
Diversity Section

DATE: October 28, 2021

TO: Beverly K. Sanders, Director of Human Resources

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: Review of 22-RFP-01 for Employee Assistant Program

Our review of this proposal indicates that Affirmative Action goals are not recommended.

The District is seeking an Employee Assistance Program Administrator for the continuation of a comprehensive Employee Assistance Program (EAP) for the District's approximately 1,900 employees and their family members. The estimated cost of this contract is \$285,000.00 over a five (5) year period.

This RFP does not provide practical opportunities for subcontracting. The employee population spans a wide variety of EAP services that are charged per headcount, per employee, per quarter, and per episode of care. There is no way to foresee the specific services that will be utilized to appropriately assess Affirmative Action goals.

Therefore, Appendix A and Appendix V should not be included.

If you have any questions, please contact Ms. Ouidie Pollard, Diversity Officer at extension 1-3029.

RDB:omp

Attachment

cc: LoCascio, D., Morakalis, S., Cornier, J. Fisher, file



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0375

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 20

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order to CDW Government LLC, to Furnish and Deliver FireEye Network Security Licensing and Support, in an amount not to exceed \$89,000.00, Account 101-27000-612840, Requisition 1579194

Dear Sir:

Authorization is requested to issue a purchase order to CDW Government LLC to furnish and deliver FireEye Network Security Licensing and Support for a one-year period. The contract starts June 14, 2022 and ends June 13, 2023.

The FireEye Network Security provides real-time, dynamic threat protection against the next generation of cyber-attacks to protect an organization across the primary threat vectors, including web, email, and files. This Network Security supplements the security provided by traditional defenses, such as next-generation firewalls, intrusion protection systems, anti-virus, and gateways.

On February 22, 2012, The City of Chicago advertised a Request for Proposal (RFP) for "Computer Hardware, Software Peripherals and Related Maintenance and Installation Services" in collaboration with the Cook County. Multiple responses were received by the proposal due date of June 6, 2012. CDW Government LLC was awarded the three-year contract effective October 1, 2014, with an option to extend the contract for two additional one-year terms. On September 28, 2017, the City of Chicago contract was extended to September 30, 2019. On September 24, 2019, the City of Chicago Contract was extended to September 30, 2021. On April 13, 2021, the City of Chicago Contract was extended to September 30, 2022. Article 10) General Conditions, Section j) "Governmental Joint Purchasing Agreement," allows other government agencies to purchase goods or services under this contract.

CDW Government LLC has submitted prices for the FireEye Network Security Licensing and Support for a one-year period per the established contract discount percentages. Inasmuch as CDW Government LLC is the only source of supply for the FireEye Network Security Licensing and Support for a one-year period under this agreement, said purchase order may be issued without competitive bidding pursuant to Section 11.4 of the Purchasing Act.

CDW Government LLC is registered and in good standing with the State of Illinois.

The Multi-Project Labor Agreement (MPLA) is not applicable to this contract because the classification of work does not fall within the provisions of the MPLA.

The Affirmative Action Appendix A and Appendix V are not included in this contract because the estimate is less than the minimum threshold by Section 4 of the Affirmative Action Ordinance.

In view of the foregoing, it is requested that the Director of Procurement and Materials Management be authorized to issue said purchase order to CDW Government LLC in an amount not to exceed \$89,000.00.

Funds are available in Account 101-27000-612840.

Requested, John Sudduth, Director of Information Technology, JS:SK:RP:EW
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0385

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 21

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order to Deere & Company, to furnish and deliver one (1) John Deere 5055E Utility Tractor under Sourcewell (formerly NJPA) Purchasing Contract No. 110719-JDC, in an amount not to exceed \$38,569.28, Account 101-68000-634990, Requisition 1579425

Dear Sir:

Authorization is requested to issue a purchase order to Deere & Company, to furnish and deliver one (1) John Deere 5055E Utility Tractor to the Calumet WRP.

The utility tractor will replace an existing utility tractor, which is more than 15 years old and beyond repair. The new utility tractor will be used for landscaping improvements and maintenance that are needed throughout the Calumet Service Area. The vehicle will be delivered by December 31, 2022 via local authorized dealer Shorewood Home and Auto, Inc.

Sourcewell (formerly NJPA) currently has a competitively bid contract with Deere & Company (110719-JDC), for agricultural tractors and equipment. On May 19, 2011, the Board of Commissioners granted authority to participate in the NJPA purchasing cooperative. The contracts were established to enable all state agencies and authorized local governmental units to purchase current model year production vehicles during the contract period. The term of contract 110719-JDC began on December 30, 2019 and expires on December 30, 2023.

Deere & Company is registered and in good standing with the State of Illinois.

The Multi-Project Labor Agreement (MPLA) and Affirmative Action, Revised Appendix D and Appendix V are not applicable because it is a furnish and deliver contract for a vehicle.

The Procurement and Materials Management Department believes that participating in the Sourcewell contract will expedite the ordering and delivery of the vehicle and reduce administrative costs.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to issue a purchase order to Deere & Company in an amount not to exceed \$38,569.28.

File Number: 22-0385

Funds are available in Account 101-68000-634990.

Requested, John P. Murray, Director of Maintenance and Operations

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,

DAL:SEB:MS:jd

Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement

Disposition of this agenda item will be documented in the official Regular Board Meeting

Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0386

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 22

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order to Red Sky Technologies Inc., for Software Maintenance, in an amount not to exceed \$64,236.00 Account 101-27000-612820, Requisition 1580163

Dear Sir:

Authorization is requested to issue a purchase order to Red Sky Technologies Inc., for software maintenance. This purchase order will begin on March 19, 2022 and will expire on March 18, 2023.

Red Sky software is used to alert District Police if someone within a District location calls 911. The application also gives the 911 operator the exact location of where the call is coming from; i.e., building address, location. Additional features include recording of 911 calls.

Red Sky Technologies Inc., the sole service provider of E911 computer software, maintenance and support, has submitted prices for the services required. Inasmuch as Red Sky Technologies Inc. is the only source of supply for the services required, nothing would be gained by advertising for bids (Section 11.4 of the Purchasing Act).

Red Sky Technologies Inc. is registered and in good standing with the State of Illinois.

The Multi-Project Labor Agreement is not applicable because the services required do not fall within the provision of the MPLA.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to issue a purchase order to Red Sky Technologies Inc., in an amount not to exceed \$64,236.00.

Funds are available in Account 101-27000-612820.

Requested, John Sudduth, Director of Information Technology, JS:SK:RP:EW
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0387

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 23

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase orders to Alfa Laval, Inc., for Furnish and Deliver Repair Parts for Alfa Laval Centrifuges and Ashbrook Simon-Hartley Gravity Belt Thickeners to various locations for a three year period, in a total amount not to exceed \$2,895,000.00, Accounts 101-66000, 67000, 68000, 69000-623070, 623090, 623270

Dear Sir:

Authorization is requested to issue purchase orders to Alfa Laval, Inc., for furnish and deliver repair parts and components for the Alfa Laval thickening centrifuges and the Ashbrook Simon-Hartley gravity belt thickeners, at various locations, on an as needed basis, for a three-year period. All repair parts and components will be delivered prior to March 31, 2025.

Alfa Laval, Inc., is the sole source for Alfa Laval and Ashbrook Simon-Hartley repair parts and components. Alfa Laval, Inc., has submitted prices for the repair parts and components required. Purchase orders will be issued for repair parts and components as needed using an outline agreement, based on the prices received from Alfa Laval, Inc. Inasmuch as Alfa Laval, Inc., is the only source of supply for the repair parts and components required, nothing would be gained by advertising for bids (Section 11.4 of the Purchasing Act).

