

# **Metropolitan Water Reclamation District of Greater Chicago**

*100 East Erie Street  
Chicago, IL 60611*



## **Regular Board Meeting Consent Agenda - Final**

**Thursday, May 5, 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

January						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**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 (*Deferred from the April 21, 2022 Board Meeting*)
- Attachments:**      [O22-005 - Affirmative Action Ordinance Revised Appendix D - brd ltr](#)  
                                  [Revised Appendix D - Final](#)  
                                  [Revised Appendix D - Removal of Prime MBE and WBE Self-Performance Final](#)
- Legislative History**
- |         |                        |          |
|---------|------------------------|----------|
| 4/21/22 | Board of Commissioners | Deferred |
|---------|------------------------|----------|

**Memorial Resolution**

- 2      [22-0444](#)      MEMORIAL RESOLUTION sponsored by the Board of Commissioners celebrating the life of Wesley Lamont Berryhill

**Resolution**

- 3      [22-0443](#)      RESOLUTION sponsored by the Board of Commissioners congratulating Tom Balanoff on his retirement

**Finance Committee**

**Report**

- 4     [22-0433](#)     Report on the investment interest income during February 2022  
Attachments:     [Inv Int Inc 2022-02 att.pdf](#)
- 5     [22-0434](#)     Report on the investment interest income during March 2022  
Attachments:     [Inv Int Inc 2022-03 att.pdf](#)
- 6     [22-0435](#)     Report on investment inventory statistics at March 31, 2022  
Attachments:     [Inv Stat 2022 Q1 att.pdf](#)
- 7     [22-0436](#)     Report on investments purchased during February 2022  
Attachments:     [Inv Purch 2022-02 att.pdf](#)
- 8     [22-0441](#)     Report on investments purchased during March 2022  
Attachments:     [Inv Purch 2022-03 att.pdf](#)

**Procurement Committee****Report**

- 9     [22-0418](#)     Report on rejection of bids for Contract 21-652-11, Furnishing and Delivering Various Types of Manhole Covers, Frames, and Associated Miscellaneous Parts, estimated cost \$210,000.00
- 10    [22-0432](#)     Report of bid opening of Tuesday, April 19, 2022
- 11    [22-0440](#)     Report of bid opening of Tuesday, April 26, 2022

**Authority to Advertise**

- 12    [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 (*Deferred from the April 21, 2022 Board Meeting*)  
Attachments:     [Contract 22-RFP-11 Affirmative Action Goals Report](#)  
Legislative History  
4/21/22             Board of Commissioners             Deferred

- 
- 13     [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  
(Deferred from the April 21, 2022 Board Meeting)  
Legislative History  
4/21/22             Board of Commissioners             Deferred
- 14     [22-0406](#)     Authority to advertise Contract 22-634-11, Services to Inspect and Repair Cathodic Protection Systems, estimated cost \$560,506.00, Accounts 101-67000/68000/69000/-612600, Requisitions 1580153, 1580154 and 1580155  
Attachments:     [Contract 22-634-11 Affirmative Action Goals Report](#)
- 15     [22-0415](#)     Authority to advertise Contract 22-053-11 Furnish and Deliver Lamps & Emergency Lighting to Various Locations for a One (1) Year Period, estimated cost \$38,000.00, Account 101-20000-623070
- 16     [22-0416](#)     Authority to advertise Contract 22-083-11 Furnish and Deliver Sump Pumps to various locations for a one-year period, estimated cost \$38,000.00, Account 101-20000-623090
- 17     [22-0425](#)     Authority to advertise Contract 22-934-11, Furnishing and Delivering Magnesium Chloride, estimated cost \$1,022,500.00, Account 101-69000-623560, Requisition 1580049  
Attachments:     [Contract 22-934-11 Affirmative Action Goals Report](#)
- 18     [22-0426](#)     Authority to advertise Contract 22-617-11 Power Distribution Equipment Inspection and Repair, in an amount not to exceed \$613,800.00, Accounts 101-67000/68000/69000-612240/612650/623070, Requisitions 1573829, 1573830 and 1574078  
Attachments:     [Contract 22-617-11 Affirmative Action Goals Report](#)

**Issue Purchase Order**

- 19     [22-0417](#)     Issue purchase order to Gardner Denver Nash LLC, to provide a Nash Gas/Water Separator Assembly at the Stickney Water Reclamation Plant, in a total amount not to exceed \$40,605.48, Account 101-69000-623270, Requisition 1579418
- 20     [22-0420](#)     Issue purchase order to CDW Government LLC, for LogicMonitor Infrastructure Monitoring Solution, in an amount not to exceed \$95,458.80, Accounts 101-27000-612820, Requisition 1580824

**Award Contract**

- 21     [22-0413](#)     Authority to award Contract 21-911-21, Rehabilitate Locomotive #4 at the Stickney Water Reclamation Plant, to Motive Power Resources, Inc., in an amount not to exceed \$825,000.00, Account 201-50000-645790, Requisition 1577053  
**Attachments:**     [Contract No. 21-911-21 Affirmative Action Goals Report.pdf](#)
- 22     [22-0414](#)     Authority to award Contract 22-006-11 Furnish and Deliver Janitorial Supplies to Various Locations for a One-Year Period, Group A to Cicero Mfg. & Supply Co., Inc., in an amount not to exceed \$66,843.93, Group B to Trinity Eco Solutions, LLC, in an amount not to exceed \$36,030.12, and Group C to Warehouse Direct, Inc., in an amount not to exceed \$40,366.05, Accounts 101-20000-623170, 623660  
**Attachments:**     [Contract 22-006-11 Item Descriptions - Groups A, B and C.pdf](#)
- 23     [22-0424](#)     Authority to award Contract 22-073-11, Furnish and Deliver Miscellaneous Lab Accessories to various locations for a one (1) year period, to Pacific Star Corporation, in an amount not to exceed \$33,453.81, Account 101-20000-623570  
**Attachments:**     [Contract 22-073-11 Item Descriptions.pdf](#)
- 24     [22-0431](#)     Authority to award Contract 21-970-12, Janitorial Services at various locations, Group C, to Eco-Clean Maintenance, Inc. in an amount not to exceed \$113,000.00, Account 101-69000-612490, Requisition 1563494  
**Attachments:**     [Contract 21-970-12 \(Group C\) Affirmative Action Goals Report - Eco Clean Mair](#)  
                                 [Contract 21-970-12 \(Group C\) Revised Appendix D Report](#)

**Increase Purchase Order/Change Order**

- 25     [22-0428](#)     Authority to increase Contract 20-RFP-02 Deliver and Implement Laboratory Information Management System, to Accelerated Technology Laboratories, Inc., in an amount of \$118,030.36, from an amount of \$603,200.00, to an amount not to exceed \$721,230.36, Accounts 101-16000-623810, 634820, Purchase Order 3113428

**Budget & Employment Committee****Authorization**

- 27     [22-0438](#)     Authority to transfer 2022 departmental appropriations in the amount of \$57,200.00 in the Corporate Fund  
**Attachments:**     [05.05.22 Board Transfer BF5.pdf](#)

**Judiciary Committee**

**Authorization**

- 28     [22-0411](#)     Authority to settle the Bodily Injury and Property Damage Claim of Cayse Llorens, Claim # AP 1509, in the sum of \$12,714.59, arising from a January 11, 2021 vehicle accident, Account 901-30000-667220
- 29     [22-0423](#)     Authority to settle the Workers' Compensation Claim of Maria Parker vs. MWRDGC, Claim number 18WC011564, Illinois Workers' Compensation Commission (IWCC), in the sum of \$21,248.45, Account 901-30000-601090

**Real Estate Development Committee****Authorization**

- 30     [22-0429](#)     Authorization to enter into an Intergovernmental Agreement with the Illinois State Toll Highway Authority for the placement of clean soil at Main Channel Parcel 37.05 in Forest View, Illinois  
**Attachments:**     [RE - ISTHA Tollway IGA for MCP 37.05 Aerial.pdf](#)
- 31     [22-0439](#)     Authority to issue a 9-month confined space entry permit to the City of Evanston to access the District's North Shore Intercepting Sewer System in Evanston, Illinois to rehabilitate the Greenleaf Street Evanston-owned sewers. Consideration shall be a nominal fee of \$10.00  
**Attachments:**     [RE - Evanston - Confined Space Intercepting Sewer.pdf](#)

**Miscellaneous and New Business****Additional Agenda Items**

- 32     [22-0445](#)     MOTION to appoint retiree as trustee of the Metropolitan Water Reclamation District's Retirement Fund

(The above item was 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:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Miscellaneous & New Business

**File Type:** Ordinance

**Agenda Number:** 1

## **ORDINANCE FOR BOARD MEETING OF MAY 5, 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 *(Deferred from the April 21, 2022 Board Meeting)*

## **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 (7<sup>th</sup> 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 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) 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 (7<sup>th</sup> 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~~<sup>i</sup>) 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~~<sup>j</sup>) 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~~<sup>k</sup>) 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~~<sup>l</sup>) 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: 22-0444**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Miscellaneous & New Business

**File Type:** Memorial Resolution

**Agenda Number:** 2

## **RESOLUTION FOR BOARD MEETING OF MAY 5, 2022**

MEMORIAL RESOLUTION sponsored by the Board of Commissioners celebrating the life of Wesley Lamont Berryhill

WHEREAS, Wesley Lamont Berryhill was born on September 12, 1977 in Chicago, Illinois to the Reverend Doctor Ray Allen and Pastor Adrienne Berryhill. He was the third of four children; and

WHEREAS, Mr. Berryhill attended Ella Flagg Young Elementary School and Charles A. Prosser Career Academy, where he was active on both the football and wrestling teams. Following graduation from high school, Mr. Berryhill traveled to Minneapolis, Minnesota where he studied at North Central University; and

WHEREAS, following college, Mr. Berryhill pursued a career as an accountant. He worked at TCF Bank as a Branch Manager for four years and subsequently went on to be employed by Evangel World Outreach Center as a Staff Accountant; and

WHEREAS, Mr. Berryhill was an accomplished musician who loved sharing his talent of singing. His dedication to music inspired him to write over 100 songs, several of which he was fortunate enough to record. Singing was not only an expression of love, it was also an opportunity to experience all that life had to offer. Through his music, Mr. Berryhill was able to travel around the world; and

WHEREAS, Mr. Berryhill's memory will be honored by his wife Evette; his two children Bryana and Caleb; his parents the Reverend Doctor Ray Allen and Pastor Adrienne Berryhill; and a plethora of other loving relatives and friends; 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 extend our condolences to the family of Wesley Lamont Berryhill; 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 the family of Wesley Lamont Berryhill.

Dated: May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0443**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Miscellaneous & New Business

**File Type:** Resolution

**Agenda Number:** 3

## **RESOLUTION FOR BOARD MEETING MAY 5, 2022**

RESOLUTION sponsored by the Board of Commissioners congratulating Tom Balanoff on his retirement

WHEREAS, the Service Employees International Union was founded in Chicago in 1921 as the Builders Service Employees International Union. Unlike many union organizations formed during this era, the Builders Service Employees International Union was fully integrated, permitting membership by Black Americans, women, and immigrants; and

WHEREAS, in 1968, the name of the union was officially changed to the Service Employees International Union (SEIU) in a move toward inclusivity and to represent the membership more clearly; and

WHEREAS, Local 1 is recognized as the precursor entity to the SEIU. Formed in Chicago in 1904 by residential maintenance workers, Local 1 currently represents 50,000 members throughout Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin; and

WHEREAS, following twenty-nine years of dedicated service, on March 3, 2022 Tom Balanoff retired as SEIU Local 1 President; and

WHEREAS, Mr. Balanoff has made union advocacy his life-long career. Prior to joining the SEIU in 1993, he was employed with the Fire Fighters Union, the Allied Industrial Workers' Union, and the Cement Workers Union; and

WHEREAS, impressed by his passion and effectiveness, Mr. Balanoff was recruited by the SEIU International and assumed the role of Local 73 Trustee. A year later, he was elected President and took office in 1995. In 1996, he became the SEIU Vice President; and

WHEREAS, Mr. Balanoff was selected as President of Local 1 in 2000 following the reorganization of the union. His twenty-two years as President ranks him among the longest serving leaders in the union; and

WHEREAS, in addition to serving as the President of Local 1, Mr. Balanoff also served as the President of the SEIU Illinois State Council. Additionally, he assisted in providing guidance and support to the International Labor Movement; and

WHEREAS, during his tenure as President, Mr. Balanoff contributed meaningfully to many union battles including the creation of the National Framework Agreement to assist security officers, the creation of the Chicago Progressive Caucus in City Council, and the Fight for \$15; and

WHEREAS, the Metropolitan Water Reclamation District of Greater Chicago salutes Tom Balanoff and expresses gratitude for his contributions to the labor movement. His tireless efforts have greatly contributed to the fight for equal pay and fair working conditions; 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 congratulate Tom Balanoff on his retirement; 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 Tom Balanoff.

Dated: May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

File Number: 22-0433

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Finance Committee

**File Type:** Report

**Agenda Number:** 4

## TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022

### COMMITTEE ON FINANCE

Mr. Brian A. Perkovich, Executive Director

Report on the investment interest income during February 2022

Dear Sir:

Attached is a report of cash investment interest income received by the District for the month of February 2022 and a comparison of income for the same period in 2021.

The District's inventory of investments at February 28, 2022, consisted of 263 items having a total par value of \$774,234,239.88 an average annual yield of 0.662%, and total interest income to maturity of approximately \$14.3 million. Inventory figures at the same date in 2021 consisted of 223 items having a total par value of \$593,461,736.17, an average annual yield of 0.576%, and total interest income to maturity of approximately \$8.8 million.

