

RESOLUTION NO. 2020-68

A RESOLUTION APPROVING TASK ORDER NO. P11207270 UNDER THE MASTER SERVICES CONTRACT WITH TERRACON CONSULTANTS, INC. FOR CONSTRUCTION ENGINEERING SERVICES

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the City to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the City has identified the need for construction engineering services in connection with the 2020 Underground Storage Tank Removal Project on Old Town Redevelopment Site #2 ("**Construction Engineering Services**"); and

WHEREAS, Terracon Consultants, Inc. submitted a proposal to perform the Construction Engineering Services in the not-to-exceed amount of \$60,000; and

WHEREAS, the City has a positive existing relationship with Consultant, Consultant having satisfactorily performed engineering services for the City in the past; and

WHEREAS, the City has budgeted sufficient funds in the FY2021 budget for the procurement of the Construction Engineering Services; and

WHEREAS, the City proposes to enter into Task Order No. P11207270 under the City's master services contract with Consultant for the procurement of the Construction Engineering Services from Consultant in the not-to-exceed amount of \$60,000 ("**Task Order No. P11207270**"); and

WHEREAS, the City Council has determined that it is in the best interest of the City and the public to enter into Task Order No. P11207270 with Consultant;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

SECTION 2: Approval of Task Order No. P11207270. The City Council hereby approves Change Order No. 1 to Task Order No. 1197222 in substantially the form attached to this Resolution as **Exhibit A**, and in a final form to be approved by the City Administrator.

SECTION 3: Authorization to Execute Task Order No. P11207270. The City Council hereby authorizes and directs the City Administrator to execute and seal, on behalf of the City, final Task Order No. P11207270 only after receipt by the City Clerk of at least one executed copy of final Task Order No. P11207270 from Consultant; provided, however, that if the City Clerk does not receive one executed copy of final Task Order No. P11207270 from Consultant within 60 days after the date of adoption of this Resolution, then this authority to execute and seal final Task Order No. P11207270 shall, at the option of the City Council, be null and void.

SECTION 4: Change Orders. The City Administrator, or his designee, is authorized to execute one or more Change Orders to Task Order No. P11207270 for additional work consisting

of additional unforeseen items of work related to, or arising from other work contemplated by, the scope of work in Task Order No. P11207270 in an amount not to exceed five percent of the Task Order No. P11207270 price, subject to the City Administrator making the necessary determination that the work contemplated by the Change Order complies with Section 33E-9 of Article 33E of the Criminal Code of 1961 and placing a copy of such determinations in the contract file.

SECTION 5: Effective Date. This resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS ____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

TASK ORDER NO. P11207270



October 30, 2020

Ronald Mentzer, Director of Community and Economic Development
City of Warrenville
3S258 Manning Avenue
Warrenville, Illinois 60555

P: (630) 393-5745
E: RMentzer@warrenville.il.us

Re: Proposal for UST System Removal Observation and Reporting
Former Phillips 66 Station
28W244 Warrenville Road
Warrenville, DuPage County, Illinois 60555
Terracon Proposal No. P11207270

Dear Mr. Mentzer:

Terracon Consultants, Inc. (Terracon) appreciates the opportunity to submit this proposal for the underground storage tank (UST) system removal observation and reporting services at the above-referenced site (the site). An outline of the project, including Terracon's scope of services and compensation, are provided in the following sections:

1.0 PROJECT INFORMATION

The former fueling facility is located at 28W244 Warrenville Road in Warrenville, DuPage County, Illinois. The site is a former fueling station that is currently improved with a kiosk, an approximately 4,200-square-foot convenience store building, four pump islands, fuel dispensers, an overhead canopy, and four out-of-service USTs, including two 20,000-gallon gasoline USTs, one 12,000-gallon diesel fuel UST, and one 8,000-gallon gasoline UST.

Terracon understands that the UST system at the site will be decommissioned, which will include the removal of the USTs, product piping, and ancillary appurtenances. This work will be contracted directly with the City.

