



AGENDA – Administration Committee

Thursday, September 19, 2024

6:15 PM

- I. Roll Call
- II. Approval of the August 15, 2024 Administration Committee Minutes

RECOMMENDED MOTION: To approve the Minutes of August 15, 2024 Administration Committee Meeting of the DuPage Water Commission.

- III. Recommendation to Receive and Perform First Reading of Ordinance O-7-24: An Ordinance Approving Amendments to the DuPage Water Commission Bylaws regarding preference for Illinois Bidders. First Reading.
- IV. Resolution R-49-24: Resolution No. R-49-24: Authorization for the General Manager to approve the renewal of the additional 1-year option agreement with Sikich LLP for human resource consulting and services at the DuPage Water Commission, at a cost of \$250.00 per hour as needed.
- V. Resolution No. R-51-24: A Resolution Authorizing and Ratifying the disposal of certain personal property owned by the DuPage Water Commission.
- VI. Request for Board Action: Approval of the 2025 Schedule of Meetings of the DuPage Water Commission.
- VII. Old Business
- VIII. New Business
- IX. Other
- X. Adjournment

**Minutes of a Meeting
of the**

ADMINISTRATION COMMITTEE

DuPage Water Commission
600 E. Butterfield Road, Elmhurst, Illinois

August 15, 2024

- I. Commissioner Healy called the meeting to order at 6:18 PM.

Commissioners in attendance: N. Cuzzone, J. Healy, K. Rush, D. Van Vooren, J. Zay

Commissioners absent:

Also in attendance: P. May, D. Mundall

- II. Commissioner Rush moved to approve the Minutes of the June 20, 2024 Administration Committee Meeting, seconded by Commissioner Cuzzone, unanimously approved by a voice vote. All aye, motion carried.
- III. Commissioner Rush moved to approve a Request for Board Action to Authorize the Estimated Expenditures for professional training as included in the approved FY-24/25 Management Budget and as listed. Chairman Zay requested further breakdown of expenses on all travel in the future. Commissioner General Manager May suggested that staff could include an additional form accompanying the travel request going forward. Seconded by Commissioner Van Vooren, unanimously approved by a voice vote, all aye, motion carried.
- IV. Commissioner Van Vooren made a motion to approve a Request for Board Action to Authorize the Purchase of (2) two 2025 Ford Explorers 4WD Utility Vehicles under Contract #231 of the Suburban Purchasing Cooperative Joint Purchasing Program, at a total cost of \$78,238. Chairman Zay encouraged staff to advise if the delivery is delayed, in which case alternate purchase methodology could be used. Seconded by Commissioner Rush, all aye, motion carried.
- V. Commissioner Cuzzone made a motion to approve the Request for Board Action to Authorize a contract for Professional Services with Tai, Ginsberg & Associates, LLC. Commissioner Van Vooren inquired as to the length of the contract. General Manager May replied it will be 6 months. He went on to say that this firm has exceeded all expectations to date. Chairman Zay echoed his sentiments, and went on to say that they have accomplished a great deal in a short amount of time. Commissioner Van Vooren requested bullet points for scope/actions going forward. Seconded by Chairman Zay unanimously approved by a voice vote. All aye, motion carried.

VI. Old Business

No Old Business was offered.

VII. New Business

No New Business was offered.

VIII. Other

IX. Adjournment

Commissioner Healy moved to adjourn the meeting at 6:24 PM, seconded by Commissioner Van Vooren, unanimously approved by a voice vote. All aye, motion carried. Meeting adjourned.



Resolution #: [ORDINANCE] O-7-24

Account: N/A

Approvals: Author / Manager / Finance / Admin

PDM - CAP PDM

REQUEST FOR BOARD ACTION

Date: 9/6/2024

Description: By-Law Amendment to permit Illinois Bidder Preference

Agenda Section: Administration Committee

Originating Department: Administration

Article VIII of the DuPage Water Commission by-laws describes the purchasing procedures for the Commission. Section 11 of Article VIII and corresponding state law provides broad authority to the DWC Board for the award of a contracts; this authority is often utilized to ensure that DWC retains standardized components throughout our system (rather than “or-equal” elements) for critical infrastructure such as valves, and that we acknowledge and utilize proprietary systems, methods, and vendors to maintain infrastructure integrity and warranties (such as utilizing only CAT-authorized vendors to maintain the Caterpillar generators systems).

