



## Agenda Item Executive Summary

**Title:** RFP #015-013 – Evaluation of Non-STADI Alternatives for Western and Southwestern Winnetka

**Presenter:** Steven M. Saunders, Director of Public Works/Village Engineer

**Agenda Date:** 09/15/2015

**Consent:**  YES  NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Bid Authorization/Award
<input checked="" type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

### Item History:

In light of the significant increase in estimated costs for the now-suspended Willow Road STADI project, and persistent discussions expressing a desire to find and evaluate alternatives to the STADI project, the Village Council directed staff to identify and procure an engineering firm to re-visit the feasibility and cost estimates of the previously reviewed and dismissed separate, non-STADI options, which have not been updated since 2011. The Council also directed that this engineering firm re-evaluate the Village's western drainage basins for creative, cost-effective non-STADI improvements for storms ranging from the 10-year to the 100-year event, taking into account the Village's flood-control goals and objectives.

### Executive Summary:

RFP #015-013 was issued on July 10, 2015, with responses due by 4:00 PM on Friday, August 7, 2015. Responses were received from 14 firms. Village staff completed reviews of all proposals, and identified four firms for further evaluation. Interviews were then scheduled with each of these four firms to further investigate and evaluate their project approach and the qualifications of their key project personnel, and to discuss relevant past project experience. After evaluating the proposals and the results of the interviews, the evaluation team concluded that Strand Associates' combination of a creative and sound project approach, the qualifications of their project team, and successful experience finding creative stormwater solutions on past projects provide the Village with the most effective project team to accomplish the Village's goals of identifying and implementing flood risk reduction improvements for western and southwestern areas of the Village.

Strand Associates has proposed a fee for the outlined scope of work of \$256,050. Staff does not lightly recommend selecting the highest-priced fee proposal; however, the added value brought by Strand's specific, relevant project experience with watershed-based, creative grey- and green-infrastructure solutions, combined with their proposal for a thorough and engaging public process, is a significant benefit to the Village. Identifying creative, technically sound, economically feasible, environmentally responsible, quickly implement-able interim mitigation solutions to this long-standing problem will take a significant effort, and is the Village's highest priority. Thus, it is important to have the right firm as a partner in this effort, even if they are not the least expensive partner.

### Recommendation:

Consider authorizing staff to negotiate a contract for Council approval with Strand Associates to complete a Stormwater Management Study: Evaluation of Stormwater Management Improvements and Alternatives for Western and Southwestern Winnetka as outlined in their response to RFP #015-013 dated August 7, 2015.

### Attachments:

- Agenda Report
1. RFP #015-013 Document
  2. Strand Associates Proposal
  3. Fee Proposal

## **Agenda Report**

**Subject:** Request For Proposals #015-013 – Stormwater Management Study: Evaluation of Stormwater Management Improvements and Alternatives for Western and Southwestern Winnetka

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: September 10, 2015

### **Background**

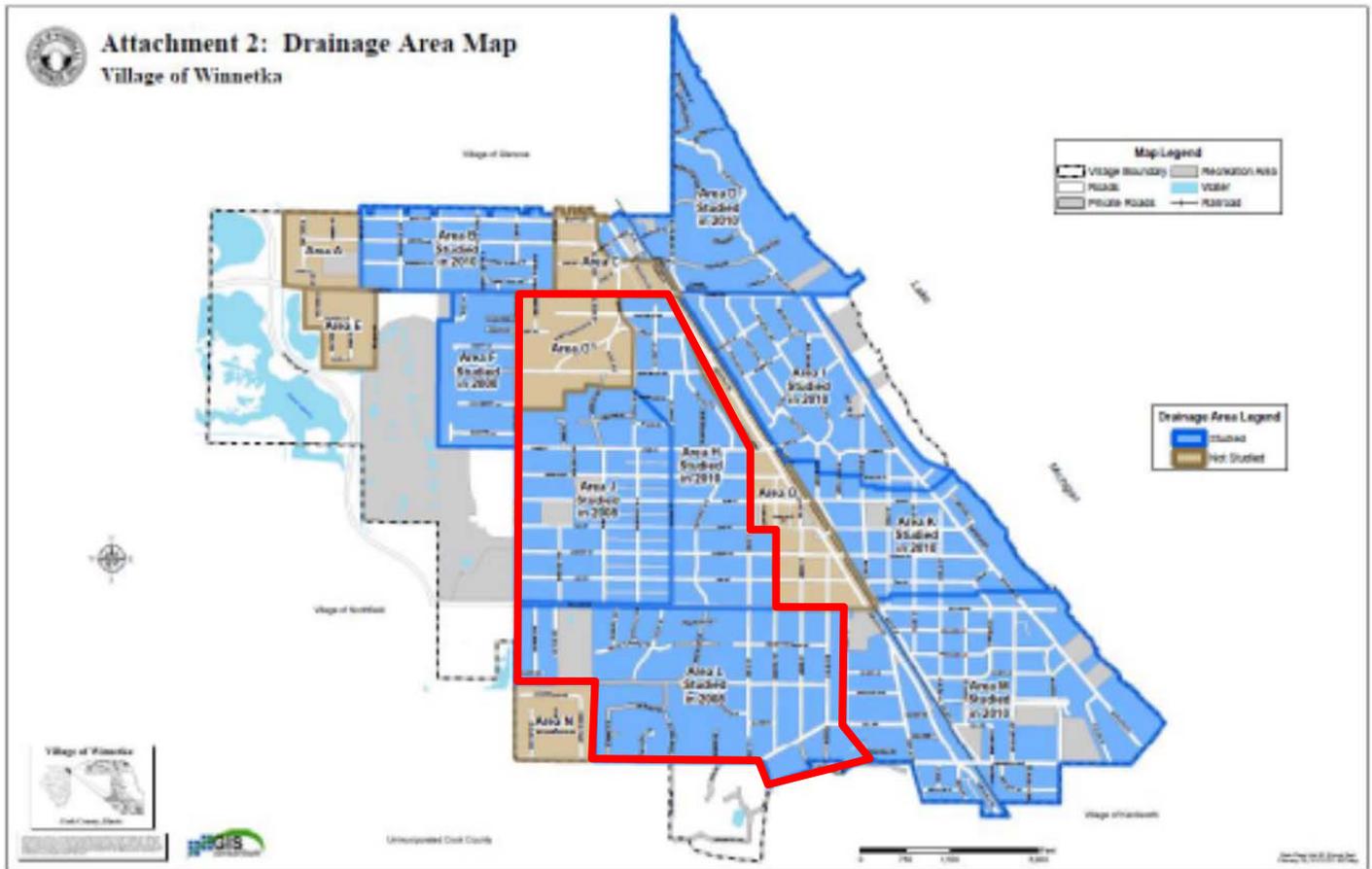
On April 28, 2015, and again on May 12, 2015, the Village Council discussed a project update for the Willow Road STADI project prepared by MWH, the Village's consulting engineering firm for the project. The Village's 2012 cost estimate of \$34.6 million for the STADI project was based on conceptual design, broad field data, and typical unit construction costs. MWH's work further detailed the tunnel's initial design and therefore allowed for an updated preliminary opinion of probable construction cost. MWH used additional information about quantities of materials, site-specific considerations, as well as utility and field data to update the cost estimate. MWH's estimate was \$58.5 million. Due to the significant increase in estimated cost, the Village Council awarded a contract to V3 Companies to complete an independent, third-party engineering review of the project. The third-party project review was structured to include two project aspects: 1) the accuracy and reliability of the MWH estimate and 2) whether there are more cost effective ways to design and implement the project. When V3 Companies presented their cost estimate to the Village Council on September 1, 2015, the estimated project cost had risen to \$81.3 million. Faced with this new cost estimate, the Village Council elected to suspend further work on the STADI project at this time.

### **Project Description**

While the Village was engaged in deliberate, targeted steps to fully evaluate STADI project costs, designs, and permitting feasibility, many Village residents, stakeholders, and Trustees continued to question whether other feasible alternatives to the STADI project, that are either less expensive or do not increase stormwater tributary to Lake Michigan, exist. In light of the significant increase in estimated costs for the STADI project, and persistent discussions expressing a desire to find and evaluate alternatives to the STADI project, the Village Council directed staff to identify and procure an engineering firm to re-visit the feasibility and cost estimates of the previously reviewed and dismissed separate, non-STADI options, which have not been updated since 2011. The Council also directed that this engineering firm re-evaluate the Village's western drainage basins for creative, cost-effective non-STADI improvements for storms ranging from the 10-year to the 100-year event, taking into account the Village's flood-control goals and objectives.