2.0 SCOPE OF SERVICES

2.1 Health & Safety

Terracon is committed to the safety of all its employees. As such, and in accordance with our Incident and Injury Free® safety goals, Terracon will utilize/update the existing site safety plan

Terracon Consultants, Inc. 192 Exchange Boulevard Glendale Heights, Illinois 60139
P [630] 717 4263 F [630] 357 9489 terracon.com



for our personnel during field services. Prior to commencement of on-site activities, Terracon will hold a brief health and safety meeting to review health and safety needs for this specific project. At this time, we anticipate performing fieldwork in a United States Environmental Protection Agency (USEPA) Level D work uniform consisting of hard hats, safety glasses, protective gloves, and steel-toed boots. It may become necessary to upgrade this level of protection, at additional cost, during sampling activities in the event that we encounter petroleum or chemical constituents in soils or groundwater that present an increased risk for personal exposure.

2.2 Site Access and Special Safety Considerations

Client shall secure all necessary site related approvals, permits, licenses, and consents necessary to commence and complete the Services and will execute any necessary site access agreement. Consultant will be responsible for supervision and site safety measures for its own employees but shall not be responsible for the supervision or health and safety precautions for any third parties, including Client's contractors, subcontractors, or other parties present at the site. In addition, Consultant retains the right to stop work without penalty at any time Consultant believes it is in the best interests of Consultant's employees or subcontractors to do so in order to reduce the risk of exposure to the coronavirus. Client agrees it will respond quickly to all requests for information made by Consultant related to Consultant's pre-task planning and risk assessment processes. Client acknowledges its responsibility for notifying Consultant of any circumstances that present a risk of exposure to the coronavirus or individuals who have tested positive for COVID-19 or are self-quarantining due to exhibiting symptoms associated with the coronavirus.

2.3 UST Removal Observation

Terracon will perform project coordination, UST removal observation, and associated data evaluation and reporting while an Illinois-licensed subcontractor, contracted by the City of Warrenville, will conduct the physical UST removal activities. Terracon's on-site environmental professional will observe the UST removal, coordinate with the Office of the Illinois State Fire Marshal (OSFM) representative during UST removal, document site activities with photographs, and record site observations including equipment, methods, and personnel present at the site. Terracon will review waste characterization data forms and manifests for signature by the City of Warrenville. Terracon may sign the waste management documents on behalf of the City of Warrenville if the attached Waste Representative Authorization Form is signed by the City granting Terracon authorization to complete these activities, if necessary.

This proposal assumes that UST removal activities will occur over four (4) working days. It is assumed that liquids in the USTs (if any) will be pumped out to the maximum extent possible, and groundwater will be pumped to allow for the removal of the USTs, prior to Terracon being on site.

The cost associated with this is under the Contractor's proposal to be contracted by the City directly.

In accordance with 35 Illinois Administrative Code (IAC) Section 734.210(f), visibly contaminated fill material and groundwater that exhibits a sheen may be removed; however, for purposes of reimbursement of early action activities, fill material cannot be removed "in an amount in excess of 4 feet from the outside dimensions of the tank." For purposes of this proposal/cost estimate, Terracon has assumed an additional four (4) working days for observations (and potential sampling) during removal of contaminated soils/groundwater. Therefore, a total of eight (8) days on site is budgeted in this proposal.

2.4 Soil Sampling Program

Terracon's confirmation soil sampling program will consist of the following.

- Screen soils with a photoionization detector (PID) to evaluate if a release of petroleum hydrocarbons has occurred, and to determine the sampling locations;
- Utilize the on-site excavation equipment for the collection of soil grab samples from the native soil to document in-place concentrations of petroleum hydrocarbons in the tank excavation. These samples will be collected in accordance with 41 IAC Section 176.330, Procedures for Site Assessments during UST Removal. Excavation base/floor samples will be collected beneath each end of each UST (assumed 8 total soil samples to be collected from beneath each UST);
- Sidewall and piping samples are required every 20 feet of wall length and every 20 feet of piping run, respectively (assumed 11 total sidewall samples, 12 piping run samples); and
- If the excavated backfill material from the UST excavation is deemed suitable for reuse, one soil sample will be collected per 100 cubic yards of backfill returned to the excavation. Terracon estimates that 6 backfill samples will be required from the tank excavation.
- Based on the discussion above, a total of 37 soil samples are budgeted in this proposal.

