
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL OF WILLIAMS
BROTHERS CONSTRUCTION, INC. PURSUANT TO THE REQUEST FOR BIDS FOR
PHASE II OF WATER RECLAMATION PLANT IMPROVEMENTS**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys
200 W. Adams, Ste. 2125, Chicago, IL 60606

ORDINANCE NO: _____

AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL OF WILLIAMS BROTHERS CONSTRUCTION, INC. PURSUANT TO THE REQUEST FOR BIDS FOR PHASE II OF WATER RECLAMATION PLANT IMPROVEMENTS

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the City provides utility services including electric, water, sewer, wastewater treatment, and advanced communications to the greater Rochelle Community through the Utility Department, which is commonly referred to as Rochelle Municipal Utilities (RMU); and

WHEREAS, in anticipation of Phase II of the improvements at the water reclamation plant, RMU published a request for bids in the Rockford Register Star on November 6, 2023; and

WHEREAS, in accordance with the request for bids, on December 21, 2023, the City properly opened the two (2) bids it received, a summary of the two bids is attached as Exhibit A; and

WHEREAS, the lowest bid was from Williams Brothers Construction, Inc., and was in the amount of \$10,670,000; and

WHEREAS, while the bid is over the Engineer’s Cost Estimate, it meets the City’s specifications for the project; and

WHEREAS, Willett Hofmann Engineering has advised that if the City wants to proceed with Phase II of the water reclamation plant improvements, the City should accept the proposal of Williams Brothers Construction, Inc., contingent on Illinois Environmental Protection Agency’s issuance of a loan agreement; and

WHEREAS, the Mayor and City Council find that it is in the best interest of the City and its residents to proceed with Phase II of the water reclamation plant improvements and therefore

accept and approve the proposal from Williams Brothers Construction, Inc., in the amount of \$10,670,000.00 contingent on IEPA's issuance of a loan agreement.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: Contingent on the Illinois Environmental Protection Agency's issuance of a loan agreement, the Mayor and City Council hereby accept and approve the proposal of Williams Brothers Construction, Inc., for Phase II of the water reclamation plant improvements in the amount of \$10,670,000.00 and authorize the City Manager or his designee to execute any and all necessary agreements to memorialize the terms of said proposal (summarized in Exhibit A) in a form to be reviewed by the City Attorney.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

APPROVED this 12th day of February 2024.

ATTEST:

City Clerk

Mayor

EXHIBIT A



January 11, 2024

Mr. Adam Lanning, Water/WRP Superintendent
Rochelle Municipal Utilities
P.O. Box 456
Rochelle, Illinois 61068

Re: Water Reclamation Plant Improvements – Phase II
Bid Summary and Award
IEPA No. IL175571
WHA No. 1298D20

Dear Adam:

Proposals for the Water Reclamation Plant Improvements – Phase II project were received and opened on December 21, 2023 at 11:00 A.M. at the Rochelle City Council chambers. A total of two (2) proposals were received.

There were three (3) Addenda issued prior to the bid opening. All proposals were submitted with the required bid security. The proposals were reviewed for completeness and read aloud. A tabulation of all the bids, including a listing of items to be submitted with the proposal, was later verified. A copy of the bid tabulation is attached for your information.

Bidding Irregularities

None.

Summary of Bids

The low bid of \$10,670,000.00 was \$1,965,000.00 and 22.6% above our Engineer's Cost Estimate of \$8,705,000.00, and it was \$1,005,000.00 below the 2nd bidder. A tabulation of all the bids comparing them to our estimate in dollars and percentages is as follows:

Bid Tabulation

CONTRACTOR	BID	\$ Over/Under Estimate	% Over/Under Estimate
Williams Brothers Construction, Inc. Peoria, IL	\$ 10,670,000.00	\$ 1,965,000.00 ↑	22.6% ↑
IHC Construction Companies, LLC Elgin, IL	\$ 11,675,000.00	\$ 2,970,000.00 ↑	34.1% ↑

CONTRACTOR	ALT. BID NO. 1 Cloth Media Filter	ALT. BID NO. 2 Domestic L.S. Improvements	ALT. BID NO. 3 Clarifier Trough Covers
Williams Brothers Construction, Inc. Peoria, IL	\$ 620,000.00	\$ 970,000.00	\$ 220,000.00
IHC Construction Companies, LLC Elgin, IL	\$ 720,000.00	\$1,030,000.00	\$ 240,000.00

Project Cost Summary

The Water Reclamation Plant Phase II project was originally bid in November 2022 and the low bid was \$13,665,175.00 which was \$4,521,175.00 over the engineer's cost estimate. All bids were rejected, and the scope was reduced to reduce the overall cost of the project. The IEPA Water Pollution Control Revolving Fund (WPCRF) Loan financing a year ago included no principal forgiveness and was a 20-year loan at 0.93% as summarized in the Project Cost Summary table below.