The repair parts and components are needed in the thickening and dewatering centrifuges and the gravity belt thickeners which support the sludge thickening and biosolids dewatering processes. Maintenance & Operations personnel will use the parts for repair and maintenance activities.

Alfa Laval, Inc., is not registered to transact business in Illinois, but has submitted a certificate of good standing from the State of Pennsylvania. The Director of the Maintenance and Operations Department has given approval to move forward with the recommendation to award..

The Multi-Project Labor Agreement is not applicable because this is primarily a furnish and deliver contract.

The Affirmative Action Ordinance, Revised Appendix D and Appendix V are not applicable because these are furnish and deliver parts as needed.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to issue purchase orders to Alfa Laval, Inc., in an amount not to exceed \$2,895,000.00. Purchase orders will be issued when the material is required. Payment will be based on the unit cost received by Alfa Laval, Inc.

Funds for purchase orders to be issued under this Board authority will be limited by pricing periods for Accounts 101-66000, 67000, 68000, 69000-623070, 623090, 623270. The estimated expenditures for the period of 4/1/2022 through 3/31/2023, 4/1/2023 through 3/31/2024, and 4/1/2024 through 3/31/2025 are \$965,000.00, respectively. Funds for years 2023, 2024, and 2025 expenditures are contingent on the Board of Commissioners' approval of the District's budget for those years.

Requested, John P. Murray, Director of Maintenance and Operations
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,
DAL:SEB:MS:JK
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0401

Agenda Date: 4/21/2022

Version: 1

Status: PC Issue Purchase
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 24

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order for Contract 22-108-11, Preventative Maintenance for Aries Water Systems, to Absolute Water Technologies, LLC, in an amount not to exceed \$12,000.00, Account 101-16000-612790, Requisition 1572766

Dear Sir:

On January 6, 2022, the Board of Commissioners authorized the Director of Procurement and Materials Management to advertise for bids Contract 22-108-11, Preventative Maintenance for Aries Water Systems.

In response to a public advertisement of February 2, 2022, a bid opening was held on February 15, 2022. The bid tabulation for this contract is:

ABSOLUTE WATER TECHNOLOGIES, LLC \$12,000.00

The Director of Procurement and Materials Management has reviewed the bidders' list for this contract and is satisfied that the market for this service has been adequately solicited. A planholders' survey revealed the following reason for not bidding: unable to provide the services requested. In light of these findings, the Director of Procurement and Materials Management is of the opinion that the bid received is a fair and reasonable price, and nothing would be gained by rejecting the sole bid and re-advertising this contract.

Absolute Water Technologies, LLC, the sole bidder, is proposing to perform the contract in accordance with the specifications. The estimated cost for this contract was \$12,000.00, placing their bid of \$12,000.00 equal to the estimate.

Absolute Water Technologies, LLC., is registered and in good standing with the State of Illinois.

The Multi-Project Labor Agreement (MPLA) was not included in this contract because the classification of work does not fall within the provisions of the MPLA.

The Affirmative Action Ordinance, Revised Appendix D was not included in this contract because the estimate is less than the minimum threshold established by Section 4 of the Affirmative Action Ordinance.

The contract will expire on December 31, 2022.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to issue a purchase order for Contract 22-108-11 to Absolute Water Technologies, LLC, in an amount not to exceed \$12,000.00.

No bid deposit was required for this contract.

Funds are available in the amount of \$12,000.00 in Account 101-16000-612970.

Requested, Edward W. Podczerwinski, Director of Monitoring and Research

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,

DAL:SEB:bn

Respectfully Submitted, Barbara J. McGowan, Chairman, Committee on Procurement

Disposition of this agenda item will be documented in the official Regular Board Meeting

Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0381

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to Award
Contract

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 25

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to award Contract 14-253-AF, Diversion Channel for Flood Control Project on Midlothian Creek in Robbins, CSA to F.H. Paschen, S.N. Nielsen & Associates, LLC, in an amount not to exceed \$9,543,000.00, plus a five (5) percent allowance for change orders in an amount of \$477,150.00, for a total amount not to exceed \$10,020,150.00, Account 501-50000-645620, Requisition 1547234

Dear Sir:

On September 3, 202-, the Board of Commissioners authorized the Director of Procurement and Materials Management to advertise for bids Contract 14-253-AF, Diversion Channel for Flood Control Project on Midlothian Creek in Robbins, CSA.

In response to a public advertisement of January 12, 2022, a bid opening was held on March 1, 2022. The bid tabulation for this contract is:

F.H. PASCHEN, S.N. NIELSEN & ASSOCIATES, LLC	
*\$9,543,000.00	
V3 CONSTRUCTION GROUP, LTD.	\$9,555,000.00
IHC CONSTRUCTION COMPANIES LLC	\$11,930,000.00
RAUSCH INFRASTRUCTURE, LLC	\$12,217,383.00
*Corrected Total	

F.H. Paschen, S.N. Nielsen & Associates, LLC. the lowest responsible bidder, is proposing to perform the contract in accordance with the specifications. The estimated cost range for this contract is \$7,582,033.00 to \$9,187,250.00, placing their bid of \$9,543,000.00 above the high end of the cost range.

F.H. Paschen, S.N. Nielsen & Associates, LLC, has executed the Multi-Project Labor Agreement (MPLA) Certificate as required. It is anticipated that the following trades will be utilized on this contract: carpenters, cement masons, electricians, iron workers, equipment operators, laborers, pile drivers, plumbers and truck drivers. The list of construction trades is not intended to confer any rights or jurisdiction upon any union or unions.

The Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE) and Veteran-Owned Business Enterprise (VBE) utilization goals for this

contract are 20 percent MBE 10 percent WBE, 10 percent SBE and 3 percent VBE.

F.H. Paschen, S.N. Nielsen & Associates, LLC, is in compliance with the Affirmative Action Ordinance, Revised Appendix D and Appendix V as indicated on the attached report. The bidder has committed to the following utilization goals for this contract: 21.5 percent MBE, 10.6 percent WBE, and the bidder offers MBE credits to satisfy SBE participation. The bidder provided 4.3 percent VBE participation.

The contract will require approximately eighty (80) people for the services.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to award Contract 14-253-AF to F.H. Paschen, S.N. Nielsen & Associates, LLC, in an amount not to exceed \$9,543,000.00, plus a five (5) percent allowance for change orders in an amount of \$477,105.00, for a total amount not to exceed \$10,020,150.00, subject to the contractor furnishing a performance bond in form satisfactory to the Law Department and approved by the Director of Procurement and Materials Management.

The contract specifications require that all work commence 30 days after approval of the contractor's bond and shall be completed within 540 calendar days after approval of the contractor's bond.

Funds for the 2022 expenditure, in the amount of \$2,989,150.00 are available in Account 501-50000-645620. The estimated expenditure for 2023 is \$7,031,000.00. Funds for 2023 are contingent on the Board of Commissioners' approval of the District's budget for those years.

Requested, Catherine A. O'Connor, Director of Engineering
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,
DAL:SEB:bn
Respectfully Submitted, Barbara J. McGowan, Chairman, Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022


Attachment

**INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

DEPARTMENT: General Administration
Diversity Section

DATE: March 29, 2022

TO: Dr. Catherine O'Connor, Director of Engineering

FROM: Regina D. Berry, Diversity Administrator **RDB** 

SUBJECT: Contract 14-253-AF – Flood Control Project on Midlothian Creek in Robbins, IL

LOW BIDDER: F.H. Paschen, S.N. Nielsen & Associates LLC

The lowest responsive bidder, F.H. Paschen, S.N. Nielsen & Associates LLC, has submitted company information and "MBE/WBE/SBE/VBE Business Verification Forms" for the firm identified on the subject contract's Affirmative Action Utilization Plan and VBE Commitment Form.