Interest Forecast for 2022:

The federal funds rate range had been held at 0.00% to 0.25% since March 2021. On March 16, 2022, the Federal Reserve (Fed) increased interest rates by 0.25%, and it anticipates six more interest rate increases throughout 2022 to address inflation. The Fed also commented that the invasion of Ukraine by Russia is causing tremendous human and economic hardship, and lockdowns in China spurred by the upsurge in COVID cases continue to disrupt the supply chain; together, these will create additional upward pressure on inflation and economic activity.

Respectfully Submitted, Mary Ann Boyle, Treasurer, MAB:sn

Attachment

# METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

## INVESTMENT INTEREST INCOME MONTH AND YEAR-TO-DATE 2022 vs 2021

### MONTH OF FEBRUARY

FUND TITLE	2022	2021	INCREASE (DECREASE)
Corporate Fund	\$ 16,940.11	\$ 16,628.11	\$ 312.00
Construction Fund	0.00	0.00	0.00
B & I Sinking Funds	959.76	8,040.17	( 7,080.41 )
Capital Improvement Bond Fund	79,084.25	63,248.01	15,836.24
Stormwater Fund	1,345.20	1,219.45	125.75
Working Cash Funds	53,137.61	57,412.68	( 4,275.07 )
Reserve Claim Fund	13,400.54	772.55	12,627.99
<b>Total Investment Interest</b>	<b>\$ 164,867.47</b>	<b>\$ 147,320.97</b>	<b>\$ 17,546.50</b>

### YEAR TO DATE

FUND TITLE	2022	2021	INCREASE (DECREASE)
Corporate Fund	\$ 138,975.89	\$ 159,426.27	\$ ( 20,450.38 )
Construction Fund	1,191.67	600.31	591.36
B & I Sinking Funds	13,740.16	22,217.62	( 8,477.46 )
Capital Improvement Bond Fund	210,250.59	166,999.92	43,250.67
Stormwater Fund	2,893.39	3,424.40	( 531.01 )
Working Cash Funds	212,497.35	222,712.84	( 10,215.49 )
Reserve Claim Fund	24,980.36	44,076.95	( 19,096.59 )
<b>Total Investment Interest</b>	<b>\$ 604,529.41</b>	<b>\$ 619,458.31</b>	<b>\$ ( 14,928.90 )</b>



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

File Number: 22-0434

Agenda Date: 5/5/2022

Version: 1

Status: To Be Introduced

In Control: Finance Committee

File Type: Report

Agenda Number: 5

## TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022

### COMMITTEE ON FINANCE

Mr. Brian A. Perkovich, Executive Director

Report on the investment interest income during March 2022

Dear Sir:

Attached is a report of cash investment interest income received by the District for the month of March 2022 and a comparison of income for the same period in 2021.

The District's inventory of investments at March 31, 2022, consisted of 321 items having a total par value of \$957,820,651.38 an average annual yield of 0.642%, and total interest income to maturity of approximately \$15.0 million. Inventory figures at the same date in 2021 consisted of 225 items having a total par value of \$765,017,362.39, an average annual yield of 0.442%, and total interest income to maturity of approximately \$8.4 million.

Interest Forecast for 2022:

The federal funds rate range had been held at 0.00% to 0.25% since March 2021. On March 16, 2022, the Federal Reserve (Fed) increased interest rates by 0.25%, and it anticipates six more interest rate increases throughout 2022 to address inflation. The Fed also commented that the invasion of Ukraine by Russia is causing tremendous human and economic hardship, and lockdowns in China spurred by the upsurge in COVID cases continue to disrupt the supply chain; together, these will create additional upward pressure on inflation and economic activity.

Respectfully Submitted, Mary Ann Boyle, Treasurer, MAB:sn

Attachment

# METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

## INVESTMENT INTEREST INCOME MONTH AND YEAR-TO-DATE 2022 vs 2021

MONTH OF MARCH			
FUND TITLE	2022	2021	INCREASE (DECREASE)
Corporate Fund	\$ 12,049.96	\$ 36,618.97	\$ ( 24,569.01 )
Construction Fund	0.00	658.60	( 658.60 )
B & I Sinking Funds	178.28	1,675.49	( 1,497.21 )
Capital Improvement Bond Fund	96,374.70	81,581.92	14,792.78
Stormwater Fund	1,379.76	1,025.82	353.94
Working Cash Funds	37,938.77	117,894.00	( 79,955.23 )
Reserve Claim Fund	1,379.38	649.88	729.50
<b>Total Investment Interest</b>	<b>\$ 149,300.85</b>	<b>\$ 240,104.68</b>	<b>\$ ( 90,803.83 )</b>

YEAR TO DATE			
FUND TITLE	2022	2021	INCREASE (DECREASE)
Corporate Fund	\$ 151,025.85	\$ 196,045.24	\$ ( 45,019.39 )
Construction Fund	1,191.67	1,258.91	( 67.24 )
B & I Sinking Funds	13,918.44	23,893.11	( 9,974.67 )
Capital Improvement Bond Fund	306,625.29	248,581.84	58,043.45
Stormwater Fund	4,273.15	4,450.22	( 177.07 )
Working Cash Funds	250,436.12	340,606.84	( 90,170.72 )
Reserve Claim Fund	26,359.74	44,726.83	( 18,367.09 )
<b>Total Investment Interest</b>	<b>\$ 753,830.26</b>	<b>\$ 859,562.99</b>	<b>\$ ( 105,732.73 )</b>





# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

File Number: 22-0435

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Finance Committee

**File Type:** Report

**Agenda Number:** 6

## TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022

### COMMITTEE ON FINANCE

Mr. Brian A. Perkovich, Executive Director

Report on investment inventory statistics at March 31, 2022

Dear Sir:

Attached is a report of Investment Inventory Statistics at March 31, 2022, and a summary of Financial Market Statistics for the first quarter of 2022.

The average interest rate of the investment inventory at the end of March was 0.64%, an increase from 0.56% at December 31, 2021. The total par value of the inventory was \$957,820,651.38 at month-end.

The Federal Funds rate, a daily borrowing rate between banks, was 0.33% at month-end, an increase from 0.08% at December 31, 2021. The average yield on the benchmark 90-day Treasury Bill at March 31st was 0.61%, while the District ending investment portfolio average interest rate outperformed at 0.64%. The average level of investment for the quarter was 100% of available funds, exclusive of required compensating cash balances.

Respectfully Submitted, Mary Ann Boyle, Treasurer, MAB

Attachment

**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO  
TREASURY DEPARTMENT**

**Composition of Investment Inventory  
March 31, 2022**

<b>Investment</b>	<b>Par Amount</b>	<b>Percent of Total</b>	<b>Average Interest Rate</b>	<b>Number of Investments</b>	<b>Current Market Value</b>	<b>Cost</b>
Money Market/Savings	\$ 161,335,651.38	16.8%	0.08%	13	\$ 161,335,651.38	161,335,651.38
Treasury Bills	50,000,000.00	5.2%	0.47%	4	49,672,482.30	49,837,500.56
FNMA Discount Notes	248,000,000.00	25.9%	0.36%	78	247,576,699.42	247,688,450.84
Commercial Paper	100,000,000.00	10.4%	0.52%	14	99,735,976.30	99,783,158.34
Certificates of Deposit	42,400,000.00	4.5%	0.21%	20	42,400,000.00	42,400,000.00
US Government Agencies	356,085,000.00	37.2%	1.20%	192	346,945,198.69	356,085,000.00
<b>Total Investments</b>	<b>\$ 957,820,651.38</b>	<b>100%</b>	<b>0.64%</b>	<b>321</b>	<b>\$ 947,666,008.09</b>	<b>\$ 957,129,761.12</b>

90-Day Treasury Bill Rate (benchmark): **0.61%**

## METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

## FINANCIAL MARKET STATISTICS

## 2022 FIRST QUARTER

YEAR	reported on:			
	1/31/2022	2/28/2022	3/31/2022	
GENERAL OBLIGATION BONDS TAX EXEMPT YIELDS - Aaa	2023	0.62%	0.81%	1.55%
	2027	1.22%	1.34%	1.97%
	2032	1.55%	1.58%	2.18%
	2037	1.67%	1.72%	2.32%
	2042	1.79%	1.82%	2.40%
	2047	1.90%	1.93%	2.48%
	2052	1.95%	1.98%	2.53%
	reported on:			
	1/31/2022	2/28/2022	3/31/2022	
PRIME RATE	3.25%	3.25%	3.50%	
TREASURY BILL - 90 DAYS	0.240%	0.360%	0.605%	
FEDERAL FUNDS RATE	0.09%	0.09%	0.33%	
DOW JONES INDUSTRIAL AVERAGE	35,131.86	33,892.60	34,678.35	
S&P 500	4,515.55	4,373.94	4,530.41	
RUSSELL 3000	2,494.64	2,552.42	2,631.73	
PAR VALUE- INVESTMENT PORTFOLIO AVERAGE RATE OF PORTFOLIO	1/31/2022	2/28/2022	3/31/2022	
	\$746,714,889.03 0.631%	\$774,234,239.88 0.662%	\$957,820,651.38 0.642%	
	1/31/2022	2/28/2022	3/31/2022	
TAX RECEIPTS - CURR. YEAR LEVY PERCENT OF LEVY RECEIVED	\$0.00 0.000%	\$86,134,802.88 13.223%	\$326,029,910.10 50.051%	

# METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

## District Investments Purchased-Excluding Money Market for January 1 – March 31, 2022

<u>Broker/Bank</u>	<u>Par Value</u>	<u>Percentage</u>
ASSOCIATED BANK	20,000,000	4.61%
BANK OF AMERICA	10,000,000	2.31%
BELMONT BANK	5,000,000	1.15%
BLAYLOCK VAN (MBE)*	45,000,000	10.38%
CASTLEOAK SECURITIES (MBE)*	50,000,000	11.53%
JP MORGAN SECURITIES	40,000,000	9.22%
LOOP CAPITAL MARKETS (MBE)*	55,000,000	12.68%
MESIROW FINANCIAL	3,620,000	0.83%
MULTI-BANK SECURITIES (VBE)*	90,000,000	20.76%
PENSERRA (MBE)*	35,000,000	8.07%
R SEELAUS (WBE)*	6,000,000	1.38%
SIEBERT WILLIAMS SHANK (MBE/WBE)*	74,000,000	17.07%
	<b>\$ 433,620,000</b>	<b>100%</b>

	<u>Par Value</u>	<u>Percentage</u>
MBE/WBE/VBE*	355,000,000	81.87%
OTHER	78,620,000	18.13%
	<b>\$ 433,620,000</b>	<b>100%</b>

\*MBE/WBE/VBE: Minority/Woman/Veteran-owned Business Enterprise



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0436**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Finance Committee

**File Type:** Report

**Agenda Number:** 7

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON FINANCE

Mr. Brian A. Perkovich, Executive Director

Report on investments purchased during February 2022

Dear Sir:

Attached is a report indicating the investments made in securities and overnight money market funds for the various District Funds during the month of February 2022.

During the month, 32 individual investments were made with a total par value of \$153,120,000.00 at an average annual yield of 0.387%; the interest income to maturity of these investments is \$302,324.41

Additionally, 13 investments were made in Money Market Funds during the month, with a par value of \$19,469.27 at an average annual yield of 0.111%.

The fixed income market will be challenged for a prolonged period due to the health and economic crisis brought on by the COVID-19 virus and the conflict in Ukraine. Although interest rates have begun to rise, the unsettled market is reason for the District to remain conservative in its investment activity. The District continues to purchase investments that meet the liquidity demand for debt service, payroll, and other operating expenditures. Investments purchased are based upon the best yield offered on the date of investment and the diversification requirements of the District's Investment Policy. Commercial paper and high yield savings continue to provide the highest yields for short-term investment requirements, and there is very little risk premium to be earned by extending maturities for uncollateralized investments such as commercial paper beyond a 60-day period.

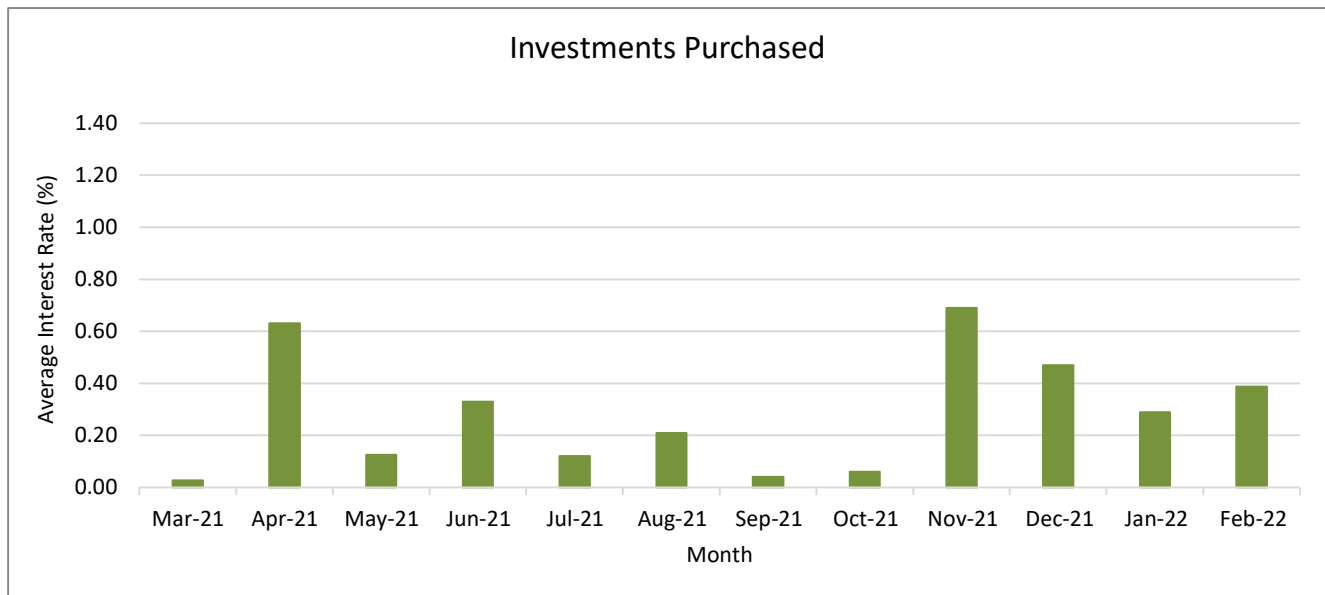
Respectfully Submitted, Mary Ann Boyle, Treasurer, MAB:sn