The soil samples for analytical laboratory testing will be collected and placed in laboratory-prepared containers, labeled, and placed on ice in a cooler that will be secured with a custody seal. The samples and completed chain-of-custody forms will be transported to the selected analytical laboratory and analyzed on a 24- to 48-hour rush turnaround basis from the receipt at the laboratory. The expedited lab schedule is to ensure that the soil excavation will not be open for a long time to avoid potential soil caving in, safety and security issues. Please note the expedited lab cost may not be reimbursed by Illinois' UST Fund (UST Fund).

It should be noted that the actual soil sampling program may vary based on actual site conditions encountered during the UST removal activities and/or at the direction of the OSFM representative.

2.5 UST Removal Laboratory Analytical Program

Per 35 IAC Section 734.405, since the USTs to be removed formerly contained gasoline and diesel fuel, the soil confirmation samples will be analyzed for benzene, toluene, ethylbenzene, and total xylenes (collectively referred to as BTEX), methyl tertiary butyl ether (MTBE), and polynuclear aromatic hydrocarbons (PNAs).

Based on the available information, the anticipated laboratory analytical program is as follows:

Analysis	Sample Type	No. of Samples	Laboratory Method
BTEX/MTBE	Soil	37	SW-846 8260B/5035
PNAs	Soil	37	SW-846 8270C

The laboratory analyses will be performed on a 24- to 48-hour rush turnaround basis from the receipt at the laboratory, unless otherwise requested. The expedited lab cost may not be reimbursed through the UST Fund.

If required for disposal by a Subtitle D landfill, Terracon will collect a waste characterization sample via hand auger in an accessible area (e.g., a grassy area), prior to the UST removal. The cost for analysis of the sample (assuming standard turnaround time) will be \$1,500 but will only be charged if collected and analyzed.

2.6 Materials Testing and Observations

2.6.1 Backfilling and Compaction

Terracon's subcontractor will provide materials testing and observation services of the select fill. These services will consist of the following:

- Prior to initiation of backfilling activities, a representative sample of the select fill to be imported will be tested for moisture-density relationship (standard or modified).
- A technician will be on site to observe the backfill activities; and
- A technician will utilize a nuclear field density gauge to test compaction.

Three field days (no more than 8 hours per day) are assumed for these activities. Note that compaction and density testing of backfill material is not eligible for reimbursement from the UST Fund.

2.6.2 Asphalt Paving Materials Testing and Observations (Optional Scope)

Terracon's subcontractor will provide materials testing and observation services of the asphalt placement. These services will consist of the following:

- A technician will be on site to observe the asphalt pavement and stone subbase placement:
- A technician will utilize a nuclear field density gauge to conduct field density tests.

Two field days (no more than 8 hours per day) are assumed for these activities. Note that asphalt paving, and associated materials testing and observations, may not be eligible for reimbursement from the UST Fund.

3.0 REPORTING AND REIMBURSEMENT ACTIVITIES

3.1 OSFM Site Assessment Report

Within one week after receipt of laboratory results, Terracon will prepare and submit a Site Assessment Results Report to the OSFM. The report will include a brief description of UST removal activities and the results of the soil samples collected from the UST excavation, product piping runs, and backfill samples.

3.2 Stage 1 Site Investigation Plan/UST Removal Activity Summary and Budget

Terracon will prepare a Stage 1 site investigation plan including the UST removal and soil sampling summary and budget in accordance with 35 IAC Part 734. The plan will describe proposed activities to further investigate potential on-site impacts to soil and groundwater. A budget for the activities described in the Stage 1 site investigation plan will included in the submittal to the Illinois Environmental Protection Agency (IEPA). Terracon will also include a description of UST removal activities, sampling, and documentation as required by the IEPA (e.g., tank destruction certificate, waste manifests, etc.) as part of the Stage 1 site investigation plan.