Village staff prepared a Request For Proposals (RFP) to solicit engineering firms to take a holistic approach to this project, to include consideration of grey and green infrastructure approaches, conveyance, detention, retention, infiltration, property buyout or individual protection retrofit programs, and a host of other traditional and emerging stormwater management technologies. The desired outcome of this engagement is to identify and evaluate a series of creative, holistic, technically and scientifically sound, sustainable, feasible, and cost-effective improvements that will provide flood risk reduction for the following areas of western Winnetka for appropriate levels of protection up to a 100-year event:

- Area L – South of Willow Road (“southwest Winnetka”)
- Area J & G – North of Willow Road Study Area (the “Tree Streets”)
- Area H –Provident Study Area



The Consultant will be expected to evaluate a variety of feasible, effective stormwater improvement approaches for the three western drainage areas shown above. The Village’s flood risk reduction goal has been to protect structures from flooding in a 100-year event; however, the Consultant shall also consider the balancing point between feasibility, cost, and protection levels in identifying and selecting and evaluating

alternatives. Phased improvements or other quickly implementable mitigation measures should be strongly considered.

The Consultant will be expected to present 3 to 5 preferred feasible effective stormwater improvement programs to the Village Council at a public meeting. Given the intensive nature of public interest and involvement in stormwater discussions, the Consultant should expect and budget for an initial Council presentation and two follow-up Council meetings.

Given the high priority of the Village's Stormwater Management Program and the potential community-wide impacts, this process must continue Winnetka's commitment to public engagement and transparency. The Consultant's outlined process must incorporate a robust public participation component, which may include, but not be limited to, facilitated focus groups, educational and informational materials, online/digital outreach mechanisms, and presentations. Public participation will follow the consultant's evaluation of existing data and previously completed studies.

### **RFP Process**

RFP #015-013 was issued on July 10, 2015, with responses due by 4:00 PM on Friday, August 7, 2015. A copy of the RFP is shown in **Attachment #1**. Responses were received from the following 14 firms:

- Engineering Resource Associates, Warrenville, IL
- Strand Associates, Joliet, IL
- HR Green, Evanston, IL
- Geosyntec Consultants, Inc., Oak Brook, IL
- Baxter & Woodman Consulting Engineers, Woodstock, IL
- Hey & Associates, Chicago, IL
- V3 Companies, Woodridge, IL
- AECOM, Chicago, IL
- Wills Burke Kelsey Associates, St. Charles, IL
- Burns & McDonnell, Chicago, IL
- ESI Consultants, Ltd., Naperville, IL
- Applied Ecological Services, Brodhead, WI
- Hampton, Lenzini, & Renwick, Elgin, IL
- HBK Engineering, Iowa City, IA

### **Proposal Evaluation**

RFP Responses were evaluated based on the following criteria:

- Project understanding. Understanding of the purpose and goals of the project, critical success factors and potential obstacles to success.

- Project approach. Technical approach, management approach, innovative approaches to stormwater management and regulatory understanding, and the ability to present technical data in a user-friendly format with appropriate use of graphics.
- Firm experience and workload. Experience of the firm in similar holistic stormwater management planning and improvement work and record of successful results of that work, the firm's ability to take on additional work, demonstration that the firm's organizational structure has sufficient depth for its present workload, and firm's ability to offer the breadth and quality of services required for the project.
- Project team structure and personnel experience. Project team member's individual experience and qualifications, project manager's experience, sub-consultant's individual experience and qualifications. Proposals will be evaluated primarily on the demonstrated ability of the project team members who will actually perform substantial amounts of the work on this project.
- Schedule. Proposed schedule for performing the work for the project and how the firm proposes to achieve the project's time goals. Once a contract is awarded, the selected firm must be in a position to begin work immediately and move promptly towards completion.
- Fee. The Village of Winnetka will consider cost in overall evaluation of the proposals. This project will not necessarily be awarded to the firm with the lowest prices, but cost is one criterion and will be considered among the other factors. Note: the Village requested that fee proposals be submitted in a separate, sealed envelope to be opened after firms were evaluated and rated based upon qualifications.

Village staff completed reviews of all proposals, and identified four firms that exhibited an understanding of the Village's needs and an approach that would effectively identify possible improvements, while also incorporating community desires, expectations and value, plus the qualifications and experience to successfully complete the project. These four firms were Engineering Resource Associates, Strand Associates, HR Green, and Geosyntec Consultants, Inc.

Interviews were then scheduled with each of these four firms to further investigate and evaluate their project approach and the qualifications of their key project personnel, and to discuss relevant past project experience. The interview team included Village President Gene Greable, Trustee Bill Krucks, Village Manager Rob Bahan, Assistant to the Village Manager Megan Pierce, Assistant Director of Public Works and Engineering Jim Bernahl, and Director of Public Works/Village Engineer Steve Saunders.

### **Selection of Preferred Firm**

The evaluation team concluded that Strand Associates' combination of a creative and sound project approach, the qualifications of their project team, and successful experience finding creative stormwater solutions on past projects will effectively assist in

accomplishing the Village's goal of flood risk reduction for western and southwestern areas of the Village.

Strand's proposed approach to the project is extremely thorough. Ample effort and attention are given to ensuring that the baseline data and hydraulic/hydrologic modeling are as accurate as possible so that results are reliable. They not only focus on solution opportunities throughout the study area, but also study possibilities for improvements beyond the study area to reduce runoff into the study area. Their process allows for Council and stakeholder input throughout the course of the study, so the public and other agencies are informed and engaged, and the possibility for cooperative solutions is maximized.

Strand has proposed an extremely qualified project team. Their partnerships with Human Nature and Upland Design provide a well-rounded organization with strong technical and design skills, as well as public interaction and presentation skills, to significantly benefit the Village. The people who would be directly working on the Village's project have a demonstrated record of successfully implementing effective and innovative stormwater and flood reduction improvements throughout the Midwest. They will bring the benefit of those experiences to the Village's project. Some of the Strand team's direct project experience includes large-scale grey- and green-infrastructure improvements for the Metropolitan Sewer District of Greater Cincinnati to significantly reduce flooding and combined sewer overflows. Strand uses a Sustainable Watershed Evaluation approach that recognizes the need for both traditional and emerging technologies to address stormwater flooding in a cost-effective and sustainable manner.

### **Scope of Work**

A general summary of Strand's proposed scope of work follows, and their full proposal is shown in **Attachment #2**.

#### **TASK 1 – PROJECT KICKOFF MEETING**

Strand will conduct a kickoff meeting within 7 days of the notice to proceed. This meeting will be used to establish schedules, roles, responsibilities, milestones, communication plans and general project management guidelines.

#### **TASK 2 – COUNCIL INPUT SESSION**

Strand has included sufficient meeting time for Council input sessions focusing on the project plan, budgets, desired project outcomes and expectations, goals and processes.

#### **TASK 3 – DATA GATHERING**

Strand will gather data in three key steps; (1) review of available information, (2) review of existing XP-SWMM modeling, and (3) comprehensive inventory and analysis. Strand will review all available relevant information including previous drainage studies and reports, existing GIS data, and flood damage surveys to develop a strong understanding of all the background information and previously explored alternatives.

A thorough review of the existing XP-SWMM model is crucial to this project. The model is the foundation upon which all proposed projects are evaluated and project sizing is based. Strand will review the existing model and identify any areas of concern or potential opportunities to enhance or improve the model to generate more accurate modeling results.

Strand proposes a comprehensive inventory and analysis phase to more comprehensively look at the assets, character, and opportunities that exist for Winnetka. The inventory and analysis will primarily use geographic information systems (GIS), limited field investigations, existing community plans and input from Village staff and stakeholders. The information and the opinions and viewpoints provided by Village Council and staff will be instrumental in driving the direction of the proposed alternatives. As part of the inventory and analysis the team will focus on the following key data categories: natural systems; policy issues; built systems; existing and planned projects; community character; stakeholders.

#### TASK 4 – PROGRESS REPORTING

Strand will provide weekly written progress updates for Village staff and monthly written progress updates for Village Council. Additionally, the project manager will be available to attend Council meetings to answer questions and assist staff with their monthly stormwater report.

#### TASK 5 – EVALUATE/CONFIRM AND UPDATE EXISTING HYDROLOGIC AND HYDRAULIC MODELING

To assure the development of realistic, appropriate and feasible stormwater management solutions, Strand will evaluate, review, update and calibrate the existing model to ensure it can be used to evaluate existing conditions and proposed alternatives. Strand plans to leverage the Village's existing model to the greatest extent possible and will complete the following as part of the update:

- Review the existing infrastructure represented within the model with current GIS information, field checks of critical structures or locations, pump station operations and input from Village field staff on how the system functions.
- Review and update the model to verify runoff data is based on the most up-to-date information available. Review historic rainfall data (depending on availability) to confirm average conditions and to understand the larger events impacting the Village.
- Based on updates made to the model from the network and runoff data review, calibrate the revised model to assess the existing conditions within the Village, along with the proposed stormwater improvements. Strand will work with Village staff to calibrate their model by using the most appropriate recorded data from historic storm and high-water events.