Attachment

## METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

Investments Purchased - Excluding Money Market  
February 2022

Fund	Fund Name	Average Interest Rate (%)	Par Value	Cost	Count	Interest Income
101	Corp Fund - Regular	0.48	\$ 20,000,000.00	\$ 19,974,550.00	2	\$ 25,450.00
201	Constr Fund - Regular	0.25	2,001,600.00	1,999,978.98	1	1,621.02
307	16A SRF L174555	0.37	1,001,300.00	999,993.03	1	1,306.97
329	12L SRF L175161	0.37	1,001,300.00	999,993.03	1	1,306.97
332	CIB - Series 8/09 Ltd	0.37	3,504,500.00	3,500,028.57	2	4,471.43
333	CIB - Series B 7/11 Limit	0.37	1,301,600.00	1,299,954.56	1	1,645.44
338	CIB Unl 2014B SW ARB	0.37	1,001,300.00	999,993.03	1	1,306.97
339	CIB Unl 2016E SW ARB	0.37	3,003,900.00	2,999,979.08	1	3,920.92
374	Ref Ltd 2014D	0.37	2,002,600.00	2,000,027.22	2	2,572.78
375	Refund Unlimited Series A	0.37	5,006,400.00	4,999,947.59	2	6,452.41
37F	REF Unl 2021 Taxable SW A	0.37	2,002,600.00	1,999,986.05	1	2,613.95
397	Ser 94V SRF L171150	0.32	61,993,200.00	61,933,890.93	5	59,309.07
45B	CIB Unl 2021B	1.12	1,345,000.00	1,345,000.00	1	27,258.23
474	Limited Revenue Fund	0.31	13,174,300.00	13,160,369.87	2	13,930.13
501	Stormwater	0.37	3,003,800.00	3,000,002.69	1	3,797.31
701	Corporate Working Cash	0.72	9,769,600.00	9,761,440.68	4	115,959.67
901	RCF - Regular	0.38	22,007,000.00	21,977,598.86	4	29,401.14
<b>TOTAL</b>			<b>\$ 153,120,000.00</b>	<b>\$152,952,734.17</b>	<b>32</b>	<b>\$302,324.41</b>



## METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

## District Investments Purchased-Excluding Money Market for February 2022

<b>Broker/Bank</b>	<b>Par Value</b>	<b>Percentage</b>
BANK OF AMERICA	\$ 10,000,000	6.53%
BELMONT BANK	1,500,000	0.98%
BLAYLOCK VAN (MBE)*	15,000,000	9.80%
CASTLEOAK SECURITIES (MBE)*	10,000,000	6.53%
JP MORGAN SECURITIES	20,000,000	13.06%
MESIROW FINANCIAL	3,620,000	2.36%
MULTI-BANK SECURITIES (VBE)*	35,000,000	22.86%
PENSERRA (MBE)*	15,000,000	9.80%
R SEELAUS (WBE)*	6,000,000	3.92%
SIEBERT WILLIAMS SHANK (MBE/WBE)*	37,000,000	24.16%
	<b>\$ 153,120,000</b>	<b>100.00%</b>

	<b>Par Value</b>	<b>Percentage</b>
MBE/WBE/VBE*	\$ 118,000,000	77.06%
OTHER	35,120,000	22.94%
	<b>\$ 153,120,000</b>	<b>100.00%</b>

\*MBE/WBE/VBE: Minority/Woman/Veteran-owned Business Enterprise

## METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

**Investments Purchased - Money Market Purchases**  
**February 2022**

<b>Fund</b>	<b>Description</b>	<b>Par Value</b>	<b>Cost</b>
101	Money Market Savings	\$ 11,118.12	\$ 11,118.12
101	Money Market Savings	33.13	33.13
101	Money Market Savings	5,024.68	5,024.68
332	Money Market Savings	43.02	43.02
439	Money Market Savings	652.93	652.93
441	Money Market Savings	305.39	305.39
459	Money Market Savings	30.80	30.80
45A	Money Market Savings	30.62	30.62
45A	Money Market Savings	1,105.30	1,105.30
45B	Money Market Savings	1,025.90	1,025.90
501	Money Market Savings	31.31	31.31
701	Money Market Savings	36.85	36.85
901	Money Market Savings	31.22	31.22
<b>Grand Total</b>		<b>\$ 19,469.27</b>	<b>\$ 19,469.27</b>

**Market Interest Rates on Investment Purchases as of 02/28/2022**

	<b>1-Month</b>	<b>3-Month</b>	<b>6-Month</b>	<b>1-Year</b>
U.S. Treasuries	0.06%	0.35%	0.69%	1.01%
Commercial Paper	0.16%	0.43%	0.73%	N/A*
Discount Notes	0.03%	0.26%	0.47%	0.96%
Illinois Funds	0.12%	0.12%	0.12%	0.12%
Illinois Trust (IIIT)	0.04%	0.04%	0.04%	0.04%
Associated MM	0.10%	0.10%	0.10%	0.10%
BMO Harris Bank	0.08%	0.08%	0.08%	0.08%

\*Commercial Paper authorization limited to 270 days maturity.





# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

File Number: 22-0441

---

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Finance Committee

**File Type:** Report

**Agenda Number:** 8

## TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022

### COMMITTEE ON FINANCE

Mr. Brian A. Perkovich, Executive Director

Report on investments purchased during March 2022

Dear Sir:

Attached is a report indicating the investments made in securities and overnight money market funds for the various District Funds during the month of March 2022.

During the month, 69 individual investments were made with a total par value of \$197,000,000.00 at an average annual yield of 0.536%; the interest income to maturity of these investments is \$707,654.29. Additionally, 13 investments were made in Money Market Funds during the month, with a par value of \$50,015,584.42 at an average annual yield of 0.080%.

The fixed income market will be challenged for a prolonged period due to the health and economic crisis brought on by the COVID-19 virus and the conflict in Ukraine. Although interest rates have begun to rise, the unsettled market is reason for the District to remain conservative in its investment activity. The District continues to purchase investments that meet the liquidity demand for debt service, payroll, and other operating expenditures. Investments purchased are based upon the best yield offered on the date of investment and the diversification requirements of the District's Investment Policy. Commercial paper and high yield savings continue to provide the highest yields for short-term investment requirements, and there is very little risk premium to be earned by extending maturities for uncollateralized investments such as commercial paper beyond a 60-day period.

Respectfully Submitted, Mary Ann Boyle, Treasurer, MAB:sn

Attachment

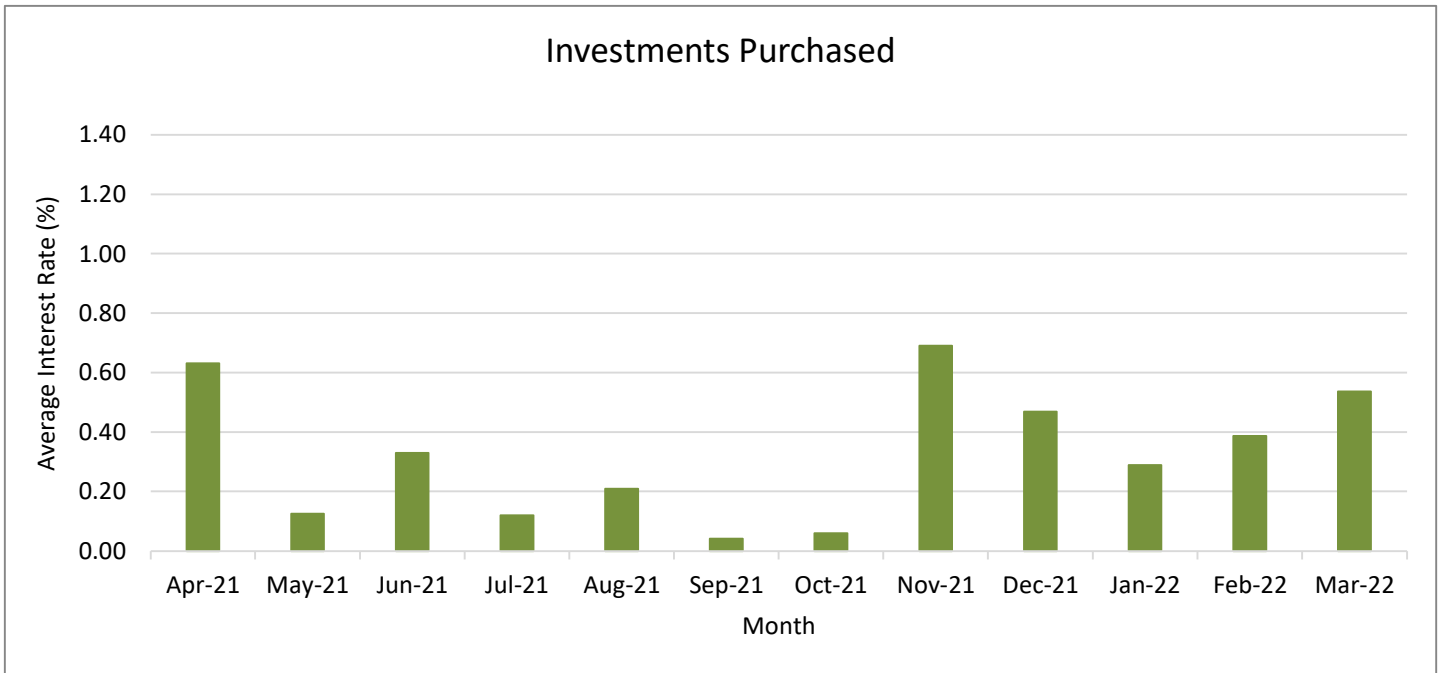
## METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

Investments Purchased - Excluding Money Market  
March 2022

Fund	Fund Name	Average Interest Rate (%)	Par Value	Cost	Count	Interest Income
101	Corp Fund - Regular	0.77	\$ 88,971,900.00	\$ 88,735,022.91	10	\$580,948.62
201	Constr Fund - Regular	0.40	2,503,600.00	2,500,009.71	2	3,590.29
302	CIB Ltd 2016F QECCB	0.36	73,100.00	73,020.32	1	79.68
304	14M SRF L175372	0.36	34,000.00	33,962.94	1	37.06
305	14N SRF L175371	0.36	30,000.00	29,967.30	1	32.70
306	14O SRF L175305 SW ARB	0.36	180,200.00	180,003.58	1	196.42
307	16A SRF L174555	0.36	2,702,900.00	2,699,953.85	1	2,946.15
308	14P SRF L175369	0.36	100,100.00	99,990.89	1	109.11
309	16C SRF L175367 Unl (Ln2)	0.36	800,900.00	800,027.02	1	872.98
311	14B SRF - L175171	0.36	67,100.00	67,026.86	1	73.14
312	14C SRF L174559 (Ln4)	0.36	500,500.00	499,954.45	1	545.55
313	14D SRF L175263	0.36	350,400.00	350,018.06	1	381.94
314	14E SRF L173062	0.36	1,201,300.00	1,199,990.58	1	1,309.42
315	14F SRF L175342 Unl (Ln1)	0.36	1,801,900.00	1,799,935.93	1	1,964.07
316	14G SRF L175152	0.36	600,700.00	600,045.24	1	654.76
317	14H SRF L175355	0.36	29,000.00	28,968.39	1	31.61
318	14K SRF L175366	0.36	150,200.00	150,036.28	1	163.72
320	09D SRF L174558	0.36	1,001,100.00	1,000,008.80	1	1,091.20
321	12A SRF L174710	0.36	184,200.00	183,999.22	1	200.78
322	12B SRF L174712	0.36	156,800.00	156,629.09	1	170.91
323	12C SRF L174621	0.36	346,600.00	346,222.21	1	377.79
324	12D SRF L174988	0.36	383,900.00	383,481.55	1	418.45
326	12F SRF L174989	0.36	1,602,100.00	1,600,353.71	1	1,746.29
327	12G SRF L174923	0.36	800,900.00	800,027.02	1	872.98
328	12H SRF L174924	0.36	700,800.00	700,036.13	1	763.87
329	12L SRF L175161	0.36	850,900.00	849,972.52	1	927.48
331	12K SRF L174925	0.36	350,400.00	350,018.06	1	381.94
332	CIB - Series 8/09 Ltd	0.33	8,307,400.00	8,300,013.34	1	7,386.66
336	CIB Ltd 2014C	0.33	1,171,000.00	1,169,958.79	1	1,041.21
338	CIB Unl 2014B SW ARB	0.33	314,300.00	314,020.53	1	279.47
339	CIB Unl 2016E SW ARB	0.33	680,600.00	679,994.83	1	605.17
341	CIB Unl 2016C	0.33	602,500.00	601,964.28	1	535.72
342	CIB Ltd 2016D	0.33	1,077,000.00	1,076,042.37	1	957.63
346	09A SRF L173074	0.33	1,240,300.00	1,239,197.17	1	1,102.83
347	09B SRF L173064	0.33	174,200.00	174,045.11	1	154.89
350	07 A SRF L172625	0.33	1,146,900.00	1,145,880.21	1	1,019.79
352	07 C SRF L172770	0.33	1,146,900.00	1,145,880.21	1	1,019.79
355	09E SRF L173005	0.33	1,054,900.00	1,053,962.02	1	937.98
357	09F SRF L174557	0.33	1,687,600.00	1,686,099.44	1	1,500.56
359	04H SRF L172849	0.33	1,396,400.00	1,395,158.37	1	1,241.63
360	Ser 01A SRF L172126	0.52	1,763,400.00	1,759,986.84	1	3,413.16
362	Ser 01B SRF L172127	0.52	1,783,500.00	1,780,047.94	1	3,452.06
363	Series 01C SRF L172128	0.52	1,502,900.00	1,499,991.05	1	2,908.95

# METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

37C	REF Ltd 2021C	0.50	6,471,200.00	6,457,448.70	1	13,751.30
45B	CIB Unl 2021B	0.61	9,972,300.00	9,944,769.80	1	27,530.20
461	Other Rev Fnd Jan 1995	0.25	5,002,900.00	5,000,016.38	1	2,883.62
473	Unlimited Revenue Fund	0.18	3,997,000.00	3,996,028.86	3	1,293.36
474	Limited Revenue Fund	0.12	14,001,000.00	14,000,027.28	4	2,711.61
501	Stormwater	0.40	18,026,000.00	17,999,993.57	3	26,006.43
901	RCF - Regular	0.20	8,004,300.00	8,000,040.86	3	5,031.36
<b>TOTAL</b>			<b>\$197,000,000.00</b>	<b>\$ 196,639,250.57</b>	<b>69</b>	<b>\$707,654.29</b>



## District Investments Purchased-Excluding Money Market for March 2022

<u>Broker/Bank</u>	<u>Par Value</u>	<u>Percentage</u>
ASSOCIATED BANK	20,000,000	10.15%
BLAYLOCK VAN (MBE)*	20,000,000	10.15%
CASTLEOAK SECURITIES (MBE)*	30,000,000	15.23%
JP MORGAN SECURITIES	10,000,000	5.08%
LOOP CAPITAL MARKETS (MBE)*	45,000,000	22.84%
MULTI-BANK SECURITIES (VBE)*	35,000,000	17.77%
PENSERRA (MBE)*	20,000,000	10.15%
SIEBERT WILLIAMS SHANK (MBE/WBE)*	17,000,000	8.63%
	<b>\$ 197,000,000</b>	<b>100.00%</b>
	<u>Par Value</u>	<u>Percentage</u>
MBE/WBE/VBE*	167,000,000	84.77%
OTHER	30,000,000	15.23%
	<b>\$ 197,000,000</b>	<b>100.00%</b>

\*MBE/WBE/VBE: Minority/Woman/Veteran-owned Business Enterprise

## METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

**Investments Purchased - Money Market Purchases**  
**March 2022**

<b>Fund</b>	<b>Description</b>	<b>Par Value</b>	<b>Cost</b>
101	Money Market Savings	\$ 5,270.45	\$ 5,270.45
101	Money Market Savings	137.27	137.27
101	Money Market Savings	50,006,748.51	50,006,748.51
332	Money Market Savings	178.28	178.28
439	Money Market Savings	722.94	722.94
441	Money Market Savings	59.07	59.07
459	Money Market Savings	127.62	127.62
45A	Money Market Savings	126.88	126.88
45A	Money Market Savings	1,223.80	1,223.80
45B	Money Market Savings	577.77	577.77
501	Money Market Savings	129.76	129.76
701	Money Market Savings	152.71	152.71
901	Money Market Savings	129.36	129.36
<b>Grand Total</b>		<b>\$ 50,015,584.42</b>	<b>\$ 50,015,584.42</b>

**Market Interest Rates on Investment Purchases as of 03/31/2022**

	<b>1-Month</b>	<b>3-Month</b>	<b>6-Month</b>	<b>1-Year</b>
U.S. Treasuries	0.17%	0.52%	1.06%	1.63%
Commercial Paper	0.46%	0.83%	1.29%	N/A*
Discount Notes	0.13%	0.37%	0.95%	N/A**
Illinois Funds	0.28%	0.28%	0.28%	0.28%
Illinois Trust (IIIT)	0.15%	0.15%	0.15%	0.15%
Associated MM	0.10%	0.10%	0.10%	0.10%
BMO Harris Bank	0.08%	0.08%	0.08%	0.08%

\*Commercial Paper authorization limited to 270 days maturity.

\*\*Data not available due to lack of market trading activity and/or investment offerings.



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0418**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Procurement Committee

**File Type:** Report

**Agenda Number:** 9

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Report on rejection of bids for Contract 21-652-11, Furnishing and Delivering Various Types of Manhole Covers, Frames, and Associated Miscellaneous Parts, estimated cost \$210,000.00

Dear Sir:

On August 5, 2021, the Board of Commissioners authorized the Director of Procurement and Materials Management to advertise for bids Contract 21-652-11, Furnishing and Delivering Various Types of Manhole Covers, Frames, and Associated Miscellaneous Parts.

In response to a public advertisement of March 9, 2022, a bid opening was held on March 29, 2022. The bid tabulation for this contract is:

NEENAH FOUNDRY CO.	\$315,310.00
--------------------	--------------

A review of the sole bidder, Neenah Foundry Co., indicated that their bid is 50.1 percent over the contract estimate and considered too high to award.

Therefore, the Director of Procurement and Materials Management has rejected the sole bidder in the public's best interest and informed Neenah Foundry Co. of this action.

The Maintenance and Operations Department will review and revise the contract prior to re-advertisement.

Respectfully Submitted, Darlene A. LoCascio, Director of Procurement and Materials Management, DAL:SEB:lc



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

File Number: 22-0432

Agenda Date: 5/5/2022

Version: 1

Status: To Be Introduced

In Control: Procurement Committee

File Type: Report

Agenda Number: 10

## TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Report of bid opening of Tuesday, April 19, 2022

Dear Sir:

Bids were received and opened on 4/19/2022 for the following contracts:

CONTRACT 07-027-3SR NORTH SIDE SLUDGE PIPELINE REPLACEMENT - SECTION 1,  
SSA

LOCATION: NORTH SIDE

ESTIMATE: \$16,752,500.00

GROUP: TOTAL

JOEL KENNEDY CONSTRUCTING CORP.	\$27,120,000.00
IHC CONSTRUCTION COMPANIES, LLC	\$27,769,000.00
BURNS CONSTRUCTION COMPANY, JOHN	\$30,789,000.00

CONTRACT 21-672-12 FURNISHING AND DELIVERING TIRES FOR HEAVY EQUIPMENT TO  
VARIOUS LOCATIONS (RE-BID GROUP B ONLY)

LOCATION: VARIOUS

ESTIMATE: \$50,000.00

GROUP: TOTAL GROUP B

CHICAGO TIRE, INC.	\$52,299.57
--------------------	-------------

CONTRACT 22-004-11 FURNISH AND DELIVER MISCELLANEOUS STEEL AND STAINLESS  
STEEL TO VARIOUS LOCATIONS FOR A ONE (1) YEAR PERIOD

LOCATION: VARIOUS

ESTIMATE: \$205,000.00

GROUP: A MISCELLANEOUS STEEL

NO BIDS RECEIVED

GROUP: B STAINLESS STEEL

NO BIDS RECEIVED

CONTRACT 22-017-11 FURNISH AND DELIVER ELECTRICAL SUPPLIES, WIRE, AND  
CABLE TO VARIOUS LOCATIONS FOR A ONE (1) YEAR PERIOD

LOCATION: VARIOUS

ESTIMATE: \$345,000.00

File Number: 22-0432

## GROUP: A ELECTRICAL SUPPLIES AND ACCESSORIES

HELSEL-JEPPERSON ELECTRICAL, INC. \$90,003.83

## GROUP: B WIRE AND CABLE

HELSEL-JEPPERSON ELECTRICAL, INC. \$95,547.00

J . P. SIMONS &amp; COMPANY \$97,357.50

## GROUP: C WIRE LUGS AND CONNECTORS

HELSEL-JEPPERSON ELECTRICAL, INC. \$33,614.76

## GROUP: D BOXES, BREAKERS AND FUSES

HELSEL-JEPPERSON ELECTRICAL, INC. \$126,775.15

J . P. SIMONS &amp; COMPANY \$187,068.86

## GROUP: E BALLASTS AND FIXTURES

HELSEL-JEPPERSON ELECTRICAL, INC. \$17,161.80

J . P. SIMONS &amp; COMPANY \$19,231.14

## CONTRACT 22-033-11 FURNISH AND DELIVER MISCELLANEOUS AIR FILTERS TO VARIOUS LOCATIONS

LOCATION: VARIOUS

ESTIMATE: \$71,000.00

## GROUP: A PLEATED AIR FILTER

MERCURY PARTNERS 90 BI, INC. D/B/A BRUCKER COMPANY, INC. \$44,673.15

SEHER IHDE LLC D/B/A FREEDOM AIR FILTRATION INC. \$48,427.57

## GROUP: B BAG AIR FILTERS

MERCURY PARTNERS 90 BI, INC. D/B/A BRUCKER COMPANY, INC. \$10,466.35

SEHER IHDE LLC D/B/A FREEDOM AIR FILTRATION INC. \$12,531.43

## GROUP: C ROLLOMAT AIR FILTERS

SEHER IHDE LLC D/B/A FREEDOM AIR FILTRATION INC. \$3,549.26

MERCURY PARTNERS 90 BI, INC. D/B/A BRUCKER COMPANY, INC. \$4,710.00

## GROUP: D ODOR CONTROL AIR FILTERS

SEHER IHDE LLC D/B/A FREEDOM AIR FILTRATION INC. \$21,113.92

## CONTRACT 22-070-11 FURNISH AND DELIVER MISCELLANEOUS BATTERIES TO VARIOUS LOCATIONS FOR A ONE (1) YEAR PERIOD

LOCATION: VARIOUS

ESTIMATE: \$40,000.00

## GROUP: TOTAL

PRODUCTION DISTRIBUTION COMPANIES, INC. \$38,947.31

HELSEL-JEPPERSON ELECTRICAL, INC. \$42,301.46

J . P. SIMONS &amp; COMPANY \$43,862.60

NES SUPPLY CO. \$78,000.00

## CONTRACT 22-654-12 FURNISH AND DELIVER PARTS AND REPAIR SERVICES FOR SLUICE GATE VALVE ACTUATORS (RE-BID)

LOCATION:

ESTIMATE: \$681,000.00

## GROUP: TOTAL

GASVODA &amp; ASSOCIATES, INC. \$680,000.00

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: 22-0440**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Procurement Committee

**File Type:** Report

**Agenda Number:** 11

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Report of bid opening of Tuesday, April 26, 2022

Dear Sir:

Bids were received and opened on 4/26/2022 for the following contracts:

CONTRACT 22-684-11 MOSQUITO AND MIDGE FLY ABATEMENT SERVICES AT VARIOUS LOCATIONS

LOCATION: VARIOUS

ESTIMATE: \$76,000.00

GROUP: TOTAL

VECTOR DISEASE CONTROL INTERNATIONAL LLC	\$62,748.00
CLARKE ENVIRONMENTAL MOSQUITO MANAGEMENT	\$63,511.50

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: 22-0380**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to  
Advertise

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 12

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 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 (*Deferred from the April 21, 2022 Board Meeting*)

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 May 5, 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: 22-0397**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to  
Advertise

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 13

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 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 (*Deferred from the April 21, 2022 Board Meeting*)

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 May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0406**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to  
Advertise

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 14

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-634-11, Services to Inspect and Repair Cathodic Protection Systems, estimated cost \$560,506.00, Accounts 101-67000/68000/69000/-612600, Requisitions 1580153, 1580154 and 1580155

Dear Sir:

Contract documents and specifications have been prepared for Contract 22-634-11, Services to Inspect and Repair Cathodic Protection Systems, at the request of the Maintenance and Operations Department.

The purpose of this contract is to provide inspection, testing and repair of cathodic protection systems for the District's underground tanks and pipelines.

The estimated cost for this contract is \$560,506.00. The estimated 2022, 2023, 2024, 2025 and 2026 expenditures are \$45,502.00, \$233,580.00, \$143,411.00, \$133,351.00 and \$4,662.00 respectively.

The Multi-Project Labor Agreement will not be included in this contract due to the specialized nature of the services involved.

The Affirmative Action Ordinance, Revised Appendix D and Appendix V will not be included in this contract due to the specialized nature of the work involved and the lack of availability of M/W/S/VBE subcontractors to perform this scope of work.

The tentative schedule for this contract is as follows:

Advertise	June 8, 2022
Bid Opening	June 28, 2022
Award	July 14, 2022
Completion	March 31, 2026

Funds for 2022 are available in Accounts 101-67000/68000/69000/-612600. Funds for the subsequent years, 2023, 2024, 2025 and 2026, are contingent on the Board of Commissioners' approval of the District's budget for those years.

File Number: 22-0406

---

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-634-11.

Requested, John P. Murray, Director of Maintenance and Operations, EJS:JS:MAG:JR:JMC:WB  
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 May 5, 2022


Attachment

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

**DEPARTMENT:** General Administration  
Diversity Section

**DATE:** March 24, 2022

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

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

**SUBJECT:** **Goal Review of Contract 22-634-11 – Services to Inspect and Repair Cathodic Protection Systems**

Our review of this contract and specifications indicates that Affirmative Action goals are not recommended.

This is a recurring contract for a forty-two (42) month period with a total estimated cost of \$560,506.00. According to the specifications of the subject contract, the District seeks a vendor to provide inspections and repairs for cathodic protection systems in Stickney, Calumet, Kirie, Hanover, John Egan, and O'Brien service areas.

The review of this contract indicates that subcontracting opportunities will not be practical due to the specialized nature of the work involved and the lack of availability of M/W/S/VBE subcontractors to perform this scope of work. A search of the MWRD and City of Chicago database resulted in 1 VBE firm.

Therefore, the Affirmative Action Ordinance Revised Appendix D and Appendix V are not applicable to this contract.

If you have any questions, please contact Chase Carthen, Diversity Officer at extension x14043.

