

**Illinois State Toll Highway Authority
Minutes of the
Engineering-Planning Committee Meeting**

April 29, 2010

The Illinois State Toll Highway Authority held an Engineering-Planning Committee Meeting on Thursday, April 29, 2010 at approximately 8:00 a.m. at the Central Administration Building in Downers Grove, Illinois. Directors on the committee in attendance were as follows:

Committee Chairman Jim Roof
Director Tom Canham
Director Maria Saldaña
Director Carl Towns

Committee Chairman Roof called the meeting to order.

Director Towns moved to approve the Minutes of the Engineering-Planning Committee Meeting held on March 25, 2010; seconded by Director Saldaña. The motion was approved unanimously.

Paul Kovacs, Chief Engineer, advised that the Tollway has joined with IDOT and the State Police to recognize National Work Zone Safety Week to remind drivers that impatience, speeding and driver inattention are some of the leading factors in work zone crashes. There were 31 fatal crashes in Illinois work zones last year; 25 were drivers, 5 were construction workers and one was a pedestrian. The Tollway staff is grateful that none of these construction worker fatalities were on the tollway roads, but the statistics serve as a reminder that drivers must stay alert and follow all traffic laws. Mr. Kovacs also thanked State Police District 15 for their continued support in the Tollway work zones.

Committee Chairman Roof then called on Chief Engineer Paul Kovacs to present the Engineering agenda items.

Mr. Kovacs requested approval of the following:

Rescind Contract RR-09-9069 to Jacobs Engineering Group, Inc. for Intelligent Transportation Systems (ITS) Services Upon Request, Systemwide in the amount of \$500,000.

Mr. Kovacs advised that after the approval of this item at the March Board meeting, Legal Department review of this contract found that this business had failed to comply with Public Act 95-971. Committee Chairman Roof stated that the all items should be thoroughly reviewed before they are brought to the Board. Mr. Kovacs advised that additional checks will be instituted in the Tollway Contract Services Group, and Engineering is working with the Legal Department to avoid this type of situation in the future. Albert Murillo, Chief of Procurement, explained the reasoning behind Public Act 95-971. Director Saldaña inquired if the bid could have been cured during the seven-day protest period. Mr. Murillo advised that the law states that the certificate must be sent with the bid; therefore there no cure was possible.

Director Saldaña moved to approve Rescinding said Contract for the Consent Agenda; seconded by Director Towns. The motion was approved unanimously.

Mr. Kovacs then advised that 110 firms presented 723 statements of interest on the 31 items on the 09-01 Engineering Professional Services Bulletin. Twelve minority firms were selected as prime contractors, and nine of those firms had mentor/protégé arrangements and will receive an additional 5% DBE credit when their protégé

completes 15% of the contract. Mr. Kovacs advised that the four following proposals are DBE/MBE firms and requested approval of the following:

Proposal for Contract RR-09-9069 from Singh and Associates, Inc., for Intelligent Transportation Systems (ITS) Services Upon Request, Systemwide in the amount of \$500,000.

Proposal from Rubinos & Mesia Engineers, Inc., for RR-09-5591 for Design Services for Bridge Rehabilitation on Tri-State Tollway (I-294/ I-94) Milepost 1.4 (Chicago Road) to Milepost 6.5 (159th Street); Milepost 20.3, formerly Milepost 58.0, (Everett Road) in the amount of \$700,000.

Proposal from Milhouse Engineering and Construction, Inc., for Contract RR-09-5597 for Design and Construction Management Services for Landscape Services, Systemwide, in the amount of \$500,000.

Proposal from DB Sterlin Consultants, Inc., on Contract I-09-5599 for Construction Management for Roadway Improvements on Tri-State Tollway (I-294/I-94) Milepost 1.1 (Lincoln Oasis) to Milepost 52.9 (Lake Cook Road) and Milepost 1.2, formerly Milepost 77.2 (Russell Road) in the amount of \$405,678.59.

Director Saldaña moved to approve said Proposals for the Consent Agenda; seconded by Director Towns. The motion was approved unanimously.

Mr. Kovacs then requested approval of the following:

Partial Release of Retainage on Contract I-06-5462 to James McHugh Construction Company for Roadway Reconstruction and Widening on Westbound Reagan Memorial Tollway (I-88) Milepost

114.0 (Deerpath Road) to Milepost 118.3 (Mitchell Road) by \$1,367,222.87, from \$1,636,886.39 to \$269,663.52.

Partial Release of Retainage on Contract I-06-8975 to FH Paschen, S.N. Nielsen & Associates, LLC, for Roadway and Bridge Reconstruction and Widening on Northbound Tri-State Tollway (I-294) Milepost 11.13 (Cal-Sag Channel) to Milepost 15.53 (111th Street) by \$714,972.96, from \$1,064,972.96 to \$350,000.