The approaching WaterLink construction project along with other scheduled large-diameter pipeline projects in the region, will present an unusual demand on the qualified contractor pool and is likely to attract contractor interest from outside the region. While DWC supports and encourages the largest degree of competition possible during the bidding process, it is equally important that we are well-positioned to disqualify contractors with inadequate experience or work history. While existing Section 11 purchasing authority provides a sound rationale to reject bids that are not in the best interest of the Commission, we believe this language could be strengthened by allowing the DWC to include an Illinois bidder’s preference.

The recommended by-law changes do not require a local bidder preference for all DWC contracts, but only permits DWC specify it when we anticipate a benefit (such as for the WaterLink project). It is also important to note that the recommended language does not require DWC to award a contract to a higher-cost local contractor, but simply provides a qualified Illinois contractor an opportunity to match the low-bid price from the out-of-state contractor if the bids are within 4%.

Recommended Motion:

This Ordinance presents a modification to the DWC By-Laws and requires two readings. It is presented for consideration at the 9/19/2024 Board of Commissioners meeting with a recommendation that it be included on the 10/17/2024 Board of Commissioners meeting for approval.

DUPAGE WATER COMMISSION

ORDINANCE NO. O-7-24

AN ORDINANCE APPROVING AMENDMENTS TO THE DUPAGE WATER COMMISSION BYLAWS
REGARDING PREFERENCE FOR ILLINOIS BIDDERS

WHEREAS, the DuPage Water Commission (the “Commission”) was formed and exists pursuant to the Water Commission Act of 1985, 70 ILCS 3720/0.01 et seq., and Division 135 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 et seq., for the purpose of securing an adequate source and supply of water for its customers; and

WHEREAS, the Commission previously adopted Bylaws for the management and operation of the Commission, including purchasing procedures, which Bylaws have been amended from time to time;

WHEREAS, the Commission has determined that the Bylaws should be amended to incorporate a preference for Illinois bidders when specified;

WHEREAS, the Commission conducted a first reading of the amended Bylaws on September 19, 2024 and a second reading on October 17, 2024; and

WHEREAS, the Commission deems it to be in the best interests of the Commission to approve the amendment of Article VIII of the Bylaws.

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

SECTION ONE: The foregoing recitals are hereby incorporated herein and made a part hereof as findings of the Board of Commissioners of the DuPage Water Commission.

SECTION TWO: Article VIII of the Bylaws regarding Purchasing Procedures is Amended as set forth on Exhibit 1 attached hereto and incorporated herein.

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

	Aye	Nay	Absent	Abstain
Bouckaert, D.				
Cuzzone, N.				
Fennell, J.				
Healy, J.				
Novotny, D.				
Pruyn, J.				
Romano, K.				
Rush, K.				
Russo, D.				
Saverino, F.				
Suess, P.				
Van Vooren, D.				
Zay, J.				

ADOPTED THIS _____ DAY OF _____, 2024.

James Zay, Chairman

ATTEST:

Danna Mundall, Clerk

EXHIBIT 1

ARTICLE VIII

PURCHASING PROCEDURES

Section 1: Coverage. These procedures shall cover all contracts for supplies, material or work being purchased by the Commission except as herein set forth.

Section 2: Definitions. For the purpose of these procedures, “supplies, material or work” shall mean and include, except as hereinafter limited, all work, labor or services; other contracts for services; supplies, equipment or other materials; and the rental, repair or maintenance of equipment, machinery and other personal property. The term “work” shall not include services rendered in a professional capacity such as accounting, engineering or legal services.

Section 3: Minor Purchases. The General Manager shall have the authority to purchase on behalf of the Commission supplies, material or work requiring an expenditure of the sum provided for in 65 ILCS 5/8-9-1 or less pursuant to such procedures as he or she deems calculated to insure the best interests of the Commission, without a specific solicitation of quotations or advertisement for bids.

Section 4: Purchases Requiring Quotations. All purchases of supplies, material or work included in the Annual Management Budget and requiring expenditure in excess of the sum provided for in 65 ILCS 5/8-9-1 shall be made only after the solicitation of at least two written quotations. All such quotations shall be submitted sealed to the Commission and shall be opened in public at a date and time set by the General Manager. A tabulation of all quotations received shall be presented to the Board of Commissioners. In cases where only one quotation is received, there is only a single source for the supplies, materials or work or the purchase was not included in the Annual Management Budget,

the expenditure may only be authorized by the Board of Commissioners. The General Manager shall keep a record of all such purchases and the quotations submitted pursuant to the solicitation therefor.

Section 5: Other Contracts. All contracts, except those provided for in Section 3 and Section 4 of this Article VIII shall be entered into only after advertising for bids in the manner required by the Water Commission Statute.