3.3 UST Fund Reimbursement and Pay Application for Early Action Activities

Terracon will prepare an Eligibility and Deductible Application form for the most recent Illinois Emergency Management Agency (IEMA) incident (Incident Number 20200871) and a reimbursement application for payment for UST removal activities. It should be noted that

approved IEPA budgets typically are less than actual fees for services provided by contractors and consultants; the UST Fund does not fully reimburse the owner for the total expenditures.

3.4 IEPA, OSFM, and Client Communications

This task will include communications with the IEPA, OSFM, and Client pertaining to the scope included in this proposal (as applicable). We will arrange conference calls and prepare emails to follow up on questions or information, including reports submitted as part of this scope. No additional documents/deliverables, beyond what is described in this proposal, are included.

Prior to the UST removal, Terracon will arrange calls with the IEPA LUST Project Manager and the OSFM to discuss site history and reimbursement through the UST Fund for the site. Other issues for discussion will include the recent IEMA incident reported for the site, the Eligibility and Deductible Application, and reports/correspondence submitted as part of this proposal.

4.0 COMPENSATION AND SCHEDULE

4.1 Compensation

The scope of services outlined in this proposal will be performed on a time and materials basis with a budget of **\$60,000** (not including optional scope of asphalt paving materials testing and observations). The cost includes Terracon professional labor costs, travel, direct expenses, subcontractors, and analytical testing required to complete this scope of work using the project assumptions described herein. A rate schedule for 2020-2021 is also attached to this proposal.

It should be noted that the scope of services and associated estimated costs were developed based on available information about the UST system. Changes to the scope of services and associated costs may be required based on actual conditions encountered during the UST removal activities. If, as a result, additional work is required outside the scope of this proposal, the client will be contacted and proposed costs for additional work will be provided. Client authorization will be obtained prior to commencement of additional work outside the scope of this proposal. The estimated costs are summarized below (including the optional scope):

COST ESTIMATE

Consulting Labor	\$ 40,200
Analytical Laboratory Services	\$ 14,300
Field Equipment and Expenses	\$ 1,400
Construction Materials Testing	\$ 4,100
ESTIMATED TOTAL	\$ 60,000
Asphalt Paving Materials Testing and Observations (Optional Scope)	\$ 2,600

We anticipate that more than one Terracon invoice may be submitted as various tasks are completed; however, not more frequently than on a monthly basis.

The project cost summary is based on the scope of services outlined in this proposal. This proposal and cost estimate were prepared based on the following assumptions:

- The client will provide to Terracon, prior to mobilization, legal right of entry to the site (and other areas if required) to conduct the scope of services.
- The client will notify Terracon, prior to mobilization, of any restrictions, special site access requirements, or known potentially hazardous conditions at the site (e.g., hazardous materials or processes, specialized protective equipment requirements, unsound structural conditions, etc.)
- The client will provide available information (e.g., as-built drawings, utility drawings, site diagrams, etc.) to assist in the location of private underground utilities at the site.
- Work can be performed during normal business hours (Monday through Friday, 7:00 a.m. to 7:00 p.m.).
- The site is readily accessible by truck.
- Field activities will be completed in six 8-hour days (four days for the UST system removal activities and four days for observations (and potential sampling) during removal of contaminated soils/groundwater). The number of days for materials testing services are detailed in Section 2.5.
- Level D PPE will be utilized by Terracon during the field activities.
- Up to 37 soil samples will be collected for laboratory analyses for BTEX, MTBE, and PNAs.
- Rush laboratory turn around (24-48 hours) for soil samples obtained during the UST removal.
- Note that some activities may not be reimbursable through the Illinois' UST Fund, including, but not limited to: expedited laboratory analysis of samples; excavation, transportation, and disposal of more fill materials than what is

allowed per 35 IAC Part 734 (City may determine that additional soil removal is warranted due to some special reasons, but the excavation, transportation, and disposal of those soils will not be reimbursable through the UST Fund); replacement of contaminated fill materials with more clean fill than what is allowed by 35 IAC Part 734; asphalt paving; and materials testing and observations for backfilling, compaction, and asphalt placement. Other ineligible corrective action costs are listed in 35 IAC Part 734.