RDB:CEC

Attachments

c: LoCascio, Cornier, Morakalis, Grosko, Orawiec, Carthen, file





# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0415**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to  
Advertise

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 15

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-053-11 Furnish and Deliver Lamps & Emergency Lighting to Various Locations for a One (1) Year Period, estimated cost \$38,000.00, Account 101-20000-623070

Dear Sir:

Contract documents and specifications have been prepared to furnish and deliver lamps and emergency lighting to various locations for a one (1) year period, beginning approximately August 1, 2022 and ending July 31, 2023.

The purpose of this contract is to furnish and deliver lamps and emergency lighting to the District's storeroom, to maintain sufficient inventory levels that are required for the day to day operational needs of the District.

The estimated cost for this contract is:

Group A- Lamps:	\$16,000.00
Group B - Emergency Lights:	<u>\$22,000.00</u>
TOTAL:	\$38,000.00

No bid deposit is required for this contract.

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 applies only to construction contracts over a \$100,000.00 threshold. These sections on page D-5 of the Ordinance address the types of covered 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 contract pursuant to 70 ILCS 2605/11.5."

- Section 5. Definitions: (g) "Construction contract" means any District contract or amendment thereto, providing for a total expenditure in excess on 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

The tentative schedule for this contract is as follows:

Advertise	May 18, 2022
Bid Opening	June 7, 2022
Award	July 14, 2022
Completion	July 31, 2023

Funds are available in Account 101-20000-623070.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-053-11.

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,  
DAL:SEB:MS:ds

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 May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0416**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to  
Advertise

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 16

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-083-11 Furnish and Deliver Sump Pumps to various locations for a one-year period, estimated cost \$38,000.00, Account 101-20000-623090

Dear Sir:

Contract documents and specifications have been prepared to furnish and deliver sump pumps to various locations for a one-year period, beginning approximately August 1, 2022 and ending July 31, 2023.

The purpose of this contract is to furnish and deliver sump pumps, to the District's storerooms, to maintain sufficient inventory levels, which are required for the day-to-day operational needs of the District.

The estimated cost of this contract is \$38,000.00.

No bid deposit is required for this contract.

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 applies only to construction contracts over a \$100,000.00 threshold. These sections on page D-5 of the Ordinance address the types of covered 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 contract pursuant to 70 ILCS 2605/11.5."
- ☐ Section 5, Definitions: (g) "Construction contract" means any District contract or amendment thereto, providing for a total expenditure in excess on 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.

The tentative schedule for this contract is as follows:

Advertise:	May 18, 2022
Bid Opening:	June 7, 2022
Award:	July 14, 2022
Completion:	July 31, 2023

Funds are available in Accounts 101-20000-623090.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 22-083-11.

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,  
DAL:SEB:JN:MS:sk

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 May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0425**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to  
Advertise

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 17

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-934-11, Furnishing and Delivering Magnesium Chloride, estimated cost \$1,022,500.00, Account 101-69000-623560, Requisition 1580049

Dear Sir:

Contract documents and specifications have been prepared for furnishing and delivering magnesium chloride, at the request of the Maintenance and Operations Department.

The purpose of this contract is to procure magnesium chloride to be used at the Stickney WRP for phosphorus nutrient recovery for a two-year period.

The estimated cost for this contract is \$1,022,500.00. The estimated 2022, 2023 and 2024 expenditures are \$132,500.00, \$507,500.00 and \$382,500.00, respectively.

The bid deposit for this contract is \$51,100.00. Magnesium chloride is an important chemical for process operations.

The Multi-Project Labor Agreement is not applicable to this contract because it is a furnish and deliver contract for a chemical.

The Affirmative Action Ordinance Revised Appendix D and Appendix V will not be included in this contract because it is a furnish and deliver contract for a chemical.

The tentative schedule for this contract is as follows:

Advertise	June 22, 2022
Bid Opening	July 12, 2022
Award	August 11, 2022
Completion	August 31, 2024

Funds for 2022 are available in Account 101-69000-623560. Funds for the subsequent years, 2023 and 2024, 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

File Number: 22-0425

---

Management be authorized to advertise Contract 22-934-11.

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 May 5, 2022

Attachment

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

**DEPARTMENT:** General Administration,  
Diversity Section

**DATE:** April 13, 2022

**TO:** John Murray, Director of Maintenance and Operations

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

**SUBJECT:** Goal Review of Contract 22-934-11 – Furnishing and Delivering Magnesium Chloride

Our review of this contract and specifications indicates that Affirmative Action goals are not recommended. The Affirmative Action Ordinance Revised Appendix D and Appendix V will not be included in this contract.

This project with a total estimated cost of \$1,022,500.00 requires the Contractor to furnish and deliver desulphonated magnesium chloride to the Stickney Water Reclamation Plant, when ordered by the District's Engineer for a twenty-four (24) month period.

In addition, there are no MBE/WBE/SBE/VBE's that can supply the specific items as specified in the contract. The Affirmative Action Ordinance Revised Appendix D and Appendix V are not applicable to this contract due to this being a furnish and deliver contract.

If you have any questions, please contact Malisa Torres, Diversity Officer, at extension 1-5711.

RDB:MGT

Attachments

c: LoCascio, Cornier, Morakalis, Grosko, Genser, Cavarretta, Skawski, Hill, Torres, file



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0426**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to  
Advertise

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 18

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 22-617-11 Power Distribution Equipment Inspection and Repair, in an amount not to exceed \$613,800.00, Accounts 101-67000/68000/69000-612240/612650/623070, Requisitions 1573829, 1573830 and 1574078

Dear Sir:

Contract documents and specifications have been prepared for Contract 22-617-11, Power Distribution Equipment Inspection and Repair, at the request of the Maintenance and Operations Department.

The purpose of this contract is to procure power distribution equipment inspection and repairs for District facilities. Services include, but are not limited to, transformer oil sampling and analysis, technical services, and providing parts.

The estimated cost of this contract is not to exceed \$613,800.00. The estimated 2022, 2023 and 2024 expenditures are \$204,600.00, \$204,600.00, and \$204,600.00 respectively.

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

The Affirmative Action Ordinance, Revised Appendix D and Appendix V will not be included in this contract due to the specialized nature of the services.

The tentative schedule for this contract is as follows:

Advertise	June 22, 2022
Bid Opening	July 19, 2022
Award	September 1, 2022
Completion	December 31, 2024

Funds for 2022 are available in Accounts 101-67000/68000/69000-612240/612650/623070. Funds for the subsequent years, 2023 and 2024, 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 22-617-11.



File Number: 22-0426

---

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

EJS:JS:MAG:JR:JMC:NRE

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 May 5, 2022


Attachment

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

**DEPARTMENT:** General Administration  
Diversity Section

**DATE:** April 20, 2022

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

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

**SUBJECT:** ~~Goal Review of Contract 22-617-11 – Power Distribution Equipment~~  
**Inspection and Repairs**

Our review of this contract and specifications indicates that Affirmative Action goals are not recommended. The Affirmative Action Ordinance Revised Appendix D and Appendix V will not be included in this contract.

This 3 year project with a total estimated cost of \$602,100.00 requires the Contractor to provide all transportation, material, equipment, labor and technical supervision to draw and analyze oil samples from District owned distribution transformers as well as apply a nitrogen blanket to the transformers.

The contractor shall be a field service branch of a medium voltage switchgear/distribution equipment manufacturer or a member of the International Electrical Testing Association (NETA), or approved agency.

The contractor shall meet OSHA criteria for accreditation of testing laboratories, Title 29, Parts 1907, 1910, and 1936. Full membership in the NETA shall constitute proof of meeting these criteria. The contractor shall have facilities within a two-hour travel time of work site.

A search of the NETA database to locate firms certified to perform the work resulted in 7 firms in Illinois, 5 firms in Indiana, and 5 firms in Wisconsin. Of the 17 certified firms from NETA's database, none of the firms are MBEs, WBEs, SBEs, or VBEs. Therefore, the Affirmative Action Ordinance Revised Appendix D and Appendix V are not applicable to this contract due to the specialized nature of the work involved. There were no available M/W/S/VBE subcontractors to perform this scope of work.

If you have any questions, please contact Chase Carthen, Diversity Officer at extension x14043.

RDB:CEC

Attachment

c: LoCascio, Cornier, Morakalis, Grosko, Genser, Gonzalez, Carthen, file



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0417**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Issue Purchase  
Order

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 19

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian Perkovich, Executive Director

Issue purchase order to Gardner Denver Nash LLC, to provide a Nash Gas/Water Separator Assembly at the Stickney Water Reclamation Plant, in a total amount not to exceed \$40,605.48, Account 101-69000-623270, Requisition 1579418

Dear Sir:

Authorization is requested to issue a purchase order to Gardner Denver Nash LLC, to provide a Nash gas/water separator assembly at the Stickney Water Reclamation Plant. The equipment will be used on Nash type SC-7 and CL-1001 gas compressors. This equipment will be delivered before December 31, 2022.

Gardner Denver Nash LLC, the sole source provider of this equipment, has submitted pricing for the equipment required. Inasmuch as Gardner Denver Nash LLC is the only source of the equipment required, nothing would be gained by advertising for bids (Section 11.4 of the Purchasing Act).

Gardner Denver Nash LLC, is registered and in good standing with the State of Illinois.

The Multi-Project Labor Agreement (MPLA) and Affirmative Action Ordinance, Revised Appendix D and Appendix V are not applicable due to this contract is a furnish and deliver contract..

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to issue a purchase order to Gardner Denver Nash LLC, in an amount not to exceed \$40,605.48.

Funds are available in Account 101-69000-623270.

Requested, John P. Murray, Director of Maintenance and Operations  
Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,  
DAL:SEB:MS:es  
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 May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0420**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Issue Purchase  
Order

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 20

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Issue purchase order to CDW Government LLC, for LogicMonitor Infrastructure Monitoring Solution, in an amount not to exceed \$95,458.80, Accounts 101-27000-612820, Requisition 1580824

Dear Sir:

Authorization is requested to issue a purchase order to CDW Government LLC for LogicMonitor Infrastructure Monitoring Solution. The term of this purchase order is from May 1, 2022 to April 30, 2023.

LogicMonitor is a cloud-based infrastructure monitoring platform used by the Information Technology Department to ensure the stability and reliability of the District's business network.

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 LogicMonitor Infrastructure Monitoring Solution for a one-year period per the established contract discount percentages. Inasmuch as CDW Government LLC is the only source of supply for the LogicMonitor Infrastructure Monitoring Solution, 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.

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 \$95,458.80.

Funds are available in Accounts 101-27000-612820.

Requested, John Sudduth, Director of Information Technology, JS:SK:rp  
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 May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0413**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to Award  
Contract

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 21

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to award Contract 21-911-21, Rehabilitate Locomotive #4 at the Stickney Water Reclamation Plant, to Motive Power Resources, Inc., in an amount not to exceed \$825,000.00, Account 201-50000-645790, Requisition 1577053

Dear Sir:

On February 17, 2022, the Board of Commissioners authorized the Director of Procurement and Materials Management to advertise for bids, Contract 21-911-21 Rehabilitate Locomotive #4 at the Stickney Water Reclamation Plant.

In response to a public advertisement of March 23, 2022, a bid opening was held on April 12, 2022. The bid tabulation for this contract is:

MOTIVE POWER RESOURCES, INC.	\$825,000.00
------------------------------	--------------

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 reasons for not bidding: could not provide bid at this time. 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.

Motive Power Resources, Inc., the sole responsible bidder, is proposing to perform the contract in accordance with the specifications. The estimated cost for this contract was \$955,000.00, placing their bid of \$825,000.00 approximately 13.6 percent below the estimate.

The work under this contract shall commence upon approval of the contractor's bond, and complete all work within two hundred seventy-five (275) calendar days thereafter.

The Affirmative Action Ordinance, Revised Appendix D, and the Appendix V, will not be included in this contract due to the specialized nature of the work.

The contract will require approximately fifteen (15) people for the services.

The Multi-Project Labor Agreement was not be included in the contract because the work is

performed at the contractor's facility.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to award Contract 21-911-21 to Motive Power Resources, Inc., in an amount not to exceed \$825,000.00, 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.

Funds are available in 2022, in the amount of \$825,000.00, in Account 201-50000-645790.

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

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,  
DAL:SEB:lc

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 May 5, 2022

Attachment

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

**DEPARTMENT:** General Administration, **DATE:** January 26, 2022  
Diversity Section

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

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

**SUBJECT:** **Review of Contract 21-911-21, “Rehabilitate Locomotive #4 at the Stickney Water Reclamation Plant”**

Our review of this contract and specifications indicates that Affirmative Action goals are not recommended.

The project with a total estimated cost of \$955,000.00 requires the Contractor to overhaul the MWRD locomotive No.4 to full operation. The Contractor must be a fully accredited ISO 9000 and AAR M-1003 Facility. In addition, they must be and remain AAR Quality Assurance M-1003 Certified for the following: B61B – Reconditioner of Locomotive Engines; B69 – Locomotive traction motor/wheel combo assembly and B57B – Reconditioner of Locomotive main generators/alternators. There are no available MBE, WBE, SBE or VBE subcontractors that perform the components of this work. Therefore, the Affirmative Action Ordinance Revised Appendix D and the Appendix V goals are not applicable to this contract.

If you have any questions, please contact Diversity Officer, Jason H. Bullock, at extension 14038.

RDB:JHB

Attachments (2)

cc: LoCascio, Morakalis, Cornier, Skawski, Bullock, file





# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0414**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to Award  
Contract

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 22

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to award Contract 22-006-11 Furnish and Deliver Janitorial Supplies to Various Locations for a One-Year Period, Group A to Cicero Mfg. & Supply Co., Inc., in an amount not to exceed \$66,843.93, Group B to Trinity Eco Solutions, LLC, in an amount not to exceed \$36,030.12, and Group C to Warehouse Direct, Inc., in an amount not to exceed \$40,366.05, Accounts 101-20000-623170, 623660

Dear Sir:

On March 3, 2022, the Board of Commissioners authorized the Director of Procurement and Materials Management to advertise for bids, Contract 22-006-11 furnish and deliver janitorial supplies to various locations for a one-year period, beginning approximately June 1, 2022, and ending May 31, 2023.