Section 6: Bid Deposits. When deemed necessary by the General Manager or Board of Commissioners, bid deposits shall be required.

Section 7: Specifications. The following shall apply to specifications.

- a. Specifications shall be available to all bidders;
- b. Specifications shall be general in nature and not so specific as to limit a bidder to a specific brand; and
- c. The Commission shall reserve the right to make clarifications, corrections or changes in specifications at any time prior to the time bids are opened so long as all bidders or prospective bidders are informed of said clarifications, corrections or changes in the specifications.

Section 8: Bid Opening Procedure.

- a. Sealed. Bids shall be submitted sealed to the Commission and shall be identified as bids on the envelopes. The date and time the bid was received shall be recorded on the envelope of the bid.
- b. Opening. Bids shall be opened in public at the time and place stated in the public notices.

- c. Tabulation. A tabulation of all bids received shall be available for public inspection.

Section 9: Acceptance or Rejection of Bids. Except when expressly and specifically limited by the terms of a particular bid solicitation, the Commission shall have the authority to accept the bid which, in its judgment, is the best bid and most favorable to the interests of the Commission and the public; to reject the low bid; to award to other than the lowest bidder; to accept any item of any bid; to reject any and all bids; to accept and incorporate corrections or clarifications following bid opening when to do so would not, in the Commission's opinion, prejudice the bidding process or create any improper advantage to bidders; and to waive irregularities and informalities in any bid submitted or in the bidding process.

Section 10: Bidders in Default to Commission. The Commission shall not accept the bid of a contractor who is or has been in default on a contract with the Commission or in the payment of monies due to the Commission.

Section 11: Award of Contract.

- a. Authority in Board of Commissioners. The Board of Commissioners shall have the authority to award all contracts for the construction of the Commission's water supply system.
- b. Awards. Contracts shall be awarded to the bidder whose proposal is found to be in the best interests of the Commission. In determining the bidder who is to receive the award, the Commission shall consider the following factors in addition to price:

- (i) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (ii) Whether the bidder has the requisite facilities, plant, organization and staffing to enable the bidder to perform the contract or provide the service successfully and promptly, within the time specified, without delay or interference;
- (iii) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (iv) The quality of the bidder's performance of previous contracts or services;
- (v) The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or services;
- (vi) The sufficiency of the financial resources and ability of the bidder to perform the contract or to provide the services;
- (vii) The quality, availability, adaptability and capabilities of the supplies, material or work to the particular use required;
- (viii) The ability of the bidder to provide future maintenance and service for the subject of the contract, if applicable;

- (ix) Any other factor that the Commission may legally consider in determining the proposal that is in the best interests of the Commission;
- (x) If the contract is for “public works” as that term is defined in the Illinois Prevailing Wage Act (820 ILCS 130/0.01 *et seq.*), the following factors shall also be considered:
 - a. The ability of the bidder to provide future maintenance and service for the subject of the contract, if applicable;
 - b. The bidder and its subcontractors must comply with all provisions of the Illinois Prevailing Wage Act, (820 ILCS 130/0.01 *et seq.*), including wages, medical and hospitalization insurance and retirement for those trades covered under the Act; and
 - c. The bidder and all bidder’s subcontractors must participate in active apprenticeship and training programs approved and registered with the United State Department of Labor’s Office of Apprenticeship for each of the trades of work contemplated under the contract.

(xi) Authority to specify a preference For Qualified Illinois

Bidders. To the extent not prohibited by federal or state

statute, regulation or law and notwithstanding any

provisions of this Article VIII to the contrary, the

Commission shall be empowered to specify a

preference to procure goods and services from

qualified Illinois bidders when deemed to be in the best

interests of the Commission. When the Commission

specifies a preference for Illinois bidders in the

procurement of goods and services, the following will

apply:

a. Applicability. This Section does not apply to any
contract for any project for which the
Commission has received or will receive federal
funds for the project when receipt of such funds
may be in conflict with federal law or federal
regulation.

b. Definition. As used in this Section, "qualified
Illinois business" means a contractor that is
operating and headquartered in Illinois and
providing, at the time that an invitation for a bid
or notice of contract opportunity is first

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advertised, construction or construction-related professional services, and is operating as:

- i. a sole proprietor whose primary residence is in Illinois;
- ii. a business incorporated or organized as a domestic corporation under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.);
- iii. a business organized as a domestic partnership under the Uniform Partnership Act of 1997 (805 ILCS 206/100 et seq.);
- iv. a business organized as a domestic limited partnership under the Uniform Limited Partnership Act of 2001 (805 ILCS 215/0.01 et seq);
- v. a business organized under the Limited Liability Company Act (805 ILCS 180/1-1 et seq.); or
- vi. a business organized under the Professional Limited Liability Company Act (805 ILCS 185/1 et seq.);