#### TASK 6 – MODEL/VERIFY EXISTING CONDITIONS AND EXISTING FLOODING LOCATIONS

To more accurately represent the existing conditions and verify the existing flooding locations, Strand will upgrade the existing XP SWMM model to the enhanced 2D version. At the conclusion of the model calibration, Strand will produce XPSWMM 2D

maps visually showing flooding extents, along with tables of affected properties for various rainfall events.

#### TASK 7 – PUBLIC PARTICIPATION

Strand proposes an extensive public participation effort directed towards a comprehensive group of stakeholders. This coordination will provide an opportunity to gain valuable input from the community and to merge their needs/desires/opportunities with the Village's stormwater flood reduction objectives. Strand believes the more people are involved throughout the planning and design processes, the more accepting they are of the outcomes. The Strand team will facilitate four to six public open houses, to help engage the public during the inventory and planning process. At each meeting we would solicit and record all comments and input that would inform the next phase of work. For each meeting, Strand will prepare two types of materials: visually-compelling graphic content (e.g., graphic displays, maps, concept plans, and other presentation support materials such as 3-dimensional renderings and sample images) to illustrate and communicate effectively to open house participants; and open house facilitation materials (i.e., advertisements/notification letters; PowerPoint presentations, comment cards, questionnaires, and summaries) to gather and document feedback from attendees at each open house.

#### TASK 8 – REVIEW PRIOR PROPOSED IMPROVEMENTS

Strand will perform a detailed review of previously proposed 100-year event improvements within the South of Willow Road and North of Willow Road and Provident Avenue study areas. This review will consider a variety of factors, including feasibility and constructability; potential obstacles/challenges; sizing of proposed controls; cost of proposed controls; volume of stormwater to be controlled, and; net reduction in property flooding.

Strand will reengage the key public agencies or stakeholders to review the goals and objectives of the Village's stormwater management efforts, review the plans and needs for their property, and identify potential opportunities and limitations for managing stormwater in these areas. Strand's process places a very strong emphasis on exploring potential partnerships and collaborative opportunities with watershed stakeholders. In the case of Winnetka, potential stakeholders could include the following public agencies which own land within the watershed:

- Winnetka Park District
- New Trier High School District
- Winnetka School District
- Cook County Forest Preserve

One of Strand's partners, Upland Design, brings experience and relationships with both the Forest Preserve and Winnetka Park Districts. Upland Design will lend their understanding of the values and objectives of these two critical agencies as they provide consultation identifying stormwater management alternatives that are positive and exciting to the districts. They will also be present at the table to discuss these alternatives

with the districts and our efforts to build partnerships and develop collaborative opportunities. Strand also recommends engaging with additional stakeholders where mutually beneficial partnerships could be possible including:

- Large private property owners
- Property Owners Adjacent to the Skokie Ditch
- Indian Hill Golf Club

At the conclusion of Strand's review, they will provide a recommendation for all previously recommended solutions that may merit additional consideration as viable alternatives.

#### TASK 9 – DEVELOP ALTERNATIVES

Based on Strand's comprehensive review of existing information, including review of the existing SWMM model data, and the previously proposed stormwater improvements, Strand proposes to work collaboratively with Village staff to identify alternative flood mitigation measures. This will include evaluating the feasibility and cost-effectiveness of each alternative based on cost, performance, and long-term maintenance. While the focus will be on the identification of alternatives that will reduce flooding within the study areas listed in Addendum 1 to the RFP, Strand proposes to evaluate locations and alternative controls outside of the delineated study areas that would have a direct benefit on the study area.

Strand proposes to explore the full spectrum of potential stormwater management solutions including traditional stormwater management controls similar to those previously evaluated. Strand's partner, Human Nature, will bring their expertise to identifying and evaluating a selection of more innovative and creative solutions not previously considered. Strand will evaluate all of these potential solutions in detail to determine the viability of each potential alternative, as well as the costs and implications. Strand included in their proposal a summary and brief description of their approach to evaluating the more "traditional" stormwater controls, as well as their proposed more "innovative" control alternatives.

#### TASK 10 – PRESENTATION TO VILLAGE COUNCIL

Strand will present to Village Council the findings of the evaluation. The presentations of refined alternatives will be illustrated graphically, and will clearly explain the costs, benefits, challenges, and protection levels of each alternative. Based on input and approval from the Council during this presentation the team will work with Village staff to finalize the recommendation for stormwater management within Winnetka.

#### Fee

Strand Associates has proposed a fee for the outlined scope of work of \$256,050. Their detailed fee proposal is shown in **Attachment #3**. This fee is the highest of the four interviewed firms, listed below in order of ranking after the interview phase.

<b>Firm</b>	<b>Fee</b>	<b>Labor Cost</b>	<b>Hours</b>	<b>Average Rate</b>	<b>Direct/Sub-consultant cost</b>
<b>Strand Associates</b>	\$ 256,050.00	\$ 218,210.00	1619	\$ 134.78	\$ 37,831.00
<b>Geosyntec Consultants, Inc.</b>	\$ 175,050.00	\$ 164,250.00	1316	\$ 124.81	\$ 10,800.00
<b>HR Green</b>	\$ 129,920.00	\$ 117,420.00	827	\$ 141.98	\$ 12,500.00
<b>Engineering Resource Associates</b>	\$ 140,960.40	\$ 129,760.40	1222	\$ 106.19	\$ 11,200.00

Strand has proposed a significant level of effort in public engagement, and initial review and confirmation of the baseline data and modeling. These areas are crucial in making sure the solutions identified are thoroughly vetted both technically and for community and stakeholder input and acceptance. Staff does not lightly recommend selecting the highest-priced fee proposal; however, the added value brought by Strand’s specific, relevant project experience with watershed-based, creative grey- and green-infrastructure solutions, combined with their proposal for a thorough and engaging public process, is a significant benefit to the Village. Providing large-scale flood risk reduction for the affected areas of western and southwestern Winnetka has been a vexing problem ever since the Skokie Ditch was excavated in the late 1800’s in an attempt to address pervasive flooding in these areas. Identifying creative, technically sound, economically feasible, environmentally responsible, and quickly implementable solutions to this long-standing problem will take a significant effort and is the Village’s highest priority, thus it is important to have the right firm as a partner in this effort, even if they are not the least expensive partner.

### **Recommendation**

Consider authorizing staff to negotiate a contract for Council approval with Strand Associates to complete a Stormwater Management Study: Evaluation of Stormwater Management Improvements and Alternatives for Western and Southwestern Winnetka as outlined in their response to RFP #015-013 dated August 7, 2015.

### **Attachments**

1. RFP #015-013 Document
2. Strand Associates Proposal
3. Fee Proposal

**ATTACHMENT #1**

**RFP #015-013 Document**

# **REQUEST FOR PROPOSALS**

**RFP #015-013**

**VILLAGE OF WINNETKA**



## **STORMWATER MANAGEMENT STUDY: EVALUATION OF STORMWATER MANAGEMENT IMPROVEMENTS AND ALTERNATIVES FOR WESTERN AND SOUTHWESTERN WINNETKA**

**ISSUED: July 10, 2015**

**RESPONSES DUE: August 07, 2015 at 4:00 pm**

**PREPARED BY:**

**Steven M. Saunders, Director of Public Works**

**Village of Winnetka**

**1390 Willow Road**

**Winnetka, IL 60093**

**Telephone: 847-716-3534**

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**I. INTRODUCTION AND BACKGROUND**

In September of 2008, the Village experienced the remnants of Hurricane Ike, which deposited about 8.2 inches of rainfall over a 36-hour period and produced widespread and severe flooding. In response, the Village engaged the services of Christopher B. Burke Engineering, Ltd. (CBBEL) to undertake a stormwater flood risk reduction study for southwestern portions of the Village, north and south of Willow Road (see Figure 1a and 1b).



Figure 1a



Figure 1b

The purpose of this study was to identify potential stormwater improvements that would reduce the risk of structural flooding in these areas for storms with 2-year, 5-year, and 10-year return periods. The study identified conveyance and detention improvements that would provide protection against a 10-year storm, at a cost of \$8.1 million, in 2009 dollars. The proposed improvements are shown in Figure 2.