In response to a public advertisement of March 16, 2022, a bid opening was held on April 5, 2022. The bid tabulation for this contract is:

#### GROUP A: BRUSHES, MOPS, PAILS, ETC.

CICERO MFG. & SUPPLY CO., INC.	\$66,843.93
--------------------------------	-------------

#### GROUP B: CLEANERS & DETERGENTS

TRINITY ECO SOLUTIONS, LLC	\$36,030.12
----------------------------	-------------

#### GROUP C: HAND SOAPS & DISPENSERS

WAREHOUSE DIRECT, INC.	\$40,366.05
THE STANDARD COMPANIES, INC.	\$48,087.07

Cicero Mfg. & Supply Co., Inc., the lowest responsible bidder for Group A, is proposing to perform the contract in accordance with the specifications. The estimated cost for Group A of this contract is \$72,000.00, placing their bid of \$66,843.93 approximately 7.16 percent below the estimate.

Trinity Eco Solution, LLC, the lowest responsible bidder for Group B, is proposing to perform the contract in accordance with the specifications. The estimated cost for Group B of this contract is \$48,000.00, placing their bid of \$36,030.12 approximately 24.94 percent below the

estimate.

Warehouse Direct, Inc., the lowest responsible bidder for Group C, is proposing to perform the contract in accordance with the specifications. The estimated cost for Group C of this contract is \$48,000.00, placing their bid of \$40,366.05 approximately 15.9 percent below the estimate.

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 applies only to construction contracts over a \$100,000.00 threshold. These sections on page D-5 of the Ordinance address the types of covered 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 contract pursuant to 70 ILCS 2605/11.5."
- Section 5. Definitions: (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.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to award Contract 22-006-11, Group A to Cicero Mfg. & Supply Co., Inc., in an amount not to exceed \$66,843.93, Group B to Trinity Eco Solutions, LLC in an amount not to exceed \$36,030.12, and Group C to Warehouse Direct, Inc., in an amount not to exceed \$40,366.05.

Purchase orders will be issued when material is required. Payment will be based on the unit cost as indicated in the contract documents.

No bid deposit was received for this contract.

Funds are available in Accounts 101-20000-623170, 623660.

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,  
DAL:SEB:MS:sk

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 May 5, 2022

Attachment

## #22A06-JANITORIAL SUPPLIES

Item	MM #	107 DESCRIPTION
1	111634	ABSORBENT,GRANULAR,OIL-DRI,50LB
2	111649	CLEANER,DEGREASER,CONCENTRATED,55GL
3	111655	DEGREASER,#939,BIODEGRADABLE,5GL,
4	111673	SWEEPING COMPOUND,WAX-BASE,100LB
5	111674	SWEEPING COMPOUND,OIL-BASE,300LB
6	111704	SQUEEGEE,SCRAPER,WINDOW,12"
7	111706	SQUEEGEE,SCRAPER,FLOOR,18"
8	111710	SQUEEGEE,SCRAPER,FLOOR,36"
9	111714	BROOM,ANGLE,13"
10	111715	BROOM,STREET,W/O HANDLE,16"
11	111718	BROOM,CORN,WAREHOUSE,56"
12	111719	BRUSH,GLUE,ROUND,XHVV,1-1/2"DIA
13	111720	BRUSH,WATER TOOL,NYLON,1"DIA.X3-1/2"L
14	111724	BRUSH,BOTTLE,3"X15-3/4"
15	111725	BRUSH,COUNTER,BENCH,13-1/8"
16	111728	BRUSH,TOILET BOWL,NYLON,6"X5"X21"
17	111730	BRUSH,SCRUB,HAND,3/4"X2-7/16"X9"
18	111731	BRUSH,SCRUB,LONG HANDLE,5"X5"X20"
19	111732	BRUSH,SCRUB,SHORT HANDLE,1-3/32"X5"X5"
20	111733	SQUEEGEE,BRUSH,DECK SCRUB,14"
21	111736	BRUSH,ACID,TIN FERRULE,3/8"
22	111737	BRUSH,WINDOW,7/8"X2-9/16"X9-5/8"
23	111739	BRUSH,FLOOR,HORSEHAIR,18"
24	111740	BRUSH,FLOOR,HORSEHAIR,24"
25	111741	BRUSH,FLOOR,POLYSTYRENE,PROPYLENE,18"
26	111743	BRUSH,FLOOR,HORSEHAIR,36"
27	111744	PAIL,PLASTIC,W/O COVER,WHITE,3-1/2GL
28	111745	LID,PLASTIC,WHITE,3-1/2 OR 5GL,PAIL
29	111746	PAIL,PLASTIC,WHITE,W/O COVER,5GL
30	111749	CAN,WASTE,W/COVER,GALVANIZED,30-32GL
31	111752	CONTAINER,RUBBERMAID,BRUTE,44GL
32	111753	DOLLY,RUBBERMAID,BRUTE,F/20,32,44,55GL
33	111755	LID,FLAT,RUBBERMAID,BRUTE,F/44GL
34	111756	CLEANER,DRAIN,URINAKLEEN NYCO,1GL
35	111759	ODOR SUPPRESANT GRANULES,DRUM,100LB
36	111761	DEODORANT BLOCK,HANGING,TOILET,4 OZ
37	111774	DISPENSER,TOILET SEAT COVER,250/PK
38	111777	DISPENSER,SOAP,PUMP,1 OZ
39	111785	CUP,PAPER,PLAIN,WATER,100/PK
40	111788	HANDLE,FRICTION FIT,WOOD,1-1/8"X60"
41	111790	HANDLE,DUST MOP,SWIVEL-SNAP,12"X36"
42	111792	HANDLE,THREADED STEEL ADAPTER,15/16"X60"
43	111794	PAD,SCRUBBING,GREEN,GENERAL-PURPOSE
44	111800	PAD,STRIPPING,BLACK,15"
45	111802	PAD,STRIPPING,BLACK,17"X1"

#22A06-JANITORIAL SUPPLIES		
Item	MM #	DESCRIPTION
46	111803	PAD,STRIPPING,HI-PRODUCTIVITY,17"
47	111805	PAD,STRIPPING,HI-PRODUCTIVITY,20"
48	111806	PAD,BUFFER,RED,18"
49	111809	PAD,STRIPPING,BLACK,19"
50	111810	PAD,POLISHING,WHITE,1"X19"
51	111812	PAD,BUFFER,RED,20"
52	111816	BLOCK,WAX APPLICATOR,W/APPLICATOR,16"
53	111817	PAD,LAMBSWOOL REFILL,16"X5-1/2"
54	111818	SCRUBBER,W/PLASTIC HANDLE,PADDLEBUG
55	111819	PAD,CLEANING,HAND,TAN,HVY-DUTY,6X9X5/16"
56	111820	PAD,CLEANING,HAND,MAROON,6"X9"X5/16"
57	111821	PAD,CLEANING,GRAY,ULTRA FINE,6"X9"X5/16"
58	111822	PAD,SCRUBBING,DOODLEBUG,WHITE
59	111823	PAD,INSTA-LOCK,PADDLEBUG,BROWN
60	111824	PAN,DUST,BLACK STEEL,5"X7-1/2"X12-1/4"
61	111825	POLISH,ALUM/SS CLEANER,AEROSOL,19 OZ
62	111828	HEAD,DUST MOP,RECTANGULAR,SLIP-ON,12"
63	111830	HEAD,MOP,WET-TYPE,4-PLY,16 OZ
64	111831	HEAD,MOP,WET-TYPE,4-PLY,24 OZ
65	111832	HEAD,DUST MOP,SLIP-ON,4-PLY,36"
66	111833	FRAME,DUST MOP,METAL,12"X5"
67	111834	HANDLE,MOP,WET,WOOD,QUICK-RELEASE,60"
68	111835	BRACE,HANDLE,F/WOOD BACKED FLOOR BRUSH
69	111836	FRAME,DUST MOP,METAL,36"X5"
70	111845	SCREEN,URINAL,SCENTED,RUBBER,ONE SIZE
71	111853	BUCKET,MOP,PLASTIC,W/CASTERS,35QT
72	111856	WRINGER,MOP,PRESSDOWN,YELLOW
73	111857	PLUNGER,DRAIN OR TOILET,6"DIAMETER
74	111859	COVER,TOILET SEAT,PAPER,DISPOSABLE,16X11
75	112369	INSECTICIDE,WASP,BEE AEROSOL,13.5 OZ
76	112371	REPELLENT,INSECT,AEROSOL,6 OZ
77	112372	INSECTICIDE,ANT & ROACH,AEROSOL,15 OZ
78	112424	PAPER,WRAPPING,BROWN KRAFT,36"W,9"DIA
79	114723	CLEANER,DEGREASER,TOUGH ON GREASE,1GAL
80	116074	SQUEEGEE,SCRAPER,FLOOR,24"
81	116104	CLEANSER,POLISHING,POWDER,NON-TOXIC,14OZ
82	116124	BOTTLE,PVC,32 OZ,RECYCLABLE
83	116125	SPRAYER,TRIGGER,9-7/8"L TUBE,GREEN
84	118585	PAIL,WATER,STEEL,14 QT

		#22B06-JANITORIAL (PORTIONPAC)
Item	MM #	DESCRIPTION
1	117475	CLEANER,WAXED FLOOR,PORTIONPAC
2	117476	CLEANER,BATHROOM BOWL,PORTIONPAC,PURPLE
3	117477	CLEANER,GERMICIDE,PORTIONPAC,RED
4	117478	DEODORIZER,LIQUID,PORTIONPAC,TEAL
5	117479	CLEANER,ALL PURPOSE,PORTIONPAC,GREEN
6	117480	DETERGENT,BIO ENHANCED,PORTIONPAC,BROWN
7	117481	CLEANER,GLASS,PORTIONPAC,BLUE
8	117482	BOTTLE,APPLICATOR,PORTIONPAC,PURPLE
9	117483	BOTTLE,SPRAYER,32 OZ,PORTIONPAC,BLUE
10	117484	BOTTLE,SPRAYER,32 OZ,PORTIONPAC,RED
11	117485	BOTTLE,SPRAYER,32 OZ,PORTIONPAC,TEAL
12	117486	BOTTLE,SPRAYER,32 OZ,PORTIONPAC,GREEN
13	117487	BOTTLE,SPRAYER,32 OZ,PORTIONPAC,BROWN
14	117488	HOSE,MIXING,POINT-OF-USE,PORTIONPAC
15	117646	CLEANER,FLOOR NEUTRALIZER,PORTIONPAC
16	117658	CLEANER,FLOOR,AUTOSCRUBBER,PORTIONPAC
17	118137	DETERGENT,LAUNDRY,PORTIONPAC

		#20C06-SKIN CARE SYSTEMS (DEB)
Item	MM #	DESCRIPTION
1	117315	CREAM,PROTECTIVE BARRIER,DEB
2	117316	SOAP,LIQUID LOTION TYPE,HAIR & BODY,DEB
3	117318	SOAP,LIQUID,FOAM TYPE,DEB
4	117319	SOAP,LIQUID,FOAM TYPE,ROSE,DEB
5	117320	CREAM,CONDITIONING,HAND,DEB
6	117344	SOAP,HD,HAND,WATER SOLUBLE,DEB,4 LITRE
7	117365	DISPENSER,PROTECTIVE BARRIER CREAM,DEB
8	117366	DISPENSER,HAIR & BODY WASH,DEB
9	117367	DISPENSER,HAND ANTISEPTIC CLEANER,DEB
10	117368	DISPENSER,SOAP,DEB
11	117369	DISPENSER,CONDITIONING CREAM,DEB
12	117370	DISPENSER,HEAVY DUTY SOAP,DEB
13	117404	SOAP,LIQUID FOAM, IN HAND PUMP,DEB
14	119115	CLEANER, HAND ANTISEPTIC,ALCOHOL BASED
15	119116	CLEANER,ANTISEPTIC,HAND PUMP,ALCOHOL,80%
16	119117	SOAP,ANTIMICROBIAL,LIQUID FOAM
17	119174	SOAP,LIQUID,FOAM TYPE,ROSE,1.2 LITRE
18	119175	SOAP,FOAM,ANTIMICROBIAL,CITRUS
19	119176	DISPENSER,SOAP,TOUCH FREE



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0424**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to Award  
Contract

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 23

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to award Contract 22-073-11, Furnish and Deliver Miscellaneous Lab Accessories to various locations for a one (1) year period, to Pacific Star Corporation, in an amount not to exceed \$33,453.81, Account 101-20000-623570

Dear Sir:

On March 3, 2022, the Board of Commissioners authorized the Director of Procurement and Materials Management to advertise for bids, Contract 22-073-11, Furnish and Deliver Miscellaneous Lab Accessories to various locations for a one (1) year period, beginning approximately June 1, 2022 and ending May 31, 2023.

In response to a public advertisement of March 16, 2022, a bid opening was held on April 5, 2022. The bid tabulation for this contract is:

PACIFIC STAR CORPORATION	\$33,453.81
JADE SCIENTIFIC, INC.	\$43,004.37

Pacific Star Corporation, the lowest responsible bidder, is proposing to perform the contract in accordance with the specifications. The estimated cost for this contract is \$54,000.00, placing the total bid of \$33,453.81 approximately 38.05 percent below the estimate.

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 applies only to construction contracts over a \$100,000.00 threshold. These sections on page D-5 of the Ordinance address the types of covered 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 contract pursuant to 70 ILCS 2605/11.5.
- Section 5. Definitions: (g) "Construction contract" means any District contract or

amendment thereto, providing for a total expenditure in excess on 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.

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to award Contract 22-073-11, to Pacific Star Corporation, in an amount not to exceed \$33,453.81.