4.2 Schedule

The work will commence immediately upon receipt of the work authorization (i.e., approved MSA Task Order). Laboratory analyses will be performed on 24- to 48-hour rush turnaround time from receipt at the laboratory. Field activities will be completed in six business days (four days for the UST system removal activities and two days for observations during removal of contaminated soils/groundwater). The OSFM Site Assessments Results Form will be submitted to the OSFM one week after receiving the analytical results for the confirmation soil samples. The draft site investigation plan and budget will be submitted to the client two weeks after all supporting information (e.g., applicable UST removal and waste disposition documentation, tank destruction certificate, etc.) is received from Terracon's subcontractor. The draft Eligibility and Deductible Application form will be submitted to the OSFM within one to two weeks of the completion of UST system removal activities. The draft reimbursement application for payment for early action activities will be submitted to the client after supporting information is received (e.g., invoices from subcontractors) and the 45-Day Report, which was approved in a separate MSA Task Order, is submitted to the IEPA. Finalized documents will be submitted to the IEPA or OSFM within three business days of receiving comments from the client.

5.0 GENERAL COMMENTS

Terracon's services will be performed in a manner consistent with generally accepted practices of the profession undertaken in similar studies in the same geographic area during the same period. Please note that Terracon does not warrant the work of laboratories, regulatory agencies or other third parties supplying information used in the preparation of the report. These services will be performed in accordance with the scope of work agreed with you, our client, as set forth in this proposal and are not intended to be in strict conformance with ASTM E1903-11.

Findings, conclusions and recommendations resulting from these services will be based upon information derived from on-site activities and other services performed under this scope of work; such information is subject to change over time. Certain indicators of the presence of hazardous substances, petroleum products, or other constituents may have been latent, inaccessible, unobservable, nondetectable or not present during these services, and we cannot represent that the site contains no hazardous substances, toxic substances, petroleum

products, or other latent conditions beyond those identified during this sampling activities. Subsurface conditions may vary from those encountered at specific borings or wells or during other surveys, tests, assessments, investigations or exploratory services; the data, interpretations, findings and our recommendations are based solely upon data obtained at the time and within the scope of these services.

The proposed scope of work will be performed in accordance with the Terms and Conditions stated in the Master Service Agreement between Terracon and the City of Warrenville, dated November 14, 2014. This proposal is valid for 60 days from the date of this proposal. We appreciate the opportunity to be of continued service on this project. If this proposal meets with your approval, please sign the attached MSA Task Order and return a copy to our office via email to Mike Lawrence at mike.lawrence@terracon.com.

If you should have any questions or comments regarding this proposal, please contact either of the undersigned.

Sincerely,
Terracon Consultants, Inc.



Michael Lawrence, P.E.
Senior Environmental Engineer



Linda Yang, P.G.
Senior Principal

Attachments: Rate Schedule
MSA Task Order
Waste Representative Authorization Form

Former Phillips 66 Station, Warrenville, IL Project

Terracon Environmental Services
Employees and Rate Schedule (2020-2021)

Labor Categories	Hourly Rate (\$/hr)
Principal Consultant	200
Sr. Environmental Engineer/Geologist	180
Project Engineer/Geologist	145
Geologist/Scientist II	115
Geologist I/Scientist I/ Sr. Technician	95
Assistant Scientist	80
Administrative Assistant	60