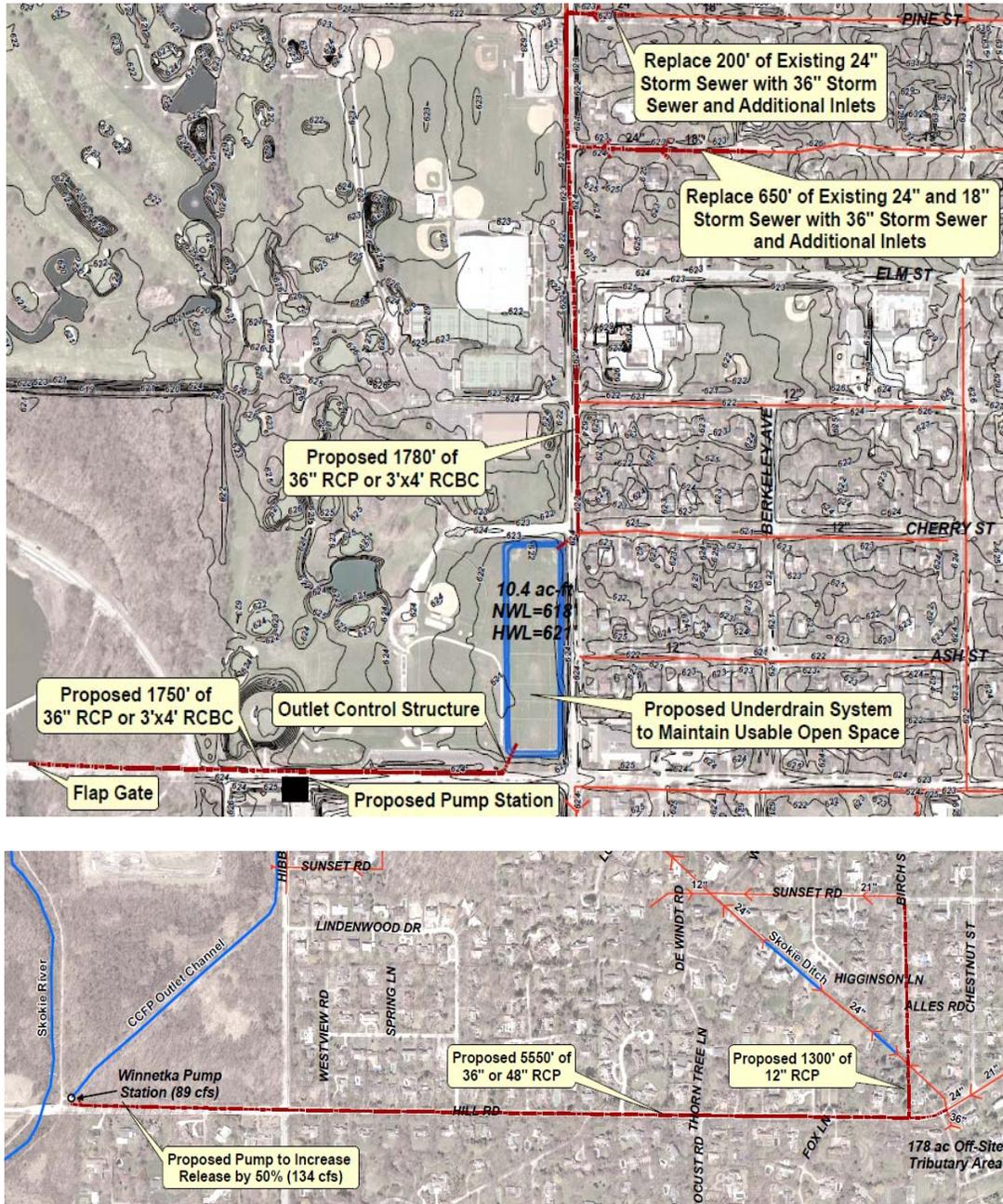


Figure 2

Upon reviewing the proposed improvements, the Village Council desired to perform similar studies of additional areas of the Village that experience frequent flooding. These additional areas are shown in Figure 3.

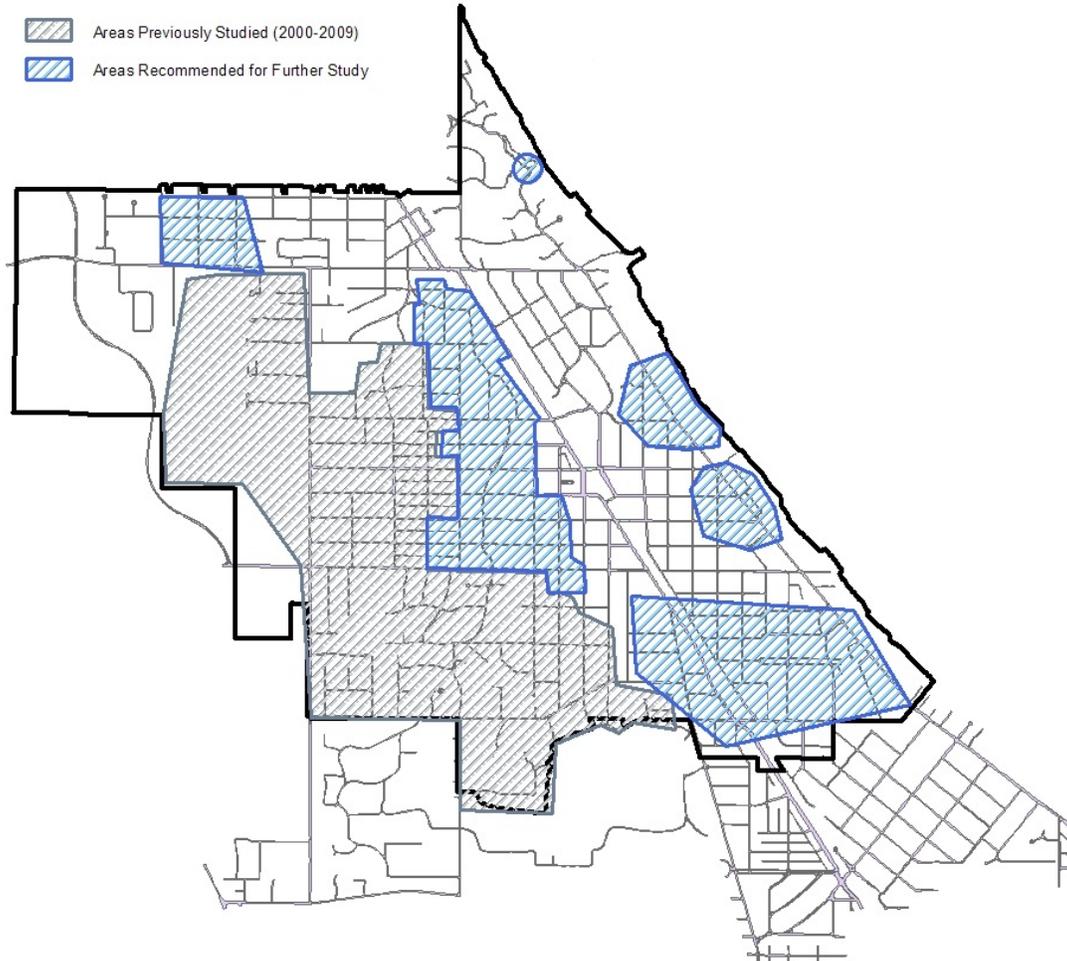


Figure 3

CBBEL was engaged to complete this study in October of 2010. The study was presented to the Village Council on July 12, 2011, and identified a total of \$14.1 million in conveyance and detention improvements for all 8 studied areas. These improvements are shown in the following Table 1:

<b>Drainage Area</b>	<b>Cost for 10-year protection (2011 dollars)</b>	<b>Comments</b>
North Willow Road and Provident Avenue Study Areas	\$6,842,000	New large-diameter storm sewers in drainage area, 2 ac-ft storage between Skokie & Washburne Schools, 10.4 ac-ft storage at Duke Childs Field
South Willow Road Study Area	3,500,000	New Hill Road storm sewer and increased pumping capacity
Cherry Street Outlet Study Area	\$692,000	Larger storm sewers and larger outlet at Cherry Street
Winnetka Avenue Underpass Study Area	\$2,434,000	Larger storm sewers and larger outlet at Elder Lane
Spruce Street Outlet Area (northeast Winnetka)	\$368,000	New outlet at Lloyd Park only – no Tower Road improvements
Greenwood Avenue area (Northwest Winnetka)	\$67,000	Minor grading and inlet capacity at low areas to provide 10-year protection to some structures at risk
Sheridan Road Ravine area	\$146,000	Grading, piping, and increased inlet capacity
<b>TOTAL</b>	<b>\$14,049,000</b>	