Purchase orders will be issued for the material as required. Payment will be based on the unit cost as indicated in the contract documents. No bid deposit is required for this contract.

Funds are available in Account 101-20000-623570.

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management,  
DAL:SEB:MS:dt

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 May 5, 2022

Attachment



#22073 - MISC. LAB ACCESSORIES		
Item	MM #	DESCRIPTION
1	110775	BRUSH,BEAKER,WHITE,TUFTED-END,2.5"DIA
2	110776	BRUSH,BEAKER,BLACK,TUFTED-END,3"DIA
3	110777	BRUSH,BURET,W/HANDLE,1/2"DIA,3"LONG
4	110779	BRUSH,BURET,W/HANDLE,1-1/4"DIA,36"LONG
5	110780	BRUSH,CYLINDER,BLACK,W/HANDLE,2"DIA
6	110781	BRUSH,CYLINDER,BLACK,W/HANDLE,2-1/2"DIA
7	110782	BRUSH,FLASK,1-3/8"DIA,FOR 250ML FLASK
8	110783	BRUSH,FLASK,1-3/4"DIA,FOR 500ML FLASK
9	110784	BRUSH,FUNNEL/GRADUATE,TPRD-BRSTL,2.5"X6"
10	110785	BRUSH,FUNNEL,WHITE,W/HANDLE,1/2"DIA
11	110786	BRUSH,PIPET,TAPERED,W/HANDLE,3/4-1/4"
12	110787	BRUSH,TEST-TUBE,3/4"DIA,FOR 1/2"-5/8"ID
13	110788	BRUSH,TEST-TUBE,3/4"DIA,FOR 3/4"-1"ID
14	111097	PARAFILM,SEALING,DISPENSER-BOX,4"X125'
15	111168	FORCEPS,OFFSET-BLADE,1-1/4"
16	111214	STOPCOCK,GREASE,HIGH-VACUUM,5.3 OZ
17	111220	DISPENSING HEAD,FROM PREPIPETTER,25ML
18	111272	PAPER,PH,1-12,HYDRION,IN DISPENSER
19	111273	PAPER,INDICATNG,POTASSIUM,IODIDE-STARCH
20	111274	PAPER,INDCTNG,LEAD-ACETATE,100STRIP/VIAL
21	111275	PAPER,TRITEST-INDCTNG,REFILL,PH1-11,DNS
22	111276	PAPER,DISPENSER,TRITEST,W/1ROLL,DNS
23	111329	DISPENSER,BOTTLE-TOP,DIGITAL,.5ML TO 5ML
24	111331	DISPENSER,F/PIPET,BOTTLE-TOP,5ML TO 25M
25	111332	DISPENSER,F/PIPET,BOTTLE-TOP,10 TO 50ML
26	111341	ROD,STIRRING,PLASTIC,10"
27	111343	SPOONULA,SS,9"SPOON,32X14MM,SPAT-51X7.9M
28	111346	SPATULA,SS,BLADE,WOOD,HANDLE,12"
29	111349	SPATULA,SS,BLADE,WOOD,HANDLE,5"
30	111350	SPIGOT,POLYPROPYLENE,F/CARBOYS
31	111402	LABEL-TAPE,LAB,WHITE,1"X14YDS
32	111406	THERMOMETER,DIAL,1.75"W FACE,-40 TO 160F
33	111408	THERMOMETER,NON-MERCURY,-20 TO 110 DEG C
34	111409	THERMOMETER,DIAL,1.75"W FACE,0 TO 220F
35	111471	TUBING,PUMP,SILICONE,0.375"ID,0.625"OD
36	111506	CAP,FOR SEPTA,BLUE
37	111507	CAP,FOR SEPTA,RED
38	111508	CAP,FOR SEPTA,YELLOW
39	113885	BRUSH,BEAKER,LARGE,HEAVY DUTY,3" DIA
40	115277	POUCHES,STERILIZATION,12"X15",100/PK.
41	115280	COVER SLIP,GLASS,F/MICROSCOPE.24X60 MM
42	118612	PIPETTE TIP,NONSTERILE,50-1000UL



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0431**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Authority to Award  
Contract

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 24

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to award Contract 21-970-12, Janitorial Services at various locations, Group C, to Eco-Clean Maintenance, Inc. in an amount not to exceed \$113,000.00, Account 101-69000-612490, Requisition 1563494

Dear Sir:

On June 17, 2021, the Board of Commissioners authorized the Director of Procurement and Materials Management to advertise for bids Contract 21-970-11, Janitorial Services at Various Locations.

In response to a public advertisement of August 25, 2021, a bid opening was held on September 21, 2021. All bids were rejected at the Board Meeting of December 2, 2021, as reported.

Authorization to amend the scope of work and re-advertise 21-970-12 was granted at the December 2, 2021 Board Meeting.

At the Board Meeting of March 17, 2022, Groups A, B and D were awarded as reported.

In response to a public re-advertisement of January 5, 2022, a bid opening was held on February 1, 2022. The bid tabulation for this contract is:

GROUP C: CALUMET WRP  
ECO-CLEAN MAINTENANCE, INC.      \$137,504.64

The quantities specified in the contract documents were used for the purpose of comparing bids and establishing unit prices. The total amount to be expended on this contract, should usage differ from the quantities, is not to exceed \$113,000.00 for Group C.

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 plan holder's survey revealed the following reasons for not bidding: staffing problems for multiple locations. 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.

Eco-Clean Maintenance, Inc., the sole bidder for Group C, is proposing to perform the contract in accordance with the specifications. The estimated cost for Group C of this contract was \$113,000.00, placing their bid of \$137,504.64 approximately 21.7 percent above the estimated costs for Group C.

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 applied to Group C for this contract. The participation goals are 20 percent Minority Business Enterprise (MBE), 10 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 for Group C. The Minority Business Enterprise (MBE), Women Business Enterprise (WBE) and Small Business Enterprise (SBE) utilization goals for this contract are as follows: the bidder offers themselves to satisfy the SBE requirement and the Diversity Administrator granted a waiver for the MBE and WBE goal. The contract will require approximately two (2) 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 21-970-12, Group C to Eco-Clean Maintenance, Inc., in an amount not to exceed \$113,000.00, 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 this contract shall commence upon approval of the contractor's bond and terminate two years thereafter, or upon expenditure of available funds, whichever occurs sooner.

Funds for the 2022 expenditure, in the amount of \$42,000.00 are available in Account 101-69000-612490. The estimated expenditure for 2023 is \$55,000.00 and for 2024 is \$16,000.00. Funds for the 2023 and 2024 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:lc

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 May 5, 2022

Attachments

# INTEROFFICE MEMORANDUM

## METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

**DEPARTMENT:** General Administration  
Diversity Section

**DATE:** April 13, 2022

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

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

*RDB* *clm*

**SUBJECT:** Contract 21-970-12 – Janitorial Services at Various Locations –  
Group C

**LOW BIDDER:** Eco Clean Maintenance, Inc.

The lowest responsive bidder, Eco Clean Maintenance, Inc., 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.

The MBE, WBE, SBE and VBE Utilization Goals for the above-mentioned contract are 20% MBE, 10% WBE, and 10% SBE. According to the bidder’s Utilization Plan, the bidder has committed to the following goals:

MBE

WBE

SBE

\*

\*

\*\*

Therefore, Eco Clean Maintenance, Inc, is in apparent compliance with the requirements of Affirmative Action Ordinance Revised Appendix D.

RDB:MGT

Attachments

c: LoCascio, Cornier, Morakalis, Lopez, Cavarretta, Skawski, Torres, File

\*Waiver approved for MBE and WBE goals

\*\*Bidder offers self to satisfy the SBE requirements

## Contract 21-970-12, Group C

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.: 21-970-12 Group C

Affirmative Action Contact & Phone No.: Arkadiusz (Eric) GRABOWSKI 713 310 2002

E-Mail Address: ecocleanmaintenance@yahoo.com

Total Bid: 137,504.64

**MBE, WBE, SBE UTILIZATION PLAN AND ALL SIGNED MBE, WBE, SBE SUBCONTRACTOR'S LETTER OF INTENT MUST BE COMPLETED, SIGNED AND ACCOMPANY YOUR BID!!!**

N/A

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: \_\_\_\_\_

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! !!

**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)

N/A

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: \_\_\_\_\_

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! !!

**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: Sanitorial supplies and  
supervisors  
 CONTRACT ITEM NO.: 21-970-12 Group C  
 Total Dollar Amount Participation: 13,750.46

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 Eco-Clean 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.

1/28/22  
 Date

*Arkadiun Grabowski*  
 Signature of Authorized officer

ATTEST:

Arkadiun Grabowski, President  
 Print name and title

*Arkadiun Grabowski*  
 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!!!

# WAIVER REQUEST FORM

**If a waiver is requested, the Bidder is required to sign and execute this page.**

Contract No.: 21-970-12 Group C

Name of Bidder: Eco Clean Maintenance Inc

Contact Person and Phone Number: Arkadiusz (Eric) Grabowski 773 310 2002

With respect to the contract specified above, the Bidder hereby requests a total or partial waiver of the requirement that, pursuant to Section 12 (a)-(d) of the Affirmative Action Ordinance, Revised Appendix D, it files a MBE, WBE, SBE Utilization Plan or achieve a particular goal for MBE, WBE, SBE <sup>MBE & WBE</sup> participation in the contract. The reasons for the request are as follows: <sup>WAIVER</sup>  
It is not economically feasible to divide the contract for Group C among the prime and additional two companies. This contract requires 8 hrs shift per day that can be performed by one employee

On Behalf of Eco-Clean Maintenance, Inc I/We hereby acknowledge that  
 (name of company)

I/WE have read Affirmative Action Ordinance, Revised Appendix D, will comply with the provisions of Affirmative Action Ordinance, Revised Appendix D, and intend to use the MBEs, WBEs, and SBEs listed in the MBE, WBE, SBE Utilization Plan in the performance of this contract and have completed the Waiver Request Form. To the best of my knowledge, information and belief, the facts and representations contained in this Waiver Request Form 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 contractor, to make this affidavit.

1/28/22  
 Date

Arkadiusz Grabowski  
 Signature of Authorized officer

ATTEST:

Arkadiusz Grabowski  
 Secretary

Arkadiusz Grabowski, President  
 Print name and title

773 310 2002  
 Phone number

## **NOTE TO BIDDERS**

All Waiver requests are evaluated carefully by the District. The evaluation is based on your firm's documented GOOD FAITH EFFORTS.

The GOOD FAITH EFFORTS MUST be Undertaken PRIOR to your bid submittal to the District.

Good Faith Efforts are identified on pp. D15-D16, Section 12. Utilization Plan Submission (e), (i)(i)-(xi).

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: 22-0428**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** PC Increase PO/Change  
Order

**In Control:** Procurement Committee

**File Type:** Agenda Item

**Agenda Number:** 25

## TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022

### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to increase Contract 20-RFP-02 Deliver and Implement Laboratory Information Management System, to Accelerated Technology Laboratories, Inc., in an amount of \$118,030.36, from an amount of \$603,200.00, to an amount not to exceed \$721,230.36, Accounts 101-16000-623810, 634820, Purchase Order 3113428

Dear Sir:

On December 3, 2020, the Board of Commissioners authorized the Director of Procurement and Materials Management to award Contract 20-RFP-02 Deliver and Implement Laboratory Information Management System (LIMS) to Accelerated Technology Laboratories, Inc., in an amount not to exceed \$603,200.00, Agenda Item No. 16, File No. 20-1078.

The contract expires on June 30, 2022; however, authorization to amend the expiration date to December 31, 2023 is requested. The revised completion date is due to Covid-19 related delays and a gap analysis.

This contract has no prior change orders.

Original Purchase Order Amount	\$603,200.00
Date of Board Approval	12/3/2020
Cumulative Change Order (4/22/2021)	\$0.00
% Change of Original Purchase Order Value	0%
Current Contract Value	\$603,200.00
Requested Increase	\$118,030.36
New Purchase Order Value	\$721,230.36
% Change of Current Purchase Order Value	19.57%
% Change of Original Purchase Order Value	19.57%

An increase is requested to purchase new laboratory printers, scanners, and printer accessories to integrate with the new LIMS. The current printers and scanners do not integrate with the new LIMS. The new printers and scanners will be configured to the new LIMS system and are necessary for printing sample labels in the field and in laboratories. The Metropolitan Water Reclamation District of Greater Chicago (District) will recognize a cost savings advantage by purchasing laboratory printers, scanners, and printer accessories from the RFP.

Implementing the items within the RFP will not only provide a saved configuration cost, but it will also eliminate manual labor required for tracing samples and manual cross-checking hand-written sample entries that will eliminate human error. It will also benefit the District by ensuring the technologies connect well with the new LIMS system and eliminate any errors prior to completion of the agreement. Therefore, increasing the 2022 expenditure in Account 101-16000-623810 for computer supplies is necessary.

This 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.

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 20-RFP-02 in an amount of \$118,030.36 (19.57% of the current contract value), from an amount of \$603,200.00, to an amount not to exceed \$721,230.36.

Funds for the 2022 expenditure are available in Accounts 101-16000-623810, 634820. Funds for the 2023 expenditure in Account 101-16000-634820 are contingent on the Board of Commissioners' approval of the District's budget for that year.