The MBE, WBE, SBE and VBE Utilization Goals for the above-mentioned contract are 20% MBE, 10% WBE, 10% SBE and 3% VBE. According to the bidder's Utilization Plan and VBE Commitment Form, the bidder has committed to the following goals:

<u>MBE</u>	<u>WBE</u>	<u>SBE</u>	<u>VBE</u>
21.5%	10.6%	*	4.3%

In addition, the MBE, WBE, SBE and VBE utilization goals do not apply to the work assigned to the portions of the DCS work included as part of the Negotiated Price Item with the DCS manufacturer Emerson (\$250,000.00).

Therefore, F.H. Paschen, S.N. Nielsen & Associates LLC, is in apparent compliance with the requirements of Affirmative Action Ordinance Revised Appendix D and Appendix V.

RDB:MGT

Attachments

c: LoCascio, Cornier, Morakalis, Fisher, Cooney, Nash, Torres, File

*Bidder offers MBE to satisfy the SBE requirements

REVISED JUNE, 2015

**METROPOLITAN WATER RECLAMATION DISTRICT OF
GREATER CHICAGO**

MBE, WBE, SBE UTILIZATION PLAN

For Local and Small business entities - Definitions for terms used below can be found in Appendix D: MBE - Section 5(s); WBE - Section 5(cc); SBE - Section 5(w).

NOTE: The Bidder shall submit with the Bid, originals or facsimile copies of all MBE, WBE, SBE Subcontractor's Letter of Intent furnished to all MBEs, WBEs, and SBEs. IF A BIDDER FAILS TO INCLUDE signed copies of the MBE, WBE, SBE Utilization Plan and all signed MBE, WBE, SBE Subcontractor's Letter of Intent with its bid, said bid will be deemed nonresponsive and rejected.

All Bidders must sign the signature page UP-5 of the Utilization Plan, even if a waiver is requested.

Name of Bidder: F.H. Paschen, S.N. Nielsen & Associates LLC

Contract No.: 14-253-AF

Affirmative Action Contact & Phone No.: Ms. Allison Malaoney, 773-444-3474

E-Mail Address: amaloney@fhpaschen.com

Total Bid: \$9,521,000.00

MBE, WBE, SBE UTILIZATION PLAN AND ALL SIGNED MBE, WBE, SBE SUBCONTRACTOR'S LETTER OF INTENT MUST BE COMPLETED, SIGNED AND ACCOMPANY YOUR BID!!!

The bidder should indicate on the Utilization Plan explicitly if the dollar amounts for the MBE participation will also be counted toward the achievement of its SBE participation. See Affirmative Action Ordinance, Revised Appendix D, Section 11, Counting MBE, WBE and SBE Participation towards Contract Goals. (a) (b) (c)

MBE UTILIZATION

Name of MBE and contact person: Chicagoland Truckin Inc.
 Business Phone Number: 708-243-9147 Email Address: cti-trucks@ameritech.net
 Address: 5494 W Roosevelt Rd, Chicago, IL , 60644
 Description of Work, Services or Supplies to be provided: Trucking

CONTRACT ITEM NO.: Item 1.a
 Total Dollar Amount Participation: \$334,250

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☒
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

MBE UTILIZATION

Name of MBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

MBE UTILIZATION

Name of MBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

(Attach additional sheets as needed)

The bidder should indicate on the Utilization Plan explicitly if the dollar amounts for the MBE participation will also be counted toward the achievement of its SBE participation. See Affirmative Action Ordinance, Revised Appendix D, Section 11, Counting MBE, WBE and SBE Participation towards Contract Goals. (a) (b) (c)

MBE UTILIZATION

Name of MBE and contact person: Cardinal State ROGER WIESE
 Business Phone Number: 262 352-9572 Email Address: derekb@cardinalstateilc.com
 Address: 1719 Spring Creek Rd Barrington, Illinois 60010
 Description of Work, Services or Supplies to be provided: Landscaping

CONTRACT ITEM NO.: Item 1.a, 1.d

Total Dollar Amount Participation: \$1,710,688

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☒
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent **MUST** Accompany the Bid!

MBE UTILIZATION

Name of MBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____

Total Dollar Amount Participation: _____

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent **MUST** Accompany the Bid!

MBE UTILIZATION

Name of MBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____

Total Dollar Amount Participation: _____

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent **MUST** Accompany the Bid!

(Attach additional sheets as needed)

The bidder should indicate on the Utilization Plan explicitly if the dollar amounts for the WBE participation will also be counted toward the achievement of its SBE participation. See Affirmative Action Ordinance, Revised Appendix D, Section 11, Counting MBE, WBE and SBE Participation towards Contract Goals. (a) (b) (c)

WBE UTILIZATION

Name of WBE and contact person: Archon Construction Company Mike Allenstein
 Business Phone Number: 630-495-0015 Email Address: mike@archononline.com
 Address: 563 S. Route 53, Addison, IL 60101
 Description of Work, Services or Supplies to be provided: Site Utilities

CONTRACT ITEM NO.: Item 1.b and Item 1.c
 Total Dollar Amount Participation: \$ 350,682

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☒
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!!

WBE UTILIZATION

Name of WBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!!

WBE UTILIZATION

Name of WBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!!

(Attach additional sheets as needed)

The bidder should indicate on the Utilization Plan explicitly if the dollar amounts for the WBE participation will also be counted toward the achievement of its SBE participation. See Affirmative Action Ordinance, Revised Appendix D, Section 11, Counting MBE, WBE and SBE Participation towards Contract Goals. (a) (b) (c)

WBE UTILIZATION

Name of WBE and contact person: Vixen Construction Inc. / Ryan Bomstad
 Business Phone Number: 708-728-1950 Email Address: ryanbomstad@sbcglobal.net
 Address: 7600 W 79th St, Bridgeview, IL 60455
 Description of Work, Services or Supplies to be provided: Concrete

CONTRACT ITEM NO.: 1c
 Total Dollar Amount Participation: \$ 603,247.00

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☒
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

WBE UTILIZATION

Name of WBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

WBE UTILIZATION

Name of WBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

(Attach additional sheets as needed)

SBE UTILIZATION

Name of SBE and contact person: CARDINAL STATE ROGER WIESE
 Business Phone Number: 262-352-9572 Email Address: derekb@cardinalstate11c.com
 Address: 1719 SPRING CREEK RD BARRINGTON, IL 60010
 Description of Work, Services or Supplies to be provided: LANDSCAPING
 CONTRACT ITEM NO.: ITEM 1.3 & 1.4
 Total Dollar Amount Participation: \$ 1,710,688

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!

SBE UTILIZATION

Name of SBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____
 CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!

SBE UTILIZATION

Name of SBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____
 CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

(Attach additional sheets as needed)

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!

SIGNATURE SECTION

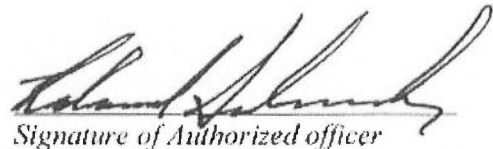
On Behalf of F.H. Paschen, S.N. Nielsen & Associates LLC I/We hereby acknowledge that
 (name of company)

I/WE have read Revised Appendix D, will comply with the provisions of Revised Appendix D, and intend to use the MBEs, WBEs, and SBEs listed above in the performance of this contract and/or have completed the Waiver Request Form. To the best of my knowledge, information and belief, the facts and representations contained in this Exhibit are true, and no material facts have been omitted.

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct, and that I am authorized, on behalf of the bidder, to make this affidavit.