Table 1

Immediately subsequent to this presentation, on July 22-23, 2011, the Village experienced a storm that produced 6.5 inches of rain in 3.5 hours, resulting in widespread, extreme flash flooding that affected over 1,000 homes<sup>1</sup>. In the aftermath of this flooding, the Council directed CBBEL to evaluate how much of the flooding from this storm would have been prevented by the \$14.1 million of improvements under consideration. CBBEL modeled the actual rainfall from the storm against the proposed improvement conditions and determined that the Village would still have experienced significant flooding. As a result, the Village Council directed CBBEL to identify potential improvements that would reduce the risk of structural flooding for more severe storms, with 25-year, 50-year, and 100-year return periods. CBBEL completed their study in October, 2011, and identified a series of stormwater piping and detention improvements that would provide protection against overland structural flooding, or severe flooding of key major roadways, in eight separate drainage areas of the Village. In addition, CBBEL identified a creative alternative that would combine improvements for 5 of these separate areas into a single project – providing protection against 100-year events – consisting of piping improvements connecting to a large new stormwater discharge to Lake Michigan at Willow Road. Because part of this large pipe beneath Willow Road would need to be constructed via tunneling methods, the project became

<sup>1</sup> Source: Combination of data from Fall, 2011 flood survey (Village of Winnetka), August 2011 flood damage survey (Cook County) and manual count of debris piles post-flood (Village of Winnetka)

known as the Willow Road Stormwater Tunnel project. The separate projects, and the combination tunnel project, are shown in the following Table 2:

<b>Drainage Area</b>	<b>2011 Cost: Separate Projects</b>	<b>2011 Cost: Combined Project</b>	<b>Notes</b>
North Willow Road and Provident Avenue Study Areas	\$17.5 million	N/A	Includes stormwater detention as follows: District 36: 5.6 ac-ft Park Dist: 25.0 ac-ft NTHS: 13.4 ac-ft Forest Pres.: 58.5 ac-ft TOTAL: 102.5 ac-ft
South Willow Road Study Area	\$17.8 million	N/A	Includes 65 acre-feet of detention under Cook County Forest Preserve property.
Cherry Street Outlet Study Area	\$2.0 million	N/A	Area currently drains to Lake Michigan
Winnetka Avenue Underpass Study Area	\$4.4 million	N/A	Area currently drains to Lake Michigan
Willow Road Stormwater Tunnel and Area Drainage Improvements	N/A	\$32.5 million	
<b>TOTAL</b>	<b>\$41.7 million</b>	<b>\$32.5 million</b>	

Table 2

*Source: Village of Winnetka Flood Risk Reduction Assessment: 25-, 50-, and 100-year Protection, prepared by CBBEL, October, 2011. (Table 9 and Table 10, pp. 42-43)*

Subsequent to the Village Council's review of this October 2011 report, Village staff met with representatives of the Winnetka Park District, the New trier High School District, and the Cook County Forest Preserve District, to explore the feasibility of constructing large-scale stormwater detention facilities on land under their jurisdiction, including portions of the Skokie Playfield, Duke Childs Field, and large sections of the Forest Preserve both north and south of Willow Road. While the Park District and, to a lesser extent the High School District, were somewhat receptive to the possibility of shared use of their properties for possible stormwater storage, the Cook County Forest Preserve District was very clear in their position that they would be opposed to large-scale stormwater storage facilities on their property unless those facilities also significantly enhanced the mission and goals of the District.

Because the combined Willow Road Tunnel project cost was estimated to be approximately \$9.2 million less than the cost of separate projects, and because it was deemed unlikely that the necessary detention could feasibly be constructed on Cook

County Forest Preserve District property, the Village Council opted to further investigate the feasibility of the Willow Road Stormwater Tunnel and Area Drainage Improvements (STADI) project, engaging Baird Associates and CBBEL to complete feasibility analyses of the outlet structure to Lake Michigan at Willow Road, and the overall project concept, respectively. Based on this feasibility analysis, and a more detailed estimate of tunneling costs, the project cost estimate was increased to \$34.6 million in September, 2012.

#### Current Willow Road STADI Project Status

After spending most of 2013 evaluating and planning financing for the proposed improvements, in addition to intensive communication and outreach efforts, the Village awarded a contract in January of 2014 to MWH Global to complete preliminary engineering, permitting, and detailed engineering for the Willow Road project.

On April 28, 2015, and again on May 12, 2015, the Village Council discussed a project update for the Willow Road STADI project prepared by MWH, the Village's consulting engineering firm for the project. The Council reviewed the design process undertaken thus far, including: the preliminary project review in June of 2014, soil boring and detailed surveying information, proposed water quality management plans, and an updated cost estimate.

The Village's 2012 cost estimate of \$34.6 million for the STADI project was based on conceptual design, broad field data, and typical unit construction costs. MWH's work has further detailed the tunnel's initial design and therefore allowed for an updated preliminary opinion of probable construction cost. MWH used additional information about quantities of materials, site-specific considerations, as well as utility and field data to update the cost estimate. MWH's current estimate is \$58.5 million. In addition to the more detailed data at MWH's disposal, the engineers explained that cost increases were also driven by a greater length of deep sewer tunnel, increased underground construction costs, and outfall/water quality management requirements.

#### Willow Road STADI Project Next Steps

On June 2, 2015, due to the significant increase in estimated cost, the Village Council awarded a contract to V3 Companies to complete an independent, third-party engineering review of the project. The third-party project review will focus on two project aspects: 1) the accuracy and reliability of the estimate and 2) whether there are other more cost effective ways to design and implement the project. There are significant benefits to this review. The cost review will provide the community with an additional level of certainty and confidence in MWH's estimate, to inform future decision-making on the project. The value engineering process will creatively evaluate the STADI project and identify potential changes to the project that might better accomplish the desired level of structural flood risk-reduction at a lower capital cost, while providing better overall value and confidence in the effectiveness of the design.

On a parallel timeline, the Village Council also advanced the portion of MWH's contract devoted to completing the necessary permit applications and submitting them to the respective review agencies, while not advancing engineering from the current 30% stage.

There are several benefits to this approach. Despite several discussions with the Illinois EPA, permitting and water quality aspects are still key feasibility aspects of the project. While the EPA has helpfully engaged in these discussions, they have also been very clear that they will need a full permit application with all necessary details before they will be able to begin officially reviewing the project. Feasibility will ultimately rest on permitability, and there is no way to ascertain this feasibility until the completion of the permit process is reached. This process is estimated to take 12 or more months from time of submittal, so submitting at this time will begin that process and allow the project to move forward, without significant additional expenditure for engineering.

The milestones for these three activities are as follows:

- Cost review: tentatively scheduled for Village Council review August 18<sup>th</sup>.
- Value engineering review: tentatively scheduled for the October 13<sup>th</sup> Study Session.
- Permit submittal: pre-submittal discussions with stakeholder groups early July; permit submittal early September; initial agency review follow up in November; and report to Village Council in December 2015.

## **II. PROJECT DESCRIPTION**

The Village is currently engaged in deliberate, targeted steps to fully evaluate STADI project costs, designs, and permitting feasibility so that decisions on the project's future are sound and based on information that is as reliable as possible. However, many Village residents, stakeholders, and Trustees continue to question whether other feasible or cost-effective alternatives to the STADI project, that are either less expensive or do not increase stormwater tributary to Lake Michigan, exist. As described above, the 2011 CBBEL study did evaluate conveyance and detention-based options that did not involve transferring additional stormwater from western Winnetka to Lake Michigan. At the time of evaluation, those options were deemed not feasible for the desired 100-year protection levels, and more costly than the proposed STADI project, and thus have not been further developed.

In light of the significant increase in estimated costs for the STADI project, and persistent discussions expressing a desire to find and evaluate alternatives to the STADI project, the Village Council has directed staff to identify and procure an engineering firm to re-visit the feasibility and cost estimates of the previously reviewed and dismissed separate, non-STADI options, which have not been updated since 2011. The Council also desires this engineering firm to re-evaluate the Village's western drainage basins for creative, cost-effective non-STADI improvements for storms ranging from the 10-year to the 100-year event, taking into account the Village's flood-control goals and objectives. The Village desires a holistic approach to this project, to include consideration of grey and green infrastructure approaches, conveyance, detention, retention, infiltration, property buyout or individual protection retrofit programs, and a host of other traditional and emerging stormwater management technologies. The Village does not own significant open spaces in the watersheds to be studied, however other governmental agencies such as the Cook County Forest Preserve District, the Winnetka Park District, and local school districts do