Requested, Edward W. Podczerwinski, Director of Monitoring and Research,  
EWP:RA:JC:AJ: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 May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

File Number: 22-0438

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Budget & Employment Committee

**File Type:** Agenda Item

**Agenda Number:** 27

## TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022

### COMMITTEE ON BUDGET AND EMPLOYMENT

Mr. Brian A. Perkovich, Executive Director

Authority to transfer 2022 departmental appropriations in the amount of \$57,200.00 in the Corporate Fund

Dear Sir:

Attached is the departmental appropriation transfer requested to be authorized at the May 5, 2022 Regular Board Meeting, for the following fund:

Corporate Fund:	From Amount	To Amount
<b>Intra - Departmental</b>		
16000 - Monitoring & Research	\$57,200.00	\$57,200.00
Total Corporate Fund	<u>\$57,200.00</u>	<u>\$57,200.00</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 May 5, 2022

Attachment

# METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

## 2022 Request for Line Item Transfer

Page \_\_\_\_ of \_\_\_\_

Dept: Monitoring and ResearchBoard Meeting Date: May 5, 2022BTB Date: Apr 15, 2022**TRANSFER 2022 FUNDS FROM:**

CODE	BUDGETARY	APPROPRIATION		FUNDS	OUT	EXPLANATION
<small>Fund Fund Ctr Cmt Item</small>	ACCOUNT NAME	ORIGINAL	ADJUSTED	AVAILABLE	AMOUNT	
101 16000 601100	Tuition and Training Payments	\$70,500	\$70,500	\$68,284	\$26,700	Funds are available due to cancelled conferences, reduced attendance at conferences and/or virtual attendances, resulting from the COVID-19 pandemic.
101 16000 612010	Travel	\$22,900	\$22,900	\$22,900	\$2,400	Funds are available due to reduced travel to conferences, resulting from the COVID-19 pandemic.
101 16000 612490	Contractual Services, N.O.C.	\$238,700	\$238,700	\$60,492	\$1,300	Funds are available due to favorable bids and pricing on laboratory and calibration services.
101 16000 634970	Testing and Laboratory Equipment	\$456,700	\$403,300	\$90,695	\$26,800	Funds are available due to revised projected expenditures for large laboratory equipment.
<b>TOTAL:</b>					\$57,200	

**TRANSFER 2022 FUNDS INTO:**

CODE	BUDGETARY	APPROPRIATION		FUNDS	IN	EXPLANATION
<small>Fund Fund Ctr Cmt Item</small>	ACCOUNT NAME	ORIGINAL	ADJUSTED	AVAILABLE	AMOUNT	
101 16000 623810	Computer Supplies	\$0	\$1	\$1	\$57,200	Funds are required to replace incompatible and obsolete equipment with new printers and scanners, required to complete the Laboratory Information Management System upgrade.
<b>TOTAL:</b>					\$57,200	

 REQUESTED: Edward W. Podczewinski/JW  
 Department Head

 REVIEWED: Shellee A. Kiedle  
 Administrative Services Officer

 APPROVED: Beirne Benkovich  
 Executive Director



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

File Number: 22-0411

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Judiciary Committee

**File Type:** Agenda Item

**Agenda Number:** 28

## TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022

### COMMITTEE ON JUDICIARY

Mr. Brian A. Perkovich, Executive Director

Authority to settle the Bodily Injury and Property Damage Claim of Cayse Llorens, Claim # AP 1509, in the sum of \$12,714.59, arising from a January 11, 2021 vehicle accident, Account 901-30000-667220

Dear Sir:

On January 11, 2021, Mr. Llorens was sitting in his parked vehicle in a FedEx parking lot when his vehicle was struck from behind by a District owned vehicle. As a result of the accident, Mr. Llorens reported back and neck pain as well as damages to the rear of his vehicle.

Mr. Llorens sought initial emergency care treatment at Loyola University Medical Center and was prescribed a course of physical therapy. He also had his vehicle repaired.

Mr. Llorens processed his claim through his insurance carrier, Auto Club Insurance Association (AAA IL). The final medical expenses for his injuries total \$3,389.00. The property damages for the vehicle total \$9,325.59. The final recovery amount that they have submitted to resolve both his bodily injury claim and property damage claim totals \$12,714.59.

The Director of Human Resources believes this settlement is in the best interest of the District and requests payment in the amount of \$12,714.59 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 May 5, 2022



# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0423**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Judiciary Committee

**File Type:** Agenda Item

**Agenda Number:** 29

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON JUDICIARY

Mr. Brian A. Perkovich, Executive Director

Authority to settle the Workers' Compensation Claim of Maria Parker vs. MWRDGC, Claim number 18WC011564, Illinois Workers' Compensation Commission (IWCC), in the sum of \$21,248.45, Account 901-30000-601090

Dear Sir:

Maria Parker was working as a Treatment Plant Operator I at the Stickney Water Reclamation Plant at the time of her accident. On March 16, 2018, the employee reported that she was walking to reset a collector when a bird flew at her which startled her. She alleged that this caused her to trip over a concrete partition and injure her left leg in the process. The employee was initially seen at the Industrial Clinic on March 21, 2018. She was initially disabled from work on March 28, 2018. Her initial treatment consisted of medication and physical therapy. She was able to return to work on May 11, 2018. She continued to experience problems with her left leg. The employee underwent left knee surgery on August 15, 2018 and she was disabled from work again at this time. She underwent a course of physical therapy following her surgery. She returned to work on December 5, 2018.

Ms. Parker was paid a total of 22.40 weeks of lost time benefits totaling \$22,685.82.

Ms. Parker filed an Application of Adjustment of Claim with the Illinois Workers' Compensation Commission (IWCC) through her counsel. Subject to the approval of the IWCC, this case can now be settled for a total of \$21,248.45, representing approximately 12.5% loss of use of the left leg. 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 May 5, 2022





# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0429**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Real Estate Development Committee

**File Type:** Agenda Item

**Agenda Number:** 30

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authorization to enter into an Intergovernmental Agreement with the Illinois State Toll Highway Authority for the placement of clean soil at Main Channel Parcel 37.05 in Forest View, Illinois

Dear Sir:

The Illinois State Toll Highway Authority ("ISTHA") is constructing system-wide repairs and improvements to the Tri-State Tollway (I-294) from Balmoral Avenue in Rosemont to 95th Street in Oak Lawn ("Project"). As part of the Project, ISTHA is excavating a substantial quantity of clean soil that is not needed for the roadway improvements; as a result, ISTHA requires an appropriate site to deposit the excavated clean soil in an efficient and cost-effective manner.

Through ongoing coordination efforts with ISTHA, staff has identified a vacant District parcel that could greatly benefit from the placement of clean soil. Main Channel Parcel 37.05 ("MCP 37.05") is located on the south side of the Chicago Sanitary and Ship Canal and east of Harlem Avenue in Forest View, Illinois. MCP 37.05 was formerly leased as a petroleum terminal but has been vacant since the 1990s. Due to this previous industrial use, the site includes several clay-lined containment structures that formerly housed aboveground storage tanks. The tanks have been removed. Now that the site is vacant, these containment structures are obsolete and the clean soil will help create a more even surface at the site.

ISTHA and the District have reached a mutually beneficial agreement in principle to use upwards of 70,000 cubic yards of excavated clean soil from the Project to fill these obsolete containment structures at MCP 37.05. ISTHA will transport, deliver, place, spread, and compact the clean soil at no cost to the District. To ensure compliance with all environmental laws, the quality and condition of the soil to be delivered must be reviewed and approved by the District's Engineer of Site Remediation. Any and all soil placed on MCP 37.05 must meet the Illinois Environmental Protection Agency's Maximum Allowable Concentrations of Chemical Constituents in Uncontaminated Soil to be used as fill material within Cook County. ISTHA's contractor will also be required to comply with the District's insurance requirements.

Based on the foregoing, it is requested that the Board of Commissioners grant authority for the District to enter into an Intergovernmental Agreement with the Illinois State Toll Highway

File Number: 22-0429

---

Authority for the placement of clean soil at Main Channel Parcel 37.05 in Forest View, Illinois. It is further requested that the Chairman of the Committee on Finance, Executive Director, and Clerk be authorized to execute said agreement on behalf of the District, as well as any documents necessary to effectuate the transaction, upon approval by the Director of Engineering as to technical matters and by the General Counsel as to form and legality.

Requested, Susan T. Morakalis, General Counsel, STM:MTC:BJD:vp

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 May 5, 2022

Attachment





# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

**File Number: 22-0439**

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Real Estate Development Committee

**File Type:** Agenda Item

**Agenda Number:** 31

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 5, 2022**

### COMMITTEE ON REAL ESTATE

Mr. Brian A. Perkovich, Executive Director

Authority to issue a 9-month confined space entry permit to the City of Evanston to access the District's North Shore Intercepting Sewer System in Evanston, Illinois to rehabilitate the Greenleaf Street Evanston-owned sewers. Consideration shall be a nominal fee of \$10.00

Dear Sir:

The City of Evanston ("Evanston") has requested a 9-month permit for access to the District's North Shore Intercepting Sewer System ("Sewer System") in Evanston to rehabilitate 3,615 feet of sewer owned by Evanston along Greenleaf Street from the North Shore Channel to Dewey Avenue. To perform the repairs on its sewers, Evanston must access the District's Sewer System to reach its own sewers. The work will be performed by one of Evanston's sewer lining contractors and include cleaning, liner installation, and pre- and post-lining CCTV pipe inspection.

The District's technical departments have no objections to issuing the permit provided that 24-hour unrestricted access to District structures and sewers is maintained. Evanston and its contractor will also be required to execute confined space entry releases.

A nominal fee of \$10.00 is recommended as is customary for governmental entities using District property for a public purpose.

It is requested that the Executive Director recommend to the Board of Commissioners that it authorize and approve the issuance of a 9-month confined space entry permit to the City of Evanston to access the District's North Shore Intercepting Sewer System in Evanston, Illinois to rehabilitate the Greenleaf Street Evanston-owned sewers.

It is also requested that the Executive Director recommend to the Board of Commissioners that the Chairman of the Committee on Finance and the Clerk be authorized and directed to execute said permit agreement after it is approved by the General Counsel as to form and legality.

Requested, Susan T. Morakalis, General Counsel, STM:MTC:MSZ

Recommended, Brian A. Perkovich, Executive Director

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

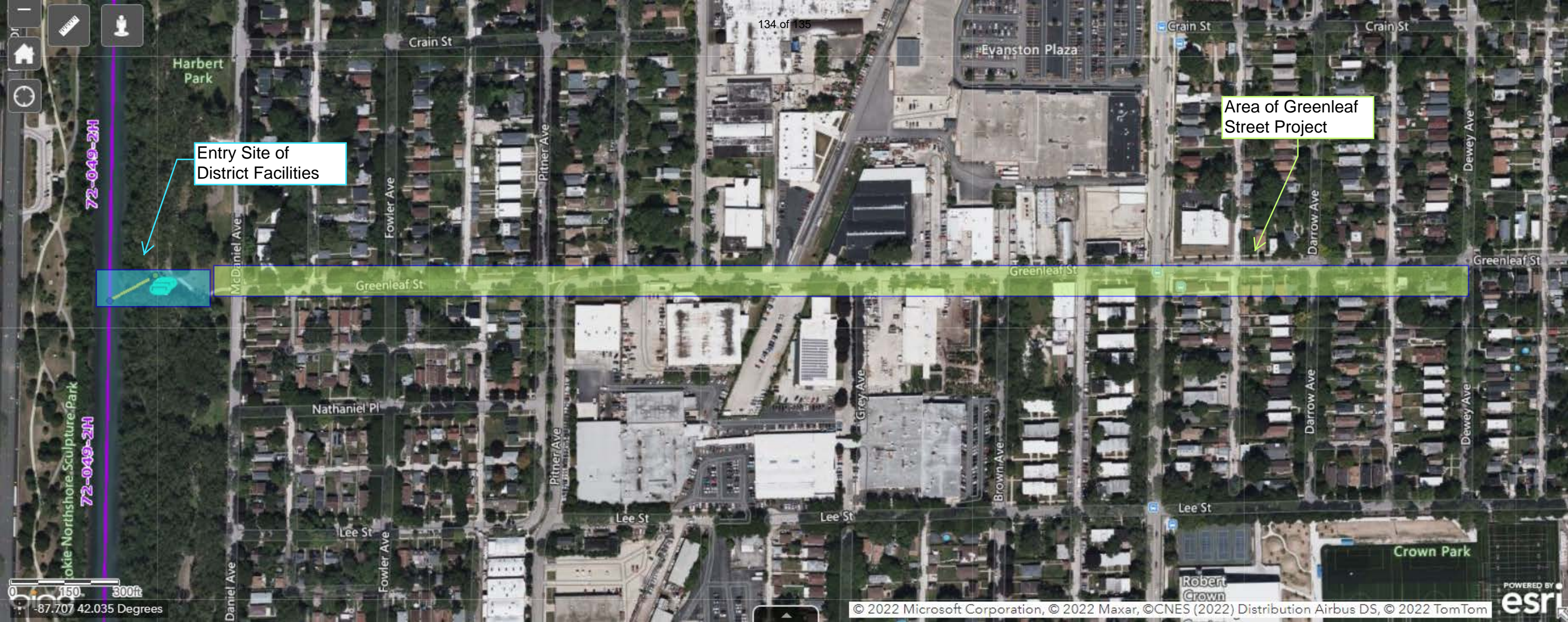
Minutes of the Board of Commissioners for May 5, 2022

*File Number: 22-0439*

---

Attachment





Entry Site of District Facilities

Area of Greenleaf Street Project





# Metropolitan Water Reclamation District of Greater Chicago Text File

100 East Erie Street  
Chicago, IL 60611

File Number: 22-0445

---

**Agenda Date:** 5/5/2022

**Version:** 1

**Status:** To Be Introduced

**In Control:** Miscellaneous & New Business

**File Type:** Motion

**Agenda Number:** 32

## **MOTION FOR BOARD MEETING OF MAY 5, 2022**

MOTION to appoint retiree as trustee of the Metropolitan Water Reclamation District's Retirement Fund

I move to appoint John P. Dalton, Jr., former employee of the Metropolitan Water Reclamation District of Greater Chicago, as trustee of the Metropolitan Water Reclamation District's Retirement Fund pursuant to the provisions of 40 ILCS 5/13-703 to fill the vacancy for the unexpired term that commenced on January 23, 2020. This appointment shall continue until the term expires and a successor is appointed and qualified.

Dated: May 5, 2022

---

Commissioner