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vii. A joint venture in which each joint venturer satisfies one of the qualifications of i – vi above.

c. Notice Of Intent To Match Low Bid. If the lowest responsive, responsible bidder is not a qualified Illinois bidder and if a qualified Illinois bidder has submitted a bid which is within four percent (4%) of the lowest responsive, responsible bidder for an item or bid, the qualified Illinois bidder shall be given written notice to that effect and may, within five (5) days from the date of such notice, provide written confirmation to the Commission that it will match the bid price of the lowest responsive, responsible bidder. The qualified Illinois bidder shall, where the bid is an aggregate of separate price components, reduce the price of each separate component of its aggregate bid by the same percentage that was used to match the bid of the lowest responsive, responsible bidder. If a qualified Illinois bidder fails to provide such written confirmation within the time allowed, its bid shall be considered as originally submitted.

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- d. Multiple Qualified Illinois bidders. If more than one qualified Illinois bidder is within four percent (4%) of the lowest responsive, responsible bidder, only the qualified Illinois bidder submitting the lowest bid shall be given the opportunity to match the bid of the lowest responsive, responsible bidder. The qualified Illinois bidder shall, where the bid is an aggregate of separate price components, reduce the price of each separate component of its aggregate bid by the same percentage that was used to match the bid of the lowest responsive, responsible bidder.
- e. Rejection of Bids. The Commission may reject any and all bids and award the contract to a bidder other than the lowest responsive, responsible bidder or a qualified Illinois bidder who matches the lowest responsible bid upon the determination of the Commission that it is in the Authority's best interests to do so.
- f. Certification. A bidder shall certify in its bid or proposal whether it is a qualified Illinois bidder under this Code.

- c. Subsequent Awards. Contracts awarded to a bidder who fails to comply with all conditions precedent to formal execution of the contract agreement may be annulled. Upon annulment of an award, the Commission may award the contract to any other bidder whose proposal is found to be in the best interests of the Commission in accordance with Subsection 11(b) above, or the Commission may advertise anew for bids.

Section 12: Single Bids. The Board of Commissioners desires competitive bids; however, where there is only one bid, that fact alone shall not prevent the Commission from accepting that bid.

Section 13: Performance and Payment Bonds. The Commission may require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the Commission. The Commission shall require a payment bond in such amount as it shall find reasonably necessary to secure payment for material used and labor performed in connection with a public work.

Section 14: Change Orders. All contract change orders shall be considered and approved or disapproved by the Commission during the regular course of its conduct of business except in the following circumstances.

- a. By General Manager. The General Manager shall have the authority to approve any contract change order:
 - (i) based entirely upon approved unit prices; or
 - (ii) In an amount not in excess of \$100,000 when in the judgment of the General Manager and the

Commission's consulting engineer such change order requires immediate approval to avoid significant impacts to the project schedule or the incurring of unnecessary and excessive costs by the Commission.

A full written description and explanation of any change order so approved by the General Manager shall be distributed to the Board of Commissioners as soon as possible following its approval.

- b. By Commission at Special or Emergency Meeting. When in the judgment of the General Manager a change order in an amount in excess of \$100,000 requires a more immediate approval than the Commission's regular meeting schedule would permit in order to avoid the incurring of significant impacts to the project schedule or unnecessary and excessive costs by the Commission, or when, in any other case, in the judgment of the General Manager a change order requires the immediate attention of the Commission, the General Manager may call a special or emergency meeting of the Commission for the consideration of such change order.

Section 15: Prohibition Against Subdivision. No contract or change order shall be subdivided to avoid the requirements of these By-Laws. This prohibition shall not prevent the repetitive purchase of supplies, material or work which is purchased over a period of time as needed.

Section 16: Emergencies. In case of an apparent emergency which requires immediate purchase of supplies, material or work to protect persons or property, the

General Manager shall be authorized to secure any supplies, material or work necessary to address such emergency by whatever means deemed necessary without regard to the procedures otherwise required under these By-Laws. A full written description and explanation of any such emergency purchase shall be distributed to the Board of Commissioners as soon as possible following the emergency.

Section 17: Bid Item Must Be Budgeted. Contracts or purchase orders cannot be executed and are invalid and void unless the amounts due there under have been budgeted by the Board of Commissioners.