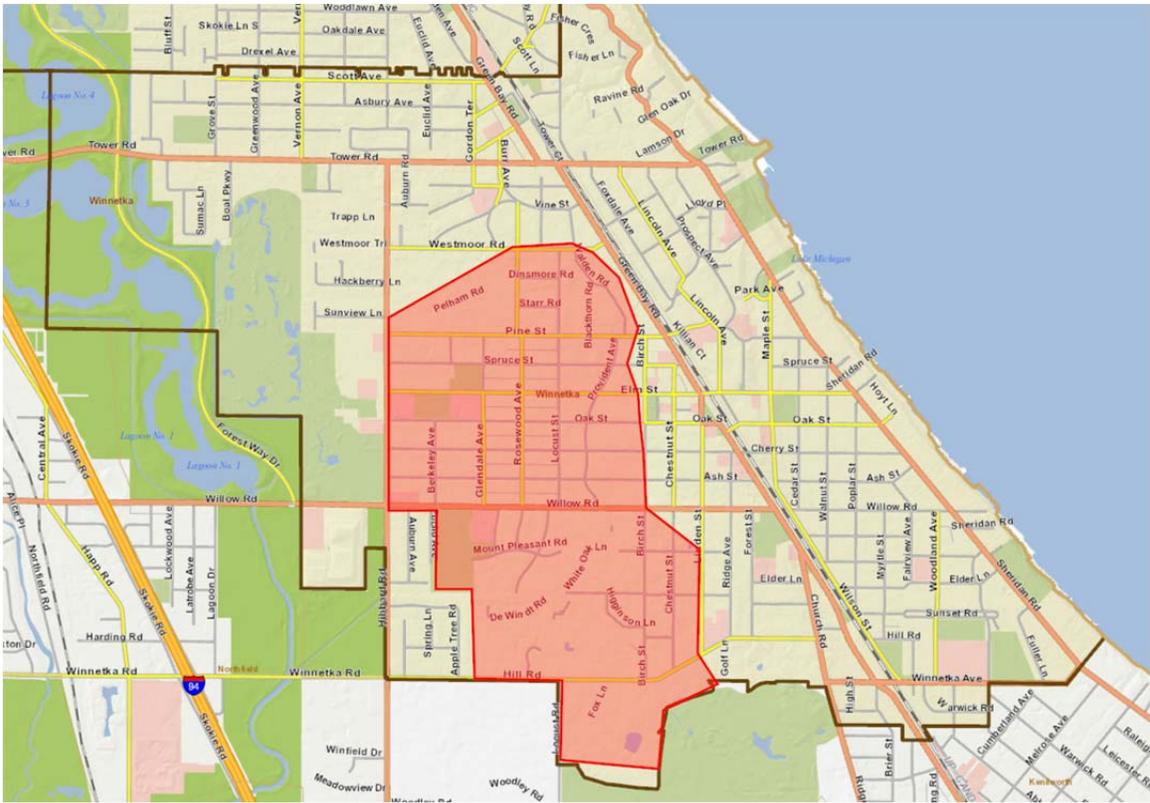
own such open spaces. This engagement would provide an opportunity to review the policies, needs and objectives of other public agency landholders to identify the extent that their properties could be beneficially used for stormwater improvements that would be consistent with landholder objectives.

Since the September, 2008 flooding, the Village has engaged in an ongoing process to improve stormwater management and develop solutions to persistent stormwater flooding concerns in many areas of the community. These discussions have elicited many different opinions on the appropriate level of investment in stormwater flood protection, appropriate protection levels, appropriate funding mechanisms, the level of risk reduction, the balance between traditional infrastructure and green infrastructure, the best way to meet water quality goals, and have resulted in a lack of consensus in the community on how best to proceed with stormwater improvements.

In order to begin to understand both the community and Council sentiment towards desired stormwater outcomes, interested firms are **STRONGLY** encouraged to review the video broadcasts of the following three recent Village Council meetings:

- April 28, 2015: MWH presentation of 30% engineering report, water quality management plan, and updated cost estimate. The meeting telecast is available at <http://winn-media.com/videos/2015/04/29/04-28-15/>
- May 12, 2015: Continuation of April 28, 2015 discussion. The meeting telecast is available at <http://winn-media.com/videos/2015/05/13/05-12-15/>
- June 30, 2015: Council discussion of the present Request for Proposals. The meeting telecast is available at <http://winn-media.com/videos/2015/07/01/06-30-15/>

The desired outcome of this engagement is to identify and evaluate a series of creative, holistic, technically and scientifically sound, sustainable, feasible, and cost-effective improvements that will provide flood risk reduction for the following areas of western Winnetka for appropriate levels of protection up to a 100-year event:



The Village desires to engage in an open, productive, and fact-based dialogue to identify the most appropriate improvement strategy, balancing project cost; project benefits; water quality; feasibility; time-to-implementation, and community value. The Consultant's scope of work must include an evaluation, feasibility review, and cost update of all improvements previously identified by Christopher Burke Engineering.

The Consultant will be expected to evaluate a variety of feasible, effective stormwater improvement approaches for the three western drainage areas shown above. The Village's flood risk reduction goal has been to protect structures from flooding in a 100-year event, however the Consultant shall also consider the balancing point between feasibility, cost, and protection levels in identifying and selecting and evaluating alternatives.

The Consultant will be expected to present 3 to 5 preferred feasible effective stormwater improvement programs to the Village Council at a public meeting. Given the intensive nature of public interest and involvement in stormwater discussions the Consultant should expect and budget for an initial Council presentation and two follow-up Council meetings.

Given the high priority of the Village's Stormwater Management Program and the potential community-wide impacts, this process must continue Winnetka's commitment to public engagement and transparency. The Consultant's outlined process must incorporate a robust public participation component, which may include, but not be limited to, facilitated focus groups, educational and informational materials, online/digital

outreach mechanisms, and presentations. Public participation will follow the consultant's evaluation of existing data and previously completed studies. The Village's dedicated stormwater website contains a complete history of the public information materials gathered and presented to-date:

<http://www.winnetkastormwaterplan.com>.

Stakeholders this process include residents and business owners/occupants that live in or adjacent to the drainage areas that are part of the Willow Road STADI project, as well as the local governmental agency landowners. The Consultant response should describe the approach to engaging these stakeholders, gathering input about alternative options, and incorporating that feedback into the process and designs. The Village will assist in inviting participants and scheduling meetings, but the Consultant is responsible for the facilitation and outcomes of all events, as well as for the creation of all required supporting materials and any digital components. The selected Consultant will also be required to present the outcomes of the public participation to the Village Council.

### **III. SCOPE OF WORK**

The following is a general scope of work outlining desired tasks. The Consultant is free to propose modifications or an alternate scope of work if the Consultant, in its experience, believes that additional steps or alternate sequences will better achieve the Village's desired objectives.

1. Project kickoff meeting. The Consultant shall schedule and conduct a project kickoff meeting within 7 days of Notice to Proceed. The purpose of the kickoff meeting is to establish schedules, roles, responsibilities, milestones, communication plans, and other baseline elements needed to successfully manage the project.
2. Council input session. The Village Council is a key project stakeholder and driver. The Consultant shall include in their project plan and budget meetings, at the beginning of the engagement, with Village Council members to discuss and clarify desired project outcomes, goals, and processes. It is anticipated that that these meetings will be in the form of three separate meetings with two Trustees at a time and will occur sequentially during a single evening, over a two hour period, prior to a regularly-scheduled Village Council meeting.
3. Data gathering. The Consultant shall gather and review available data including previous drainage studies and reports, GIS and utility data, and previously compiled flood damage surveys. A list of available data is shown in Attachment 1.
4. Progress reporting. The Consultant shall provide weekly written progress updates for Village staff, and a monthly progress update for the Village Council. Weekly progress reports shall include items such as actions and tasks accomplished during the week, outstanding action items, problems encountered, and activities to take place in the coming week. Monthly progress reports shall include a summary of weekly reports,

plus a summary of contract billings to date, a schedule review/update, and a report of any budget or schedule variances.