March 14, 2022

Date


Signature of Authorized officer

ATTEST:

Roland Schneider, Authorized Agent & VP

Print name and title



Secretary

Kathleen Pattison, Asst. Secretary

773-444-3474

Phone number

- 1) **The Bidder is required to sign and execute this page, EVEN IF A WAIVER IS BEING REQUESTED.**
- 2) **Failure to do so will result in a nonresponsive bid and rejection of the bid.**
- 3) **If a waiver is requested, the bidder must also complete the following "WAIVER REQUEST FORM."**

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!

VBE COMMITMENT FORM

1. Name of VBE: DND Electric
 Identify MBE, WBE, SBE Status: mba Address: 1111 E Touhy Ave, Suite 260
 City, State, Zip Code: Des Plaines, IL 60018
 Contact Person: Jorge Castellon Telephone Number: 630-585-0933
 eMail Address: jcastellon@dndelectric.com
 Dollar Amount of Participation: \$ 410,991 Percent of Participation: 4.32 %
 Scope of Work: Electrical
-
2. Name of VBE: _____
 Identify MBE, WBE, SBE Status: _____ Address: _____
 City, State Zip Code: _____
 Contact Person: _____ Telephone Number: _____
 eMail Address: _____
 Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
 Scope of Work: _____
-
3. Name of VBE: _____
 Identify MBE, WBE, SBE Status: _____ Address: _____
 City, State Zip Code: _____
 Contact Person: _____ Telephone Number: _____
 eMail Address: _____
 Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
 Scope of Work: _____
-
4. Name of VBE: _____
 Identify MBE, WBE, SBE Status: _____ Address: _____
 City, State, Zip Code: _____
 Contact Person: _____ Telephone Number: _____
 eMail Address: _____
 Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
 Scope of Work: _____

Attach a copy of qualifications for each VBE firm



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0389

Agenda Date: 4/21/2022

Version: 1

Status: PC Authority to Award
Contract

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 26

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to award Contract 22-408-12, Janitorial Services for the Main Office Building Complex (Re-Bid), to Eco-Clean Maintenance, Inc. in an amount not to exceed \$2,589,424.84, Account 101-15000-612370,612390, Requisition 1568230

Dear Sir:

On October 21, 2021, the Board of Commissioners authorized the Director of Procurement and Materials Management to advertise for bids Contract 22-408-12, Janitorial Services for the Main Office Building Complex.

In response to a public advertisement of January 5, 2022, a bid opening was held on January 25, 2022. All bids were rejected at the Board Meeting of March 3, 2022, as reported.

In response to a public re-advertisement of March 9, 2022, a bid opening was held on March 29, 2022. The bid tabulation for this contract is:

ECO-CLEAN MAINTENANCE, INC.	*\$2,589,424.84
SMITH MAINTENANCE COMPANY	*\$27,017,025.44
*Corrected total	

Eco-Clean Maintenance, Inc., the lowest responsible bidder, is proposing to perform the contract in accordance with the specifications. The estimated cost of this contract was \$2,045,000.00, placing their bid of \$2,589,424.84 approximately 26.62. percent above the estimated cost.

The Multi-Project Labor Agreement (MPLA) is not included in this contract because the classification of work does not fall within the provisions of the MPLA.

The Affirmative Action Ordinance, Revised Appendix D applies to this contract. The participation goals are 20 percent Minority Business Enterprise (MBE), 9 percent Women Business Enterprise (WBE) and 10 percent Small Business Enterprise (SBE).

Eco-Clean Maintenance, Inc, is in compliance with the Affirmative Action Ordinance, Revised Appendix D as indicated on the attached report. The Minority Business Enterprise (MBE), Women Business Enterprise (WBE) and Small Business Enterprise (SBE) utilization goals for

this contract are 20 percent MBE, 10.45 percent WBE, and the bidder offers themselves to satisfy SBE participation.

The contract will require approximately eleven (11) full-time and four (4) part-time people for the services.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to award Contract 22-408-12, to Eco-Clean Maintenance, Inc., in an amount not to exceed \$2,589,424.84, subject to the contractors furnishing performance bonds in form satisfactory to the Law Department and approved by the Director of Procurement and Materials Management.

The work under his contract shall commence upon approval of the Contractor's Bond and terminate thirty-six months thereafter.

Funds for the 2022 expenditure, in the amount of \$565,640.97 are available in Account 101-15000-612370,612390. The estimated expenditure for 2023 is \$858,082.97, for 2024 is \$873,011.02 and for 2025 is \$292,689.88. Funds for the 2023, 2024 and 2025 expenditures are contingent on the Board of Commissioners' approval of the District's budget for those years.

Requested, Shellie A. Riedle, Administrative Services Officer

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,

DAL:SEB:bn

Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement

Disposition of this agenda item will be documented in the official Regular Board Meeting


Minutes of the Board of Commissioners for April 21, 2022

INTEROFFICE MEMORANDUM

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration **DATE:** April 7, 2022
Diversity Section

TO: Shellie A. Riedle, Administrative Services Officer

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: **Contract 22-408-12, Janitorial Services for the Main Office Building Complex (Rebid)**

Bidder: Eco-Clean Maintenance, Inc.

The Bidder, Eco-Clean Maintenance, Inc., has submitted company information and "MBE/WBE/SBE Business Verification Forms" for the firms identified on the subject contracts Affirmative Action Utilization Plan.

The MBE, WBE and SBE utilization goals, for the subject contract are 20% MBE, 9% WBE, and 10% SBE. The Affirmative Action goal category is "Miscellaneous Building Construction". According to the bidder's Utilization Plan, the bidder has committed to the following goals:

<u>MBE</u>	<u>WBE</u>	<u>SBE</u>
20%	10.45%	*

Therefore, Eco-Clean Maintenance, Inc., is in apparent compliance with the requirements of Affirmative Action Ordinance Revised Appendix D.

RDB:JIIB

Attachment

cc: Darlene A. LoCascio, Cornier, Morakalis, Bullock, File

* Bidder offers themselves to satisfy SBE participation

REVISED JUNE, 2015

**METROPOLITAN WATER RECLAMATION DISTRICT OF
GREATER CHICAGO**

MBE, WBE, SBE UTILIZATION PLAN

For Local and Small business entities - Definitions for terms used below can be found in Appendix D: MBE - Section 5(s); WBE - Section 5(cc); SBE - Section 5(w).

NOTE: The Bidder shall submit with the Bid, originals or facsimile copies of all MBE, WBE, SBE Subcontractor's Letter of Intent furnished to all MBEs, WBEs, and SBEs. IF A BIDDER FAILS TO INCLUDE signed copies of the MBE, WBE, SBE Utilization Plan and all signed MBE, WBE, SBE Subcontractor's Letter of Intent with its bid, said bid will be deemed nonresponsive and rejected.

All Bidders must sign the signature page UP-5 of the Utilization Plan, even if a waiver is requested.

Name of Bidder: ECO-CLEAN MAINTENANCE, INC

Contract No.: 22-408-12 rebid

Affirmative Action Contact & Phone No.: ARKADIUSZ GRABOWSKI 773 310 2002

E-Mail Address: ecocleanmaintenance@yahoo.com

Total Bid: 2,589,424.80

MBE, WBE, SBE UTILIZATION PLAN AND ALL SIGNED MBE, WBE, SBE SUBCONTRACTOR'S LETTER OF INTENT MUST BE COMPLETED, SIGNED AND ACCOMPANY YOUR BID!!!

The bidder should indicate on the Utilization Plan explicitly if the dollar amounts for the MBE participation will also be counted toward the achievement of its SBE participation. See Affirmative Action Ordinance, Revised Appendix D, Section 11, Counting MBE, WBE and SBE Participation towards Contract Goals. (a) (b) (c)

MBE UTILIZATION

Name of MBE and contact person: BOYE JANITORIAL SERVICE
 Business Phone Number: 773 779 3800 Email Address: tony-boyejanitorialservice@yahoo.com
 Address: 3830 W. 95TH St Evergreen Park, IL 60805
 Description of Work, Services or Supplies to be provided: Janitorial services equipment and supervision
 CONTRACT ITEM NO.: 22-408 12 reh'd
 Total Dollar Amount Participation: \$ 517,884.96

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☒
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid! !!