Section 18: Cooperative Purchasing Arrangements. Nothing in this Article VIII shall be interpreted to prohibit the Commission from participating with other public bodies, associations or agencies, or with other units of government, in any cooperative purchasing arrangements subject to bidding or other processes that assure the protection of the best interests of the Commission. Supplies, materials or work purchased through such arrangement shall be exempted from the requirements of this Article.

ARTICLE VIII

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Section 2: Definitions. For the purpose of these procedures, “supplies, material or work” shall mean and include, except as hereinafter limited, all work, labor or services; other contracts for services; supplies, equipment or other materials; and the rental, repair or maintenance of equipment, machinery and other personal property. The term “work” shall not include services rendered in a professional capacity such as accounting, engineering or legal services.

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the expenditure may only be authorized by the Board of Commissioners. The General Manager shall keep a record of all such purchases and the quotations submitted pursuant to the solicitation therefor.

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Section 6: Bid Deposits. When deemed necessary by the General Manager or Board of Commissioners, bid deposits shall be required.

Section 7: Specifications. The following shall apply to specifications.

- a. Specifications shall be available to all bidders;
- b. Specifications shall be general in nature and not so specific as to limit a bidder to a specific brand; and
- c. The Commission shall reserve the right to make clarifications, corrections or changes in specifications at any time prior to the time bids are opened so long as all bidders or prospective bidders are informed of said clarifications, corrections or changes in the specifications.

Section 8: Bid Opening Procedure.

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- c. Tabulation. A tabulation of all bids received shall be available for public inspection.

Section 9: Acceptance or Rejection of Bids. Except when expressly and specifically limited by the terms of a particular bid solicitation, the Commission shall have the authority to accept the bid which, in its judgment, is the best bid and most favorable to the interests of the Commission and the public; to reject the low bid; to award to other than the lowest bidder; to accept any item of any bid; to reject any and all bids; to accept and incorporate corrections or clarifications following bid opening when to do so would not, in the Commission's opinion, prejudice the bidding process or create any improper advantage to bidders; and to waive irregularities and informalities in any bid submitted or in the bidding process.

Section 10: Bidders in Default to Commission. The Commission shall not accept the bid of a contractor who is or has been in default on a contract with the Commission or in the payment of monies due to the Commission.

Section 11: Award of Contract.

- a. Authority in Board of Commissioners. The Board of Commissioners shall have the authority to award all contracts for the construction of the Commission's water supply system.
- b. Awards. Contracts shall be awarded to the bidder whose proposal is found to be in the best interests of the Commission. In determining the bidder who is to receive the award, the Commission shall consider the following factors in addition to price:

- (i) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (ii) Whether the bidder has the requisite facilities, plant, organization and staffing to enable the bidder to perform the contract or provide the service successfully and promptly, within the time specified, without delay or interference;
- (iii) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (iv) The quality of the bidder's performance of previous contracts or services;
- (v) The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or services;
- (vi) The sufficiency of the financial resources and ability of the bidder to perform the contract or to provide the services;
- (vii) The quality, availability, adaptability and capabilities of the supplies, material or work to the particular use required;
- (viii) The ability of the bidder to provide future maintenance and service for the subject of the contract, if applicable;

- (ix) Any other factor that the Commission may legally consider in determining the proposal that is in the best interests of the Commission;
- (x) If the contract is for “public works” as that term is defined in the Illinois Prevailing Wage Act (820 ILCS 130/0.01 *et seq.*), the following factors shall also be considered:
 - a. The ability of the bidder to provide future maintenance and service for the subject of the contract, if applicable;
 - b. The bidder and its subcontractors must comply with all provisions of the Illinois Prevailing Wage Act, (820 ILCS 130/0.01 *et seq.*), including wages, medical and hospitalization insurance and retirement for those trades covered under the Act; and
 - c. The bidder and all bidder’s subcontractors must participate in active apprenticeship and training programs approved and registered with the United State Department of Labor’s Office of Apprenticeship for each of the trades of work contemplated under the contract.