The current IEPA WPCRF Loan financing includes \$3,492,180.00 in principal forgiveness and is a 20-year loan at an interest rate of 1.36% as summarized in the Project Cost Summary Table below. The rebidding of the project reduced the overall project cost by \$3,085,030.00, the loan amount to repay by \$6,577,210.00, and the annual loan payment by \$342,200.00.

There were 3 alternate bids included as part of the project bidding. During our discussion regarding the overall project cost, it was decided to exclude all alternate bids from the project award. Therefore, the cost of the alternate bids included on the bid tab are not included Project Cost Summary Table below.

Project Cost Summary

	Original Bid Project Cost	Re-bid Project Cost	Increase/(Decrease)
Construction	\$13,665,175.00	\$ 10,670,000.00	(\$2,995,175.00)
Contingency (3%)	\$ 409,955.00	\$ 320,100.00	(\$ 89,855.00)
Engineering	\$ 650,500.00	\$ 650,500.00	\$ 0.00
Total Project Cost	\$14,725,630.00	\$ 11,640,600.00	(\$3,085,030.00)
Project Financing			
Principal Forgiveness	\$ 0.00	\$ 3,492,180.00	\$3,492,180.00
IEPA Loan to Repay	\$14,725,630.00	\$ 8,148,420.00	(\$6,577,210.00)
Annual Loan Payment	\$ 810,300.00	\$ 468,100.00	\$ 342,200.00

Project Award

Williams Brothers Construction, Inc. was the low bidder, and their bid was \$1,965,000.00 and 22.6% above our Engineer's cost estimate. The project scope has been reduced as much as possible and with equipment, materials, and labor prices continuing to rise, there is no guarantee that rejecting all bids and rebidding again will reduce the cost. Also, the IEPA WPCRF loan funding includes principal forgiveness and there is no guarantee City would get principal forgiveness in the future.

If the City wants to proceed with the project, then we recommend the City award the contract, contingent on IEPA approval, to Williams Brothers Construction, Inc. P.O. Box 1366, Peoria, IL 61654 for their low, responsive, responsible bid of \$10,670,000.00.

Enclosed is the Notice of Intent to Award for Williams Brothers Construction, Inc. The Mayor will need to sign the Notice of Intent to Award if the City awards the project. If so, please return the executed Notice of Intent to Award to us for submittal to the IEPA Loan Program.

Please feel free to call if you have any questions, or we are willing to meet with you at your convenience to discuss the bid award in more detail.

Sincerely,

WILLETT, HOFMANN & ASSOCIATES, INC.

BY 
Mike Long, P.E.

ML:lj
Encl.
cc: File

CITY OF ROCHELLE, ILLINOIS
 ROCHELLE MUNICIPAL UTILITIES
 WATER RECLAMATION DIVISION IMPROVEMENTS
 WATER RECLAMATION PLANT IMPROVEMENTS - PHASE II
 WHA No. 1298D20

TABULATION OF BIDS

BID OPENING: December 21, 2023
 11:00 a.m.
 Rochelle City Hall

CONTRACTOR		Williams Bros. Const. Inc. IL	Peoria,	IHC Construction Companies, LLC Elgin, IL
ADDENDA NOS.	3	✓		✓
SIGNATURE PAGE	00 41 13-12	✓		✓
BID BOND	00 41 50-1-2	✓		✓
DBE BUSINESS PACKAGE	00 73 16-24-31	✓		✓
CERTIFICATION OF NONSEGREGATED FACILITIES	00 73 16-15	✓		✓
NOTICE TO LABOR UNIONS OR OTHER ORGANIZATIONS OF...	00 73 16-16	✓		✓
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND ...	00 73 16-17	✓		✓
BIDDER CERTIFICATION IN COMPLIANCE WITH ARTICLE 33E...	00 73 16-23	✓		✓
BIDDER CERTIFICATION REGARDING USE OF AMERICAN IRON...	00 73 16-32	✓		✓
TOTAL LUMP SUM BASE BID PROPOSAL		\$	10,670,000.00	\$ 11,675,000.00
ALTERNATE BID NO. 1				
TERTIARY FILTER REPLCEMENT - CLOTH MEDIA FILTER				
TOTAL LUMP SUM ALTERNATE BID NO. 1 PROPOSAL		\$	620,000.00	\$ 720,000.00
ALTERNATE BID NO. 2				
DOMESTIC LIFT STATION IMPROVEMENTS				
TOTAL LUMP SUM ALTERNATE BID NO. 2 PROPOSAL		\$	970,000.00	\$ 1,030,000.00
ALTERNATE BID NO. 3				
CLARIFIER EFFLUENT TROUGH LAUNDER COVERS				
TOTAL LUMP SUM ALTERNATE BID NO. 2 PROPOSAL		\$	220,000.00	\$ 240,000.00

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Hueramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL OF WILLIAMS BROTHERS CONSTRUCTION, INC. PURSUANT TO THE REQUEST FOR BIDS FOR PHASE II OF WATER RECLAMATION PLANT IMPROVEMENTS” which was adopted by the Mayor and City Council of the City of Rochelle on February 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 12th day of February 2024.

CITY CLERK