
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AUTHORIZING THE NOTICE OF INTENT TO AWARD CONTRACT
TO WILLIAMS BROTHERS CONSTRUCTION, INC.**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
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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
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys
200 W. Adams, Suite 2125, Chicago, IL 60606

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE NOTICE OF INTENT TO AWARD CONTRACT
TO WILLIAMS BROTHERS CONSTRUCTION, INC.**

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 (a copy of the summary of bids is attached herein as Exhibit A); and

WHEREAS, while the bid is over the Engineer’s Cost Estimate, the proposal 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 execute the Notice of Intent to Award (attached herein as Exhibit B); and

WHEREAS, whereas the Notice of Intent to Award specifies that the acceptance of the bid is contingent upon the Illinois Environmental Protection Agency’s (“IEPA”) issuance of a loan agreement; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City to execute the Notice of Intent to Award.

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 upon the IEPA'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 and therefore authorize the City Manager or his designee to execute the Notice of Intent to Award (attached as Exhibit B).

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.

MAYOR

ATTEST:

CITY CLERK

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:

809 East 2nd Street, Dixon, IL 61021-0367 T: (815) 284-3381 F: (815) 284-3385

WillettHofmann.com

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 REPLACEMENT - 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 |

EXHIBIT B

City of Rochelle

DIVISION 00 – PROCUREMENT AND CONTRACTING REQUIREMENTS
Section 00 52 50 - Notice of Intent to Award

NOTICE OF INTENT TO AWARD

To: Williams Brothers
Construction, Inc.

P.O. Box 1366

Peoria, IL 61654

Project Description: Water Reclamation Plant Improvements – Phase II

The OWNER has considered the BID submitted by you for the above described WORK, in response to its Invitation for Bids dated November 6, 2023 and Information for Bidders.

You are hereby notified that your BID will be accepted, contingent upon Illinois Environmental Protection Agency (IEPA) approval, for items in the amount of \$10,670,000.00.

You will be required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S Performance BOND, Payment BOND and certificates of insurance within ten (10) calendar days from the date of the final Notice to be sent upon IEPA approval, to you.

Dated this _____ day of _____, 20__.

City of Rochelle
OWNER

By _____

Title Mayor

CERTIFICATE

I, _____, 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 AUTHORIZING THE NOTICE OF INTENT TO AWARD CONTRACT TO WILLIAMS BROTHERS CONSTRUCTION, INC.” 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