MBE UTILIZATION

Name of MBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____
 CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid! !!

MBE UTILIZATION

Name of MBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____
 CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid! !!

(Attach additional sheets as needed)

The bidder should indicate on the Utilization Plan explicitly if the dollar amounts for the WBE participation will also be counted toward the achievement of its SBE participation. See Affirmative Action Ordinance, Revised Appendix D, Section 11, Counting MBE, WBE and SBE Participation towards Contract Goals. (a) (b) (c)

WBE UTILIZATION

Name of WBE and contact person: Dust Em Clean Maintenance Company
 Business Phone Number: 312 966 7971 Email Address: dustemclean@gmail.com
 Address: 503 E 61st St Chicago, IL 60631
 Description of Work, Services or Supplies to be provided: Janitorial services equipment and supervision
 CONTRACT ITEM NO.: 22-408-12 rebid
 Total Dollar Amount Participation: \$ 270,586.14

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☒
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

WBE UTILIZATION

Name of WBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

 CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

WBE UTILIZATION

Name of WBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____

 CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

(Attach additional sheets as needed)

SBE UTILIZATION

Name of SBE and contact person: ECO-CLEAN MAINTENANCE, INC
 Business Phone Number: 773 310 2002 Email Address: ecocleanmaintenance@yahoo.com
 Address: 515 W. Wrightwood Ave Elmhurst, IL 60126
 Description of Work, Services or Supplies to be provided: Janitorial supplies and supervision
 CONTRACT ITEM NO.: 22-408-12 re bid
 Total Dollar Amount Participation: \$ 258,942.48

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!!

SBE UTILIZATION

Name of SBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____
 CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!!

SBE UTILIZATION

Name of SBE and contact person: _____
 Business Phone Number: _____ Email Address: _____
 Address: _____
 Description of Work, Services or Supplies to be provided: _____
 CONTRACT ITEM NO.: _____
 Total Dollar Amount Participation: _____

(Attach additional sheets as needed)

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid !!!

SIGNATURE SECTION

On Behalf of ELO-CLEAR MAINTENANCE, INC I/We hereby acknowledge that
(name of company)

I/WE have read Revised Appendix D, will comply with the provisions of Revised Appendix D, and intend to use the MBEs, WBEs, and SBEs listed above in the performance of this contract and/or have completed the Waiver Request Form. To the best of my knowledge, information and belief, the facts and representations contained in this Exhibit are true, and no material facts have been omitted.

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct, and that I am authorized, on behalf of the bidder, to make this affidavit.

3/20/22
Date

Shach Gabori
Signature of Authorized officer

ATTEST:

ARADILISZ GRABOWSKI, President
Print name and title

Shach Gabori
Secretary

773 310 2002
Phone number

- 1) **The Bidder is required to sign and execute this page, EVEN IF A WAIVER IS BEING REQUESTED.**
- 2) **Failure to do so will result in a nonresponsive bid and rejection of the bid.**
- 3) **If a waiver is requested, the bidder must also complete the following "WAIVER REQUEST FORM."**

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid! !!



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0362

Agenda Date: 4/21/2022

Version: 1

Status: PC Increase PO/Change
Order

In Control: Procurement Committee

File Type: Agenda Item

Agenda Number: 27

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to increase Contract 19-665-11, Landscape Maintenance at Various Service Areas, Groups A, B, and D, to Lizzette Medina & Company, in an amount of \$112,869.00 from an amount of \$573,282.25 to an amount not to exceed \$686,151.25, Accounts 101-68000/69000-612420, Purchase Orders 5001719 and 5001720

Dear Sir:

On August 8, 2019, the Board of Commissioners authorized the Director of Procurement and Materials Management to award Contract 19-665-11, Landscape Maintenance at Various Service Areas, Groups A, B, and D, to Lizzette Medina & Company, in an amount not to exceed \$591,422.00. The Contract will expire on December 31, 2022.

As of March 21, 2022, the attached list of change orders has been approved.

Original Contract Amount	\$591,422.00
Date of Board Approval	8/8/2019
Cumulative Change Order (3/21/2022)	-\$18,139.75
% Change of Original Contract Value	-3.1%
Current Contract Value	\$573,282.25
Requested Increase	\$112,869.00
New Contract Value	\$686,151.25
% Change of Current Contract Value	19.7%
% Change of Original Contract Value	16.0%

The increase is for landscape maintenance services at the Stickney and Calumet Water Reclamation Plants and at the Lawndale Solids Management Area. The change order is in compliance with the Illinois Criminal Code since the change is due to circumstances not reasonably foreseeable at the time the contract was signed and is in the best interest of the District.

The Affirmative Action Ordinance Revised Appendix D, and the Appendix V, apply to Groups A and B of this Contract. The participation goals are 20% Minority Business Enterprise (MBE), 9% Women Business Enterprise (WBE), 10% Small Business Enterprise (SBE), and 3% Veteran-Owned Business Enterprise (VBE).

It is hereby recommended that the Board of Commissioners authorize the Director of Procurement and Materials Management to execute a change order to increase Contract 19-665-11, Groups A, B and D, in an amount of \$112,869.00 (approximately 19.7% of the current Contract value) from an amount of \$573,282.25 to an amount not to exceed \$686,151.25.

Funds are available in Accounts 101-68000/69000-612420.

Requested, John P. Murray, Director of Maintenance and Operations, EJS:JS:MAG:JR:SSG
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management
Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement
Disposition of this agenda item will be documented in the official Regular Board Meeting
Minutes of the Board of Commissioners for April 21, 2022

Attachment

19-665-11, Landscape Maintenance at Various Service Areas

As Of: 3/21/2022Contract Type: ZLFTitle: Landscape Maintenance at Various Service Areas, Groups A, B, and D

Prepared by: J. Ryan

<u>Group/Item:</u>	<u>Location:</u>	<u>Validity Dates:</u>	<u>Bid Deposit:</u>	<u>Final Completion:</u>
	Various	09/03/19-12/31/22		

Group/ Item	Location	PO #	Current Vendor	Award Value	Change Order Incr/(Decr)	Adjusted Award Value	SAP PO Value	SAP SES Value	SAP Invoice Value	SAP Credit Memo Value	SAP Check Value	Pending Check Payment	PO Bal.
	CSA-Group B	5001719	6001540-Lizzette Medina & Co.	235,490.00	(1,054.00)	234,436.00	234,436.00	181,186.00	181,186.00		181,186.00	-	53,250.00
	SSA-Groups A & D	5001720	6001540-Lizzette Medina & Co.	355,932.00	(17,085.75)	338,846.25	338,846.25	248,465.09	248,465.09		248,465.09		90,381.16
				591,422.00	(18,139.75)	573,282.25	573,282.25	429,651.09	429,651.09	-	429,651.09	-	143,631.16

Original Contract Amount	591,422.00
Date of Board Approval	8/8/2019
Cumulative Change Order (3/21/2022)	(18,139.75)
% Change of Original Contract Value	-3.1%
Current Contract Value	573,282.25
Requested Increase or Decrease	112,869.00
New Contract Value	686,151.25
% Change of Current Contract Value	19.7%
% Change of Original Contract Value	16.0%



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0404

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Budget & Employment Committee

File Type: Agenda Item

Agenda Number: 28

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON BUDGET AND EMPLOYMENT

Mr. Brian A. Perkovich, Executive Director

Authority to transfer 2022 departmental appropriations in the amount of \$65,000.00 in the Corporate Fund

Dear Sir:

Attached is the departmental appropriation transfer requested to be authorized at the April 21, 2022 Regular Board Meeting, for the following fund:

Corporate Fund:	From Amount	To Amount
Intra - Departmental		
25000 - Human Resources	\$65,000.00	\$65,000.00
Total Corporate Fund	<u>\$65,000.00</u>	<u>\$65,000.00</u>

It is requested that the Board of Commissioners authorize the transfer of appropriations submitted herewith.