5. Evaluate/confirm and update existing hydrologic and hydraulic modeling. Christopher Burke Engineering has completed stormwater management studies for this area in 2009 and 2011, and has produced hydrologic and hydraulic modeling for the existing conditions. The Consultant shall evaluate, review, update, and verify the existing modeling to assure that it is useable and accurate as base modeling for determining existing conditions and developing proposed improvements.
6. Model/verify existing conditions and existing flooding locations. The Consultant shall review and, if necessary, adapt the existing hydrologic/hydraulic modeling to verify modeled flood depths for various storms for the existing storm sewer network. Modeled results shall be compared to reported existing conditions for known flood events to calibrate the model. The Consultant shall produce maps or tables indicating properties and locations at risk of flooding during the selected design events so that improvements can be evaluated based upon the degree of relief or avoided damages.
7. Public participation. Upon completion of verification of existing conditions, the Consultant shall facilitate four to six public open houses to present findings and observations to the affected neighborhoods, and to solicit comments and observations from residents of the study areas, so that views and concerns can be received and documented prior to producing proposed improvements.
8. Review prior proposed improvements. Christopher Burke Engineering developed a series of possible alternatives providing protection from a range of storms between the 2-year and the 100-year event. In 2011, the Village elected to pursue improvements providing protection against a 100-year event. The improvements developed by Christopher Burke for the 100-year protection standard selected by the Village were deemed not feasible based upon the required detention volumes and the inability to place significant stormwater detention on Cook County Forest Preserve property. The Consultant shall review these previously developed improvements for feasibility, including re-visiting discussions with public agencies owning the land on which detention would need to be constructed, including the Winnetka Park District, School District, New Trier High School District, and the Cook County Forest Preserve. The Consultant shall also review and update the preliminary cost estimates prepared by Christopher Burke Engineering to reflect current market conditions.
9. Develop alternatives. The Consultant shall identify and develop a series of 3 to 5 feasible stormwater management alternatives to provide protection from stormwater flooding to structures in the study areas. The Village's stormwater goals are to prevent stormwater intrusion into structures, and to reduce overall negative impacts from stormwater flooding, however completely dry streets and yards are not necessarily to be expected. The Consultant shall consider a variety of approaches to reach this goal, including traditional gray infrastructure, green infrastructure, and other approaches. When considering feasibility, the Consultant shall include water

quality considerations, construction cost, construction disruption, operating/maintenance costs, sustainability, and land use goals, and technical feasibility. Time-to-implementation shall also be considered, with the possibility of quick implementation of partial improvements or phased implementation to provide relief to affected neighborhoods quickly.

10. Presentation to Village Council. The Consultant shall prepare and present feasible alternatives, including costs, benefits, and potential hurdles/drawbacks, to the Village Council at a public meeting. Presentation shall include sufficient graphic detail to illustrate the improvements, benefits, protection levels, and costs, so that the Village Council and the community can effectively discuss the improvements and move towards selecting improvements for further evaluation and potential implementation. Consideration shall be given to the use of illustrative modeling such as XP-SWMM 3D to present the effectiveness of selected improvements.

### **Schedule**

The Village desires a timely and effective schedule, with a 150 to 180-day completion timeframe. The consultant shall furnish a detailed schedule with milestones showing task durations and completion dates.

## **IV. SUBMITTAL REQUIREMENTS**

The deadline for submittals is **4:00 p.m. on August 07, 2015**. Four (4) paper copies and one (1) electronic copy of the submittal should be delivered to:

Nicholas Mostardo, Financial Services Coordinator  
Village of Winnetka  
510 Green Bay Road  
Winnetka, IL 60093  
(847) 716-3504  
(847) 446-1139 (fax)  
[nmostardo@winnetka.org](mailto:nmostardo@winnetka.org)

Questions about the RFP or the project should be submitted to Nicholas Mostardo at [nmostardo@winnetka.org](mailto:nmostardo@winnetka.org) no later than 4:00pm on August 3<sup>rd</sup>, 2015. Questions and responses will be summarized in an addendum that will be provided to all RFP holders.

To be considered for this project, the Consultant must submit an informative statement of interest to the Village, which also includes the following information, organized in the following manner to facilitate review:

### **A. Consultant Information**

1. Company offices from which the project will be staffed.

2. Identify the staff members who will be assigned to this project, the roles they will fill, and the qualifications of each individual, including resumes.
3. Related experience of project personnel.
4. List similar projects completed within the last five years, by the staff members that will be assigned to this project. Include a project description, date of project completion, and the name and telephone number of a representative of the contracting jurisdiction.
5. A completed compliance affidavit (Attachment 1)

B. Approach to Project

The Consultant will propose a scope of work based upon the preliminary scope contained herein, and describe its approach in performing the proposed scope.

C. Schedule

A preliminary schedule for completing the project is required. This schedule should address all work and meetings recommended by the Consultant and clearly correspond to the Consultant's approach to the project.

D. Budget

An itemized, not-to-exceed budget to complete all outlined work items is required. The budget should include the hourly rates of the staff members assigned to the project, any direct costs, and a breakdown of project hours by task to complete the project. **The budget shall be submitted in a separate, sealed envelope clearly marked “Project Budget”.**

V. **QUALIFICATION EVALUATION**

Statements of qualifications will be evaluated by the Village according to the following criteria:

Proposals will be evaluated based on the following criteria:

- Project understanding. Understanding of the purpose and goals of the project, critical success factors and potential obstacles to success.
- Project approach. Technical approach, management approach, innovative approaches to stormwater management and regulatory understanding, and the ability to present technical data in a user-friendly format with appropriate use of graphics.

- Firm experience and workload. Experience of the firm in similar holistic stormwater management planning and improvement work and record of successful results of that work, the firm's ability to take on additional work, demonstration that the firm's organizational structure has sufficient depth for its present workload, and firm's ability to offer the breadth and quality of services required for the project.
- Project team structure and personnel experience. Project team member's individual experience and qualifications, project manager's experience, sub-consultant's individual experience and qualifications. Proposals will be evaluated primarily on the demonstrated ability of the project team members who will actually perform substantial amounts of the work on this project.
- Schedule. Proposed schedule for performing the work for the project and how the firm proposes to achieve the project's time goals. Once a contract is awarded, the selected firm must be in a position to begin work immediately and move promptly towards completion.
- Fee. The Village of Winnetka will consider cost in overall evaluation of the proposals. This project will not necessarily be awarded to the firm with the lowest prices, but cost is one criterion and will be considered among the other factors.

Each submittal will be evaluated upon a scale of 1 to 10 for each of the above factors. The selection process may include interviews of select proposer(s) to determine the firm with the best approach and "fit" for the project. The Village President and Board of Trustees reserve the right to reject any and all submittals.

## **VI. INDEMNIFICATION**

Respondents to this RFP shall understand that the successful proposer shall indemnify and hold harmless the Village of Winnetka, its agents, and its employees against any and all lawsuits, claims, demands, liabilities, losses or expenses, including court costs, and attorney's fees, for or on account of any injury to any person or any death at any time resulting from such injury, or any damaged property, which may be alleged to have arisen out of the negligent acts, errors, or omissions of the Consultant. It is further understood that this indemnification shall not be construed to cover the negligent acts or omissions of the Village of Winnetka, its agents, or its employees. It is additionally understood that this indemnification shall not be construed to cover the negligent acts or omissions of parties unrelated to this contract.

## **VII. ATTACHMENTS**

- 1) Documents and Data Available for Review
- 2) Compliance Affidavit
- 3) GIS Data Sharing Agreement

## ATTACHMENT 1

### Documents and Data Available for Review

The selected Consultant shall provide professional design review services to evaluate previously completed work studies prepared by Christopher B. Burke Engineering, Ltd. The following documents will be provided for use by the Consultant in performing the cost estimate and value engineering reviews. Many of these documents are available on the Village's stormwater management website at:

<http://winnetkastormwaterplan.com/stormwater-management-program/work-studies-completed/>

- Winnetka Flood Risk Reduction Study for 25-, 50-, and 100-year Flood Protection, by Christopher B. Burke Engineering, Ltd., October, 2011
- Village of Winnetka Supplemental Flood Risk Reduction Assessment, by Christopher B. Burke Engineering, Ltd., June, 2011
- Village of Winnetka Flood Risk Reduction Assessment, by Christopher B. Burke Engineering, Ltd., September, 2009.
- Village of Winnetka GIS data files
- Village of Winnetka Flood Damage Survey, Fall 2011
- XP-SWMM modeling for prior drainage studies

## ATTACHMENT 2

### COMPLIANCE AFFIDAVIT

As a condition of entering into a contract with the Village of Winnetka, and under oath and penalty of perjury and possible termination of contract rights and debarment, the undersigned deposes and states that he has the authority to make any certifications required by this Affidavit on behalf of the bidder, and that all information contained in this Affidavit is true and correct in both substance and fact.

#### Section 1: BID RIGGING AND ROTATING

1. This bid is not made in the interest of, or on behalf of an undisclosed person, partnership, company, association, organization or corporation;
2. The bidder has not in any manner directly or indirectly sought by communication, consultation or agreement with anyone to fix the bid price of any bidder, or to fix any overhead profit or cost element of their bid price or that of any other bidder, or to secure any advantage against the Village of Winnetka or anyone interested in the proper contract;
3. This bid is genuine and not collusive or sham;
4. The prices, breakdowns of prices and all the contents quoted in this bid have not knowingly been disclosed by the bidder directly or indirectly to any other bidder or any competitor prior to the bid opening;
5. All statements contained in this bid are true;
6. No attempt has been or will be made by the bidder to induce any other person or firm to submit a false or sham bid;
7. No attempt has been or will be made by the bidder to induce any other person or firm to submit or not submit a bid for the purpose of restricting competition;
8. The undersigned on behalf of the entity making this proposal or bid certifies the bidder has never been convicted for a violation of State laws prohibiting bid rigging or rotating.