Mileage – IRS rate + Vehicle - \$35/usage

PID - \$110/day

Sampling Kit - \$5/sample

Bailer - \$10/unit

Groundwater Sampling Field Filter - \$35/unit

Water Level Indicator - \$35/unit

Equipment rentals – actual cost plus handling charge

Other supplies – actual cost plus handling charge

Handling charge – In accordance with IEPA Part 734

MASTER SERVICES AGREEMENT

TASK ORDER

This **TASK ORDER** is issued under the **MASTER SERVICES AGREEMENT** dated 11/14/2014 between City of Warrenville IL ("Client") and Terracon Consultants, Inc. ("Consultant") for Services to be provided by Consultant for Client on the Former Phillips 66, Warrenville - UST System Removal Observation and Reporting project ("Project"), as described in the Project Information section of the Consultant's Task Order Proposal dated 10/21/2020 ("Task Order Proposal") unless the Project is otherwise described below or in Exhibit A to this Task Order (which section or Exhibit are incorporated into this Task Order). This Task Order is incorporated into and part of the Master Services Agreement.

1. Project Information

Please see the attached Proposal P11207270 dated October 30, 2020.

2. Scope of Services

The scope of Services to be provided under this Task Order are described in the Scope of Services section of the Consultant's Task Order Proposal, unless Services are otherwise described below or in Exhibit B to this Task Order.

Please see the attached Proposal P11207270 dated October 30, 2020.

3. Compensation

Client shall pay compensation for the Services performed at the fees stated in the Task Order Proposal unless fees are otherwise stated below or in Exhibit C to this Task Order.

Please see the attached Proposal P11207270 dated October 30, 2020.

All terms and conditions of the **Master Services Agreement** shall continue in full force and effect. This Task Order is accepted and Consultant is authorized to proceed.

Consultant: **Terracon Consultants, Inc.**
By: **Chen**
Name/Title: **Chen Yang / Regional Manager**
Address: **192 Exchange Blvd
Glendale Heights, IL 60139-2089**
Phone: **(630) 717-4263** Fax: **(630) 357-9489**
Email: **Linda.Yang@terracon.com**

Client: **City of Warrenville IL**
By: _____ Date: _____
Name/Title: **Ronald Mentzer /**
Address: **3S258 Manning Ave.
Warrenville, IL 60555**
Phone: **(630) 393-5745** Fax: **(630) 393-1531**
Email: **RMentzer@warrenville.il.us**



October 30, 2020

City of Warrenville
3S258 Manning Avenue
Warrenville, Illinois 60555
Attn: Ronald Mentzer, Director of Community and Economic Development

Re: Waste Representative Authorization Form
Former Phillips 66 Station
28W244 Warrenville Road
Warrenville, DuPage County, Illinois 60555
Terracon Proposal No. P11207270

Dear Mr. Mentzer:

Terracon Consultants, Inc. (Terracon) understands that, as part of our Services, Terracon will be requested to sign waste management documents, in your name and on your behalf, as required to transport and dispose of non-hazardous soil cuttings, purged groundwater, and/or equipment cleaning water from the above-referenced site.

In accordance with your request, it is agreed that Terracon is authorized to sign on behalf of the City of Warrenville (Client) for required documentation for the removal of investigation-derived wastes (IDW) from the above-referenced site. The documents shall be completed in the name of Client, and shall be signed on behalf of Client. It is understood and agreed that by its actions that Terracon will not be deemed a generator, arranger, transporter, or disposer of non-hazardous or hazardous materials or wastes.

In consideration of Terracon's agreement to sign the required documents on its behalf, Client shall indemnify and hold harmless Terracon from and against any and all claims, damages, losses and expenses, including but not limited to attorney's fees, court costs, and administrative expenses arising out of or in any way associated with the action of Terracon in signing the required documents on behalf of Client.

By signing below, the City of Warrenville agrees to be bound by the terms of this letter.

Sincerely,
Terracon Consultants, Inc.

Michael Lawrence, P.E.
Senior Environmental Engineer

Accepted:

The City of Warrenville

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Terracon Consultants, Inc. 192 Exchange Boulevard Glendale Heights, Illinois 60139
P [630] 717 4263 F [630] 357 9489 terracon.com