Requested, Shellie A. Riedle, Administrative Services Officer, IG
Recommended, Brian A. Perkovich, Executive Director
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for April 21, 2022

Attachment

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

2022 Request for Line Item Transfer

Dept: Human Resources

Board Meeting Date: Apr 21, 2022

BTB Date: Mar 31, 2022

TRANSFER 2022 FUNDS FROM:

CODE	BUDGETARY ACCOUNT NAME	APPROPRIATION ORIGINAL	ADJUSTED	FUNDS AVAILABLE	OUT AMOUNT	EXPLANATION
Fund Fund Cr Cont Item 101 25000 601250	Health and Life Insurance Premiums	\$48,656,300	\$48,656,300	\$33,129,103	\$65,000	Funds are available due to the health reimbursement accounts administration being budgeted in commitment item 601250 (Health and Life Insurance Premiums) but is to be reallocated to a more appropriate commitment item 612430 (Payments for Professional Services).
TOTAL:						\$65,000

TRANSFER 2022 FUNDS INTO:

CODE	BUDGETARY ACCOUNT NAME	APPROPRIATION ORIGINAL	ADJUSTED	FUNDS AVAILABLE	IN AMOUNT	EXPLANATION
Fund Fund Cr Cont Item 101 25000 612430	Payments for Professional Services	\$1,027,000	\$1,027,000	\$366,160	\$65,000	Funds are required due to the health reimbursement accounts administration being budgeted in commitment item 601250 (Health and Life Insurance Premiums) but is to be reallocated to a more appropriate commitment item 612430 (Payments for Professional Services).
TOTAL:						\$65,000

REQUESTED:

Debra S. S. S.
Department Head

REVIEWED:

Shelley H. H.
Administrative Services Officer

APPROVED:

Brian B. B.
Executive Director



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0392

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Engineering Committee

File Type: Report

Agenda Number: 29

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON ENGINEERING

Mr. Brian A. Perkovich, Executive Director

Report on change orders authorized and time extensions approved by the Director of Engineering during the month of March 2022

Dear Sir:

There was one change order approved by the Director of Engineering on contracts with a 5% contingency provision for errors and omissions and unforeseen circumstances, for an increase or decrease of \$100,000.00 or less during March 2022.

There were zero extension requests approved by the Director of Engineering for March 2022.

Please advise the undersigned if additional information is required.

Respectfully Submitted, Catherine A. O'Connor, Director of Engineering, GCR

Attachments

Report on Change Orders on Contracts with 5% Contingency Provision Authorized by the Director of Engineering for March 2022

Contract Number	Contract Name	Purchase Order	Vendor Name	Subcontractor	Amount	Description	Original Contract Value	Current Contract Value at March 31, 2022	Current Substantial Completion Date	Time Extension (in Days)
18-142-3H	Six Access Shafts Infiltration Mitigation, MSPS	5001792	IHC Construction Companies, LLC	IHC	\$63,907.54	CO-01 Pre-Bid Site Access Restrictions due to COVID-19: Impact on Concrete Surface Cleaning	\$2,022,000.00	\$2,085,907.54	11/13/2022	0

(April 21, 2022 Board Meeting)

Attachment 2
CO Status Report March 2022

18-142-3H, Six Access Shaft Infiltration Mitigation, MSPS. The contract was awarded on February 18, 2021. In the four Type I shafts, work in three of the four stairwells is complete. Also in the type I shafts, work is nearing completion in the second of four of the elevator shafts. In the Type II shafts, work in the remaining two shafts has not begun. In the latest work schedule update, it shows the work will be completed at the end of November 2022.



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0377

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Judiciary Committee

File Type: Report

Agenda Number: 30

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON JUDICIARY

Mr. Brian A. Perkovich, Executive Director

Report on the Settlement of Workers' Compensation Claims and Miscellaneous Claims under \$10,000.00

Dear Sir:

The following matters were settled upon the recommendation of the Director of Human Resources and the approval of the Executive Director:

1. Settlement of Property Damage Claim of Robert Waitekus, Claim No: A/P 1513, in the amount of \$3,684.99.

While driving to the Lemont WRP to perform janitorial work on March 25, 2021, Mr. Waitekus' personal vehicle was allegedly struck from behind and damaged by a District owned vehicle. This settlement amount satisfies the total damages sought by the attorney representing the insurance company.

2. Settlement of Worker's Compensation Claims for Kishay Davis, IWCC Case No. 21WC008685, in the amount of \$7,278.95.

Ms. Davis, a Maintenance Laborer A at the O'Brien WRP, alleged an October 15, 2020 work related injury to her right ankle after she was hosing a tank at the Kirie WRP and stepped down awkwardly from the tank ledge. The industrial clinic determined she had sprained her right ankle. She was treated with medications and physical therapy. She returned to work on December 23, 2020. Ms. Davis filed an Application of Adjustment of Claim with the Illinois Workers' Compensation Commission (IWCC). Settlement in the amount of \$7,278.95 represents 5% loss of use of the right foot and will close out any future lost time benefits as well as any future medical benefits.

3. Settlement of Worker's Compensation Claims for Patrick Gaughan, IWCC Case No. 19WC012268, in the amount of \$8,138.70.

Mr. Gaughan, an Operating Engineer I at the Calumet WRP, alleged a December 1, 2018 work related injury to his lower back after bending over to open and close blow down valves. He was treated with medication and physical therapy. He returned to work on December 10, 2018. Mr. Gaughan filed an Application of Adjustment of Claim with

the IWCC . Settlement in the amount of \$8,138.70 represents 2% loss of use of the person as a whole and will close out any future lost time benefits as well as any future medical benefits.

4. Settlement of Worker's Compensation Claims for Tia Schrean, IWCC Case No. 16WC012426 and 17WC016569, in the amount of \$4,500.00.

Ms. Schrean, a now retired Senior Diversity Officer, alleged a February 2, 2016 work related injury to her lower back when a co-worker opened an office door causing the door handle to strike her lower back. On January 17, 2017, Ms. Schrean alleged a second work related injury when an elevator door shut on her injuring her chest and shoulders. She was treated with medication and physical therapy for both injuries. Ms. Schrean did not lose any time from work for either accident. Ms. Schrean filed an Application for Adjustment of Claim's with the IWCC. Settlement of these cases in the amount of \$4,500.00 represents approximately 1.19% loss of use of the person as a whole and will close out any future lost time benefits as well as any future medical benefits.

Respectfully submitted, Beverly K. Sanders, Director of Human Resources and Susan T. Morakalis, General Counsel, BKS:STM:EMA:JBM:JTM:nl



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0369

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Judiciary Committee

File Type: Agenda Item

Agenda Number: 31

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON JUDICIARY

Mr. Brian A. Perkovich, Executive Director

Authority to settle the Workers' Compensation Claim of Robert Rogers vs. MWRDGC, Claim number 18WC029466, Illinois Workers' Compensation Commission (IWCC), in the sum of \$47,233.62, Account 901-30000-601090

Dear Sir:

Robert Rogers was a Treatment Plant Operator I at the Calumet Water Reclamation Plant. He has since separated from the District effective August 5, 2020. On September 12, 2018, the employee reported that he had a heated argument with his supervisor and afterwards he noticed that his speech was slurred, and his leg felt heavy. The employee went to the hospital emergency room, where it was determined that he had suffered a stroke, causing partial paralysis.