#### Section 2: TAX COMPLIANCE

1. The undersigned on behalf of the entity making this proposal or bid certifies that neither the undersigned nor the entity is barred from contracting with the Village of Winnetka because of any delinquency in the payment of any tax administered by the State of Illinois, Department of Revenue, unless the undersigned or the entity is contesting, in accordance with the procedures established by the appropriate revenue

act, liability of the tax or the amount of tax;

2. The undersigned or the entity making this proposal or bid understands that making a false statement regarding delinquency of taxes is a Class A Misdemeanor and in addition voids the contract and allows the municipality to recover all amounts paid to the entity under the contract in civil action.

### **Section 3: EQUAL EMPLOYMENT OPPORTUNITY**

This EQUAL OPPORTUNITY CLAUSE is required by the Illinois Human Rights Act, 775 ILCS 5/101 et seq.

In the event of the contractor's non-compliance with any provision of the Equal Employment Opportunity Clause, the Illinois Human Rights Act, or the Rules and Regulations for Public Contracts of the Department of Human Rights, the contractor may be declared non-responsive and therefore ineligible for future contractor subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be canceled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies involved as provided by statute or regulations.

During the performance of this contract, the contractor agrees:

1. That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry; and further that it will examine all job classifications to determine if minority persons or woman are underutilized and will take appropriate action to rectify any such underutilization;
2. That, if it hires additional employees in order to perform this contract, or any portion hereof, it will determine the availability (in accordance with the Department's Rules and Regulations for Public Contract's) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized;
3. That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service.
4. That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other such agreement or understanding, a notice advising such labor organization or representative of the contractor's obligation under the Illinois Human Rights Act and the Department's Rules and Regulations for Public Contract. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Department and

contracting agency will recruit employees from other sources when needed to fulfill its obligation hereunder.

5. That it will submit reports as required by the Department's Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Department or contracting agency, and in all respects comply with the Illinois Human Rights Act and the Department's Rules and Regulations for Public Contracts.
6. That it will permit access to all relevant books, records, accounts, and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Departments Rules and Regulations for Public Contracts.
7. That it will include verbatim or by reference the provisions of this Equal Opportunity Clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so such provisions will be binding upon such subcontractor. In the same manner as the other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Department to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

#### **Section 4: ILLINOIS DRUG FREE WORK PLACE ACT**

The undersigned will publish a statement:

1. Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or a use of a controlled substance is prohibited in the work place;
2. Specifying the actions that will be taken against employees for violating this provision;
3. Notifying the employees that, as a condition of their employment to do work under the contract with the Village of Winnetka, the employee will:
  - A. Abide by the terms of the statement;
  - B. Notify the undersigned of any criminal drug statute conviction for a violation occurring in the work place not later than five (5) days after such a conviction.
4. Establishing a drug free awareness program to inform employees about:
  - A. The dangers of drug abuse in the work place;

- B. The policy of maintaining a drug-free work place;
  - C. Any available drug counseling, rehabilitation or employee assistance programs;
  - D. The penalties that may be imposed upon an employee for drug violations.
5. The undersigned shall provide a copy of the required statement to each employee engaged in the performance of the contract with the Village of Winnetka, and shall post the statement in a prominent place in the work place.
  6. The undersigned will notify the Village of Winnetka within ten (10) days of receiving notice of an employee's conviction.
  7. Make a good faith effort to maintain a drug free work place through the implementation of these policies.
  8. The undersigned further affirms that within thirty (30) days after receiving notice of a conviction of a violation of the criminal drug statute occurring in the work place he shall:
    - A. Take appropriate action against such employee up to and including termination; or
    - B. Require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

**Section 5: SEXUAL HARRASSMENT POLICY**

The undersigned on behalf of the entity making this proposal or bid certifies that a written sexual harassment policy is in place pursuant to Public Act 87-1257, effective July 1, 1993, 775 ILCS 5/2-105 (A).

This Act has been amended to provide that every party to a public contract must have written sexual harassment policies that include, at a minimum, the following information:

1. The illegality of sexual harassment;
2. The definition of sexual harassment under State law;
3. A description of sexual harassment, utilizing examples;
4. The vendor's internal complaint process, including penalties;

5. The legal recourse, investigative and complaint process available through the Department of Human Rights, and the Human Rights Commission;
6. Directions on how to contact the Department and Commission;
7. Protection against retaliation as provided by 6-101 of the Act.

**Section 6: VENDOR INFORMATION**

1. Is the bidder a publicly traded company? (yes or no) \_\_\_\_\_  
If the answer is yes, state the number of outstanding shares in each class of stock.  
Provide the name of the market or exchange on which the company's stock is traded.

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2. Is the bidder 50% or more owned by a publicly traded company? (yes or no) \_\_\_\_\_

If the answer to the above question is yes, name the publicly traded company or companies owning 50% or more of your stock, state the number of outstanding shares in each class of stock and provide the name of the market or exchange on which the stock of such company or companies is traded.

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IT IS EXPRESSLY UNDERSTOOD THAT THE FOREGOING STATEMENTS AND REPRESENTATIONS AND PROMISES ARE MADE AS A CONDITION TO THE RIGHT OF THE BIDDER TO RECEIVE PAYMENT UNDER ANY AWARD MADE UNDER THE TERMS AND PROVISIONS OF THIS BID.

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
(print or type)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 2012, A.D.

By:  
(Notary Public)

-Seal-

## AGREEMENT CONCERNING DIGITAL MAP INFORMATION

THIS AGREEMENT, is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between (hereinafter referred to as “Consultant”) and the Village of Winnetka (hereinafter referred to as “Village.”)

WHEREAS, the Village has developed certain digital map information concerning certain real property located within the City, which property is the subject of the Consultant’s work for the Village (hereinafter referred to as “Data”); and

WHEREAS, the Consultant has entered into an agreement with the Village for a certain project (hereinafter referred to as “Work”) and would benefit from the use of the Data in the performance of the Work.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is acknowledged hereby, the parties hereto agree as follows:

1. The Village shall supply the Consultant with a digital copy of the Data subject to the following conditions:
  - a. The Data provided by the Village is limited to the scope of the Work which the Consultant is to provide for the Village and the Consultant shall limit its use of the Data to its intended purpose of furtherance of the Work;
  - b. The Consultant acknowledges hereby that:
    - ii The Data constitutes proprietary materials and trade secrets of the Village and will remain the property of the Village; and
    - ii The Consultant will not provide or make available the Data in any form to persons other than the Consultant’s employees, for purposes specifically related to the Consultant’s authorized use of the Data, without the prior written consent of the Village; and
  - c. At the request of the Village, the Consultant shall supply the Village with any and all information, which may have been developed by it, based the Data, in a form consistent with Village facilities.
2. The Village makes no guarantee as to the accuracy, completeness, or suitability of the Data in regard to the Consultant’s intended use thereof.
3. The term “Data” as used herein shall mean any code or sequence of code characters readable by computers.
4. The Consultant shall indemnify and hold harmless the Village, its officials, officers, independent Consultants, agents, employees, successors and assigns from and against any loss, damage, cause of action, fine or judgment, including all costs connected therewith (such as reasonable attorneys’ and witness fees, filing fees and any other expenses incident thereto) which may arise out of or in connection with the Consultant’s negligent acts, errors, or omissions in performances of professional services in connection with this Agreement or the use of the Data.

5. This Agreement shall remain in full force from and after its Village execution and until such time as the Work has been completed to the satisfaction of the Village, at which time the Consultant shall cease its use of the Data for any purpose whatsoever. An authorized representative of the Village, upon request, shall be afforded sufficient access to the Consultant's premises and data processing equipment to verify that all use of the Data has been discontinued.
6. Notwithstanding anything to the contrary contained hereinabove, the Village may terminate this Agreement upon notice, effective immediately, in the event the Consultant fails to comply with any of the terms and conditions hereof.
7. All notices that are required hereunder, or which either the Village or Consultant may desire to serve upon the other Party, shall be in writing, and shall be deemed served when delivered personally, or when deposited in the United States certified mail, postage prepaid, return receipt requested, addressed as follows:

If to the Village:

Village Manager  
 Village of Winnetka  
 510 Green Bay Road  
 Winnetka, IL 60093

If to the Consultant:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. The Consultant certifies hereby that it is not barred from entering into this Agreement as a result of violations of either Section 33E-3 or Section 33E-4 of the Illinois Criminal Code and that it has a written sexual harassment policy in place in full compliance with 775 ILCS 5/2-105(A) (4).

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first above written.

ATTEST

\_\_\_\_\_

Consultant

By \_\_\_\_\_

Its \_\_\_\_\_

ATTEST

\_\_\_\_\_

Village of Winnetka

\_\_\_\_\_  
 Village Manager

**ATTACHMENT #2**

**Strand Associates Proposal**