(xi) Authority to specify a preference For Qualified Illinois Bidders. To the extent not prohibited by federal or state statute, regulation or law and notwithstanding any provisions of this Article VIII to the contrary, the Commission shall be empowered to specify a preference to procure goods and services from qualified Illinois bidders when deemed to be in the best interests of the Commission. When the Commission specifies a preference for Illinois bidders in the procurement of goods and services, the following will apply:

- a. Applicability. This Section does not apply to any contract for any project for which the Commission has received or will receive federal funds for the project when receipt of such funds may be in conflict with federal law or federal regulation.
- b. Definition. As used in this Section, “qualified Illinois business” means a contractor that is operating and headquartered in Illinois and providing, at the time that an invitation for a bid or notice of contract opportunity is first

advertised, construction or construction-related professional services, and is operating as:

- i. a sole proprietor whose primary residence is in Illinois;
- ii. a business incorporated or organized as a domestic corporation under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.);
- iii. a business organized as a domestic partnership under the Uniform Partnership Act of 1997 (805 ILCS 206/100 et seq.);
- iv. a business organized as a domestic limited partnership under the Uniform Limited Partnership Act of 2001 (805 ILCS 215/0.01 et seq);
- v. a business organized under the Limited Liability Company Act (805 ILCS 180/1-1 et seq.); or
- vi. a business organized under the Professional Limited Liability Company Act (805 ILCS 185/1 et seq.);

vii. A joint venture in which each joint venturer satisfies one of the qualifications of i – vi above.

c. Notice Of Intent To Match Low Bid. If the lowest responsive, responsible bidder is not a qualified Illinois bidder and if a qualified Illinois bidder has submitted a bid which is within four percent (4%) of the lowest responsive, responsible bidder for an item or bid, the qualified Illinois bidder shall be given written notice to that effect and may, within five (5) days from the date of such notice, provide written confirmation to the Commission that it will match the bid price of the lowest responsive, responsible bidder. The qualified Illinois bidder shall, where the bid is an aggregate of separate price components, reduce the price of each separate component of its aggregate bid by the same percentage that was used to match the bid of the lowest responsive, responsible bidder. If a qualified Illinois bidder fails to provide such written confirmation within the time allowed, its bid shall be considered as originally submitted.

- d. Multiple Qualified Illinois bidders. If more than one qualified Illinois bidder is within four percent (4%) of the lowest responsive, responsible bidder, only the qualified Illinois bidder submitting the lowest bid shall be given the opportunity to match the bid of the lowest responsive, responsible bidder. The qualified Illinois bidder shall, where the bid is an aggregate of separate price components, reduce the price of each separate component of its aggregate bid by the same percentage that was used to match the bid of the lowest responsive, responsible bidder.
- e. Rejection of Bids. The Commission may reject any and all bids and award the contract to a bidder other than the lowest responsive, responsible bidder or a qualified Illinois bidder who matches the lowest responsive bid upon the determination of the Commission that it is in the Authority's best interests to do so.
- f. Certification. A bidder shall certify in its bid or proposal whether it is a qualified Illinois bidder under this Code.

- c. Subsequent Awards. Contracts awarded to a bidder who fails to comply with all conditions precedent to formal execution of the contract agreement may be annulled. Upon annulment of an award, the Commission may award the contract to any other bidder whose proposal is found to be in the best interests of the Commission in accordance with Subsection 11(b) above, or the Commission may advertise anew for bids.

Section 12: Single Bids. The Board of Commissioners desires competitive bids; however, where there is only one bid, that fact alone shall not prevent the Commission from accepting that bid.

Section 13: Performance and Payment Bonds. The Commission may require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the Commission. The Commission shall require a payment bond in such amount as it shall find reasonably necessary to secure payment for material used and labor performed in connection with a public work.

Section 14: Change Orders. All contract change orders shall be considered and approved or disapproved by the Commission during the regular course of its conduct of business except in the following circumstances.

- a. By General Manager. The General Manager shall have the authority to approve any contract change order:
 - (i) based entirely upon approved unit prices; or
 - (ii) In an amount not in excess of \$100,000 when in the judgment of the General Manager and the

Commission's consulting engineer such change order requires immediate approval to avoid significant impacts to the project schedule or the incurring of unnecessary and excessive costs by the Commission.

A full written description and explanation of any change order so approved by the General Manager shall be distributed to the Board of Commissioners as soon as possible following its approval.

- b. By Commission at Special or Emergency Meeting. When in the judgment of the General Manager a change order in an amount in excess of \$100,000 requires a more immediate approval than the Commission's regular meeting schedule would permit in order to avoid the incurring of significant impacts to the project schedule or unnecessary and excessive costs by the Commission, or when, in any other case, in the judgment of the General Manager a change order requires the immediate attention of the Commission, the General Manager may call a special or emergency meeting of the Commission for the consideration of such change order.

Section 15: Prohibition Against Subdivision. No contract or change order shall be subdivided to avoid the requirements of these By-Laws. This prohibition shall not prevent the repetitive purchase of supplies, material or work which is purchased over a period of time as needed.