Mr. Rogers was not paid any lost time benefits.

Mr. Rogers filed an Application of Adjustment of Claim with the Illinois Workers' Compensation Commission (IWCC) through his counsel. Subject to the approval of the IWCC, this case can now be settled for a total of \$47,233.62, representing approximately 10% loss of use of the person as a whole and \$6,540.12 in outstanding medical expenses. This settlement will close out future lost time and medical benefits associated with this injury.

The Director of Human Resources believes this settlement is in the best interest of the District and requests payment of that sum be approved and she be authorized to execute such documents as may be necessary to effect the settlement.

Requested, Beverly K. Sanders, Director of Human Resources, BKS:BLW:RG
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0399

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Maintenance & Operations Committee

File Type: Report

Agenda Number: 32

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON MAINTENANCE AND OPERATIONS

Mr. Brian A. Perkovich, Executive Director

Report on change orders authorized and approved by the Director of Maintenance and Operations during the month of March 2022

Dear Sir:

Three change orders in March 2022 were approved by the Director of Maintenance and Operations that decreased the costs by \$10,000.00 or less. The changes are listed in the attached sheet.

Requested, John P. Murray, Director of Maintenance and Operations, EJS:JS:MAG
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for April 21, 2022

Attachment

Report on Change Orders Authorized by the Director of Maintenance & Operations for March 2022

Contract		Purchase Order (PO)	Vendor Name	Inc/Dec	Amount	Status	Date of Execution	Adjusted PO Award Value	Remaining Value on Contract at time of Change Request	Contract Award Value	End Date
Number	ref	Name									
20-COP-39	1)	Furnish and Deliver Electrical Catalog Products	3111499	Graybar Electric Company Inc.	Dec	\$ (649.56)	Closed	3/7/2022	\$ 19,350.44	\$ 649.56	\$ 75,600.00 12/31/2021
20-COP-41	2)	Furnish and Deliver Maintenance, Repair and Operations (MRO) Catalog Products	3111813	W W Grainger Inc.	Dec	\$ (1,724.74)	Closed	3/7/2022	\$ 91,275.26	\$ 5,129.25	\$ 292,050.00 12/31/2021
20-612-12	3)	Street Sweepers at Various Locations	5001776	Advance Sweeping Services Inc	Dec	\$ (9,900.00)	Open	3/22/2022	\$ 137,926.24	\$ 90,396.16	\$ 166,924.80 12/31/2022

ref

- 1) Decrease to close PO.
- 2) Decrease to close PO.
- 3) Decrease based on current operational needs.

Prepared By:

Angela McClain

Approved By:



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0393

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Stormwater Management Committee

File Type: Agenda Item

Agenda Number: 33

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON STORMWATER MANAGEMENT

Mr. Brian A. Perkovich, Executive Director

Authority to negotiate intergovernmental agreements with the Lyons Township Road District and the Illinois Department of Transportation in connection with the Flood Control Project Along the Plainfield Road Corridor

Dear Sir:

Authority is requested to negotiate intergovernmental agreements (IGAs) with the Lyons Township Road District (Road District) and the Illinois Department of Transportation (IDOT) establishing certain responsibilities associated with the design, construction, and maintenance of the proposed stormwater improvements associated with the Flood Control Project Along the Plainfield Road Corridor.

On September 19, 2013, the Board of Commissioners authorized the District to negotiate an IGA with the Cook County Department of Transportation and Highways, the city of Countryside (City), the Village of La Grange, the Village of McCook and Lyons Township (Township) for the captioned Project. In addition to the aforementioned entities, IDOT and the Road District will need to be a party to IGAs in connection with the Project in order to provide design, construction, ownership, and maintenance, of various improvements within the Project area.

The proposed improvements, identified through the preliminary engineering study performed by the District in connection with the subject project, include a new storm sewer in 55th Street to be designed and constructed by IDOT and maintained by IDOT and the city of Countryside. A new stormwater detention facility along with conveyance improvements will be constructed and maintained by the Lyons Township Road District. These improvements will reduce flooding that impacts residential structures as well as several roadways in the Project area, located in the City and Township.

Based on the foregoing, it is respectfully requested that the Board of Commissioners grant authority to negotiate IGAs with the Road District and IDOT. Once the parties agree in principle, authority to enter into IGAs with the appropriate partner agencies will be sought from the District's Board of Commissioners.

Requested, Catherine A. O'Connor, Director of Engineering, KMF:JK

Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting

File Number: 22-0393

Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0394

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Stormwater Management Committee

File Type: Agenda Item

Agenda Number: 34

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON STORMWATER MANAGEMENT

Mr. Brian A. Perkovich, Executive Director

Authority to amend the Intergovernmental Agreement with the Village of Western Springs for the design, construction, operation and maintenance of Storm Sewers and Outfall to Flagg Creek in Western Springs, SSA (18-IGA-32)

Dear Sir:

Authorization is requested to amend the Intergovernmental Agreement (IGA) with the Village of Western Springs (Village) for the design, construction, operation and maintenance of Storm Sewers and Outfall to Flagg Creek in Western Springs, SSA (Project). Under this Project, the Village proposed to install 1,500 feet of 72-inch storm sewer along 47th Street and provide a new storm sewer outfall to Flagg Creek in Western Springs, Illinois. The project will provide flood relief for 42 structures and will reduce stormwater flows to the existing combined sewer system.

On September 3, 2020, the Board of Commissioners (Board) granted authority to enter into an IGA with and make payment to the Village for the construction, operation and maintenance of the Project, in an amount not to exceed \$752,936.86. The IGA between the District and Village was fully executed on March 5, 2021.

Since execution of the IGA, the Village has determined that the most efficient manner to construct the Project is through coordination with the Illinois Department of Transportation (IDOT) to combine the stormwater improvements with a larger IDOT roadway project in order to prevent conflicts with the nearby I-294 reconstruction managed by the Illinois State Toll Highway Authority. As a result, the Project will be bid, awarded, and constructed through IDOT, which will oversee contract administration and construction of the Project with a total estimated cost of \$3,240,828.50. Currently, the IGA requires the Village to award all Project related construction contracts in accordance with the District's Affirmative Action requirements applied to funding provided by the District. However, in order to advance the project with IDOT managing its construction, IDOT's contracting requirements would need to govern, including their provisions for Disadvantaged Business Enterprise (DBE) participation applied to the entire project. Accordingly, it is necessary to amend the terms of the IGA to acknowledge that IDOT will administer the Project construction following its contracting procedures to allow the project to advance.

With construction of the storm sewer and roadway project by IDOT, the Village has indicated

the overall project will conform with applicable Federal Highway Administration and IDOT procurement, labor, and diversity statutes and regulations, which are set forth in 49 CFR Part 26 and BDE Special Provision 80029 for DBE participation. In keeping with the Board's request to receive summary reports documenting the attainment of diversity goals across District stormwater partnerships, the Village will be required to provide information on the attainment of the DBE utilization for this project, which will be included in the summary report to be submitted to the Board on an annual basis.

Based on the foregoing, it is recommended that the District be authorized to amend the IGA with the Village. It is requested that the Board of Commissioners authorize and direct the Chairman of the Committee on Finance and Clerk to execute the amendment to the IGA after it is approved by the Director of Engineering as to technical matters and by the General Counsel as to form and legality.