Section 16: Emergencies. In case of an apparent emergency which requires immediate purchase of supplies, material or work to protect persons or property, the

General Manager shall be authorized to secure any supplies, material or work necessary to address such emergency by whatever means deemed necessary without regard to the procedures otherwise required under these By-Laws. A full written description and explanation of any such emergency purchase shall be distributed to the Board of Commissioners as soon as possible following the emergency.

Section 17: Bid Item Must Be Budgeted. Contracts or purchase orders cannot be executed and are invalid and void unless the amounts due there under have been budgeted by the Board of Commissioners.

Section 18: Cooperative Purchasing Arrangements. Nothing in this Article VIII shall be interpreted to prohibit the Commission from participating with other public bodies, associations or agencies, or with other units of government, in any cooperative purchasing arrangements subject to bidding or other processes that assure the protection of the best interests of the Commission. Supplies, materials or work purchased through such arrangement shall be exempted from the requirements of this Article.



Resolution #: R-49-24

Account: 01-60-628000

Approvals: *Author / Manager / Finance / Admin*

CAP - CAP PDM

REQUEST FOR BOARD ACTION

Date: 8/23/2024

Description: To approve the renewal of the contract with Sikich LLP for Human Resources consulting services

Agenda Section: Administration Committee

Originating Department: Administration

This request would authorize the General Manager to approve the renewal of the 1-year option agreement with Sikich LLP for human resource consulting and services for the continued amount of \$250 per, hour as needed.

The Commission solicited for proposals for human resource services at the DuPage Water Commission in July 2022. Since that time Sikich has provided consulting services upon request, including updating the DWC Personnel Manual, preparation of compensation report, updating performance evaluations, preparation of a streamlined solicitation/hiring/onboarding program, and various consultations regarding personnel issues such as hiring, termination, and changes to human resource laws as requested. The Commission has been very satisfied with the services provided by Sikich LLP to date.

Recommended Motion:

Authorization for the General Manager to approve the renewal of the additional 1-year option agreement with Sikich LLP for human resource consulting and services at the DuPage Water Commission.

DUPAGE WATER COMMISSION

RESOLUTION NO. R-49-24

A RESOLUTION APPROVING THE RENEWAL OF THE AGREEMENT WITH SIKICH LLP FOR ONE YEAR FOR
HUMAN RESOURCE CONSULTING SERVICES

WHEREAS, the Commission was formed and exists pursuant to the Water Commission Act of 1985, 70 ILCS 3720/0.01 et seq., and Division 135 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 et seq., for the purpose of securing an adequate source and supply of water for its customers; and

WHEREAS, the Commission desires to retain human resources consulting and services through Sikich LLP, to provide consulting and services as needed and

WHEREAS, the Commission further desires to obtain under the contract services in connection with human resource services as requested or outlined in the contract;

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

SECTION ONE: The foregoing recitals are hereby incorporated herein and made a part hereof as findings of the Board of Commissioners of the DuPage Water Commission.

SECTION TWO: An extension of the contract between the DuPage Water Commission and Sikich LLP for human resource services for a duration of one year, with such modifications as may be required or approved by the General Manager of the Commission, shall be and it hereby is approved. The General Manager shall be and hereby is authorized and directed to execute the extension of the current contract with such modifications as may be required or approved by the General Manager; provided, however, that the contract shall not be so executed on behalf of the Commission unless and until the General Manager shall have been presented with copies of the contract by Sikich LLP.

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

	Aye	Nay	Absent	Abstain
Bouckaert, D.				
Cuzzone, N.				
Fennell, J.				
Healy, J.				
Novotny, D.				
Pruyn, J.				
Romano, K.				
Rush, K.				
Russo, D.				
Saverino, F.				
Suess, P.				
Van Vooren, D.				
Zay, J.				

ADOPTED THIS _____ DAY OF _____, 2024.

James F. Zay, Chairman

ATTEST:

Danna Mundall, Clerk
Board/Resolutions/2024/R-49-24.docx



Resolution #: R-51-24

Account: N/A

Approvals: *Author / Manager / Finance / Admin*

DC RCB CAP PDM

REQUEST FOR BOARD ACTION

Date: 9/12/2024

Description: A Resolution Authorizing and Ratifying the Disposal of Certain Personal Property Owned by the DuPage Water Commission

Agenda Section: Administration Committee

Originating Department: Systems & Information Technology

Resolution No. R-51-24 is a Resolution Authorizing and Ratifying the Disposal of Certain Personal Property Owned by the DuPage Water Commission. This Resolution authorizes the General Manager to dispose of the assets listed on Exhibit 1 to the Resolution or, if already disposed of, ratifies and confirms their disposal because these assets are or were no longer useful to the Commission.

The computer and electronic equipment listed in Exhibit 1 will be donated to ATEN – Assistive Technology Exchange Network, A Program of United Cerebral Palsy of Greater Chicago - they refurbish and recycle donated computers and distribute them free of charge to children with disabilities.

Assistive Technology Exchange Network

7550 W. 183rd Street

Tinley Park, IL 60477

708-444-8460

Recommended Motion:

Adopt R-51-24, A Resolution Authorizing and Ratifying the Disposal of Certain Personal Property Owned by the DuPage Water Commission.

RESOLUTION NO. R-51-24

**A RESOLUTION AUTHORIZING AND RATIFYING
THE DISPOSAL OF CERTAIN PERSONAL PROPERTY OWNED BY THE
DUPAGE WATER COMMISSION**

WHEREAS, the DuPage Water Commission is authorized to sell or otherwise dispose of personal property pursuant to 65 ILCS 5/11-135-6; and

WHEREAS, in the opinion of the Board of Commissioners of the DuPage Water Commission, the personal property described in Exhibit 1 attached hereto and by this reference incorporated herein and made a part hereof (the "Property") is no longer necessary or useful to or for the best interests of the DuPage Water Commission to retain or, if already disposed of, was not necessary or useful to or for the best interests of the DuPage Water Commission to retain;

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

SECTION ONE: The Board of Commissioners of the DuPage Water Commission hereby finds and determines that the Property is no longer necessary or useful to the DuPage Water Commission and the best interests of the DuPage Water Commission will be served by its disposal or, if already disposed of, was not necessary or useful to the DuPage Water Commission and the best interests of the DuPage Water Commission were served by its disposal.

SECTION TWO The General Manager is hereby authorized to dispose of the Property in such manner as the General Manager shall determine or, if already disposed of, the Board of Commissioners of the DuPage Water Commission hereby ratifies and confirms its disposal.

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

	Aye	Nay	Absent	Abstain
Bouckaert, D.				
Cuzzone, N.				
Fennell, J.				
Healy, J.				
Novotny, D.				
Pruyn, J.				
Romano, K.				
Rush, K.				
Russo, D.				
Saverino, F.				
Suess, P.				
Van Vooren, D.				
Zay, J.				

ADOPTED THIS ____ DAY OF _____, 2024.

ATTEST:

James F. Zay, Chairman

Danna Mundall, Clerk

Board/Resolutions/2024/R-51-24.docx

EXHIBIT 1

Qty	Serial Number	Description
1	6CM319FZN	HP LV2311 MONITOR (Computer monitor)
1	EALMQS145670	ASUS VE247 MONITOR (Computer monitor)
1	MXL9464QC8	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL9123JS4	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL0121X9Y	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL0121X9N	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL9464QCB	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL0121X9Q	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL0121XBM	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL9123JRF	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL0121X9S	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL9123JSB	HP EliteDesk 800 G4 TWR (Workstation)
1	MXL0121X9B	HP EliteDesk 800 G4 TWR (Workstation)
1	FWYNHM2	DELL Precision 3529 (Laptop)
1	2UA8071HQM	HP Z240 Tower Workstation (Workstation)
1	3902A816	Cisco Switch Catalyst 2950
1	411040	LattisNet Switch Model 2800



Resolution #: N/A

Account: N/A

Approvals: *Author / Manager / Finance / Admin*

DM - - PDM

REQUEST FOR BOARD ACTION

Date: 9/12/2024
Description: 2025 Schedule of Meetings
Agenda Section: Administration Committee
Originating Department: Administration

Seeking Board approval of the 2025 Schedule of Board and Committee Meetings for calendar year 2025.

Recommended Motion:

Motion to approve the 2025 Schedule of Meetings.



MEMORANDUM

To: Interested News Media
From: Paul D. May, P.E., General Manager
Date: 9/12/2024
Subject: 2025 Schedule of Meetings

As required in 5 ILCS 120/2.03 the following is a list of regular board meetings for the DuPage Water Commission:

January 16, 2025
February 20, 2025
March 20, 2025
April 17, 2025
May 15, 2025
June 19, 2025
July 17, 2025
August 21, 2025
September 18, 2025
October 16, 2025
November 20, 2025
December 18, 2025

The regular Commission meetings begin at 6:30 P.M., and are held at the Commission Offices at 600 East Butterfield Road, Elmhurst, Illinois 60126. The Administration Committee begins at 6:15 P.M., the Engineering and Construction Committee begins at 6:00 P.M., and the Finance Committee begins at 5:45 P.M. prior to the regular Board meetings.