Requested, Catherine A. O'Connor, Director of Engineering, KMF:JK

Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting

Minutes of the Board of Commissioners for April 21, 2022



Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0395

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Stormwater Management Committee

File Type: Agenda Item

Agenda Number: 35

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 21, 2022

COMMITTEE ON STORMWATER MANAGEMENT

Mr. Brian A. Perkovich, Executive Director

Authority to negotiate and enter into intergovernmental agreements with Maine Township, the Maine Township Road District, and the City of Park Ridge for Contract 12-056-5F Flood Control Project on Farmers and Prairie Creeks, NSA

Dear Sir:

Authority is requested to negotiate and enter into intergovernmental agreements (IGAs) with Maine Township ("Township"), the Maine Township Road District ("Road District"), and the City of Park Ridge ("City") establishing certain responsibilities associated with the design, construction, and maintenance of the Flood Control Project on Farmers and Prairie Creeks, NSA ("Project").

On January 23, 2020, the Board of Commissioners authorized the District to negotiate and enter in an IGA with the Township for the Farmers Creek portion of the Project. On April 3, 2014, the Board of Commissioners authorized the District to negotiate and enter in an IGA with the City for the Project. In addition to the Township and the City, the Road District will need to be a party to an IGA for the Project in order to provide maintenance of culverts proposed to be constructed under the Project.

The Project involves conveyance and storage improvements along Farmers Creek and Prairie Creek in the Township and the City. Features of the design along Farmers Creek include lowering the normal water level at Lake Mary Anne to provide additional stormwater storage and protect adjacent homes from recurring flood damage along with construction of a new outlet structure, junction structure, and storm sewer across Golf Road. Flood control features proposed on Prairie Creek include modifying an existing detention pond to provide additional stormwater storage, constructing a bypass conduit along Dempster Street, channel conveyance improvements, and removal or replacement of restrictive culverts and bridges. The District has requested that IDOT maintain any proposed improvements within their right-of-way. IDOT has indicated it will provide a letter of confirmation upon completion of their review of our project design.

Based on the foregoing, it is requested that the Board of Commissioners grant authority to negotiate IGAs with the Township, the Road District, and the City, and that the Chairman of the Committee on Finance, Executive Director and Clerk be authorized to execute said IGAs on

File Number: 22-0395

behalf of the District, as well as any documents necessary to effectuate the transaction and conveyance of the agreement, upon approval by the Director of the Engineering as to technical matters and by the General Counsel as to form and legality.

Requested, Catherine A. O'Connor, Director of Engineering, KMF:JK

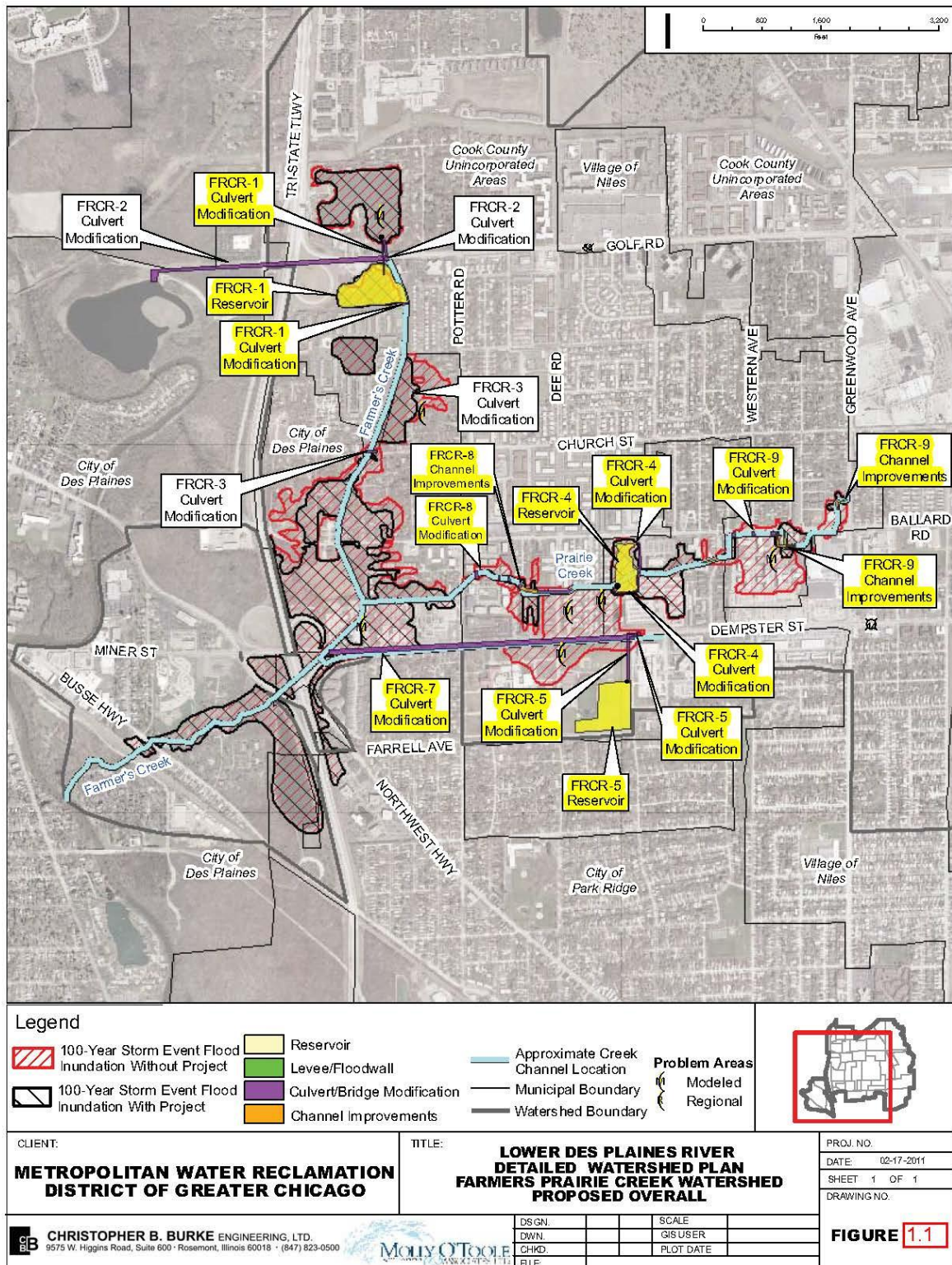
Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting

Minutes of the Board of Commissioners for April 21, 2022

Attachment

Farmers Prairie Creek – Design Report





Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street
Chicago, IL 60611

File Number: 22-0405

Agenda Date: 4/21/2022

Version: 1

Status: To Be Introduced

In Control: Miscellaneous & New Business

File Type: Resolution

Agenda Number: 36

RESOLUTION FOR BOARD MEETING OF APRIL 21, 2022

RESOLUTION sponsored by the Board of Commissioners recognizing the Council of Islamic Organizations of Greater Chicago

WHEREAS, the Council of Islamic Organizations of Greater Chicago (CIOGC) is an umbrella organization that facilitates collaboration between Islamic organizations in the Chicago region. The objective of CIOGC is to advocate for the Muslim community in a unified approach; and WHEREAS, the CIOGC consists of approximately sixty member organizations, including schools and community groups, that collectively represent more than 400,000 Muslim Americans. With a membership base that represents numerous ethnic groups, backgrounds, and cultures, CIOGC places great emphasis on diversity and inclusion; and WHEREAS, the CIOGC sponsors many activities which focus on awareness in the areas of healthcare, access to healthy food, racism, education, and gender equity. They also provide programs for youth centered around community participation and academic attainment; and NOW, THEREFORE, BE IT RESOLVED that we, the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, on behalf of ourselves and our staff, do hereby recognize the Council of Islamic Organizations of Greater Chicago; and

BE IT FURTHER RESOLVED, that this Resolution be spread upon the permanent Record of Proceedings of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago.

Dated: April 21, 2022