Director Towns moved to approve said Partial Releases of Retainage for the Consent Agenda; seconded by Director Saldaña. The motion was approved unanimously.

Mr. Kovacs then requested approval of the following:

Full Release of Retainage on Contract RR-07-5530 for Lorig Construction Company for Bridge and Wall Repair on Jane Addams Memorial Tollway (I-90) Milepost 1.5 (Westbound near Devon Toll Plaza 17) to Milepost 22.5 (IL Route 25) in the amount of \$60,000.

Director Saldaña moved to approve said Full Release of Retainage for the Consent Agenda; seconded by Director Towns. The motion was approved unanimously.

Mr. Kovacs then requested approval of the following:

Permit TS 10-05 to Level 3 Communications for permission to install, maintain, and operate fiber optic facilities directionally bored under and across Tri-State Tollway (I-294) at Hawthorne Street on the north side of Cermak Toll Plaza 35, Milepost 30.0. Fee will be \$1,000.

Director Canham moved to approve said Permit for the Consent Agenda; seconded by Director Towns. The motion was approved unanimously.

Mr. Kovacs then requested approval of the following:

Conveyance of a Temporary Construction Easement to The Illinois Department of Transportation on T-9A-5, at I-294 (Tri-State Tollway) at the intersection of Touhy Avenue (Milepost 41.6) and River Road (Milepost 42.0) in the City of Des Plaines, to install a guard rail. The Easement consists of .520 acres and is for a period of five (5) years or until construction is complete, whichever comes first. The Illinois Department of Transportation will pay the Illinois Tollway \$85,000.

Director Towns moved to approve said Conveyance of a Temporary Construction Easement for the Consent Agenda; seconded by Director Canham. The motion was approved unanimously.

Chair Wolff then requested a motion to allow Director Weisner to participate via the telephone. Director Morris moved for approval; seconded by Director Towns. The motion was approved unanimously.

Committee Chairman Roof then called upon Stephanie Stephens, General Manager of Diversity, to present a DBE/Diversity overview. Ms. Stephens advised that the State of Illinois CMS/BEP (Business Enterprise Program) size limitation for gross sales is \$31 million, which is higher than the Federal standard of \$22.4 million, the standard that IDOT uses. This is based on the annual sales by type of business. The Tollway does not confer certification in these programs. The Tollway uses the Illinois Unified Certification Program (IL-UCP) and for Maintenance and Operation (M&O) contracts the Tollway uses the BEP. The Tollway Congestion Relief Program accepts DBE certifications, along with City of Chicago M/WBE certifications. For Engineering Professional Service Contracts (architectural, engineering,

construction management, design, inspection and testing) there is an across the board goal of 20%. The Tollway conducts and participates in numerous outreach and networking events. Director Saldaña inquired as to why the Tollway does not accept the national certifications. Ms. Stephens advised that she was looking into those programs. Director Morris stated that the paperwork for DBE M/WBE is a heavy work burden. Ms. Stephens stated that there are entities that accept self-certification. Director Saldaña stated that self-certification may not be the best way to determine who is certified. Committee Chairman Roolf asked Ms. Stephens to review other types of certifications, and bring that information back to the Board.

Ms. Stephens then advised the Board about the Tollway's Earned Credit Program (ECP). The ECP is considered a bid incentive program by contractors, and a job hiring program by job seekers. The program awards virtual dollars that can be used as credit on Tollway bids which are based upon earnings paid to eligible hires. Four bids have been determined by a bidder utilizing ECP credit to best the lowest bid.

Ms. Stephens next advised the Board about the Tollway's Mentor/Protégé Program. The Mentor/Protégé Program is voluntary and allows prime respondents to the PSB to award 15% of their work to a DBE/MBE/WBE certified firm and receive 20% credit as long as they provide technical assistance that helps the firm develop and grow. DBE participation in Tollway projects has jumped from less than 2% in 2004 to more than 16% of all construction contracts through 2009. DBE participation increased from 5% in 2004 to nearly 28% for all professional services contracts through 2009. In 2009 nearly 30% of the dollars spent on professional services went to DBE firms and nearly 22% of total dollars spent for construction went to DBE firms.

Ms. Stephens then advised that the consultant, Mason Tillman Associates is currently working on data collection reference the subcontract payments and utilization for the Disparity Study for the Tollway and IDOT. The consultant will be analyzing three years of

data (2006-2008) for findings that will serve as the basis for the Tollway program. The consultant will look at utilization of all firms, both prime and sub, both minority and non-minority. An advisory committee consisting of members of unions, trade associations, and MBE/WBE assist agencies has been formed to provide feedback and recommendations on the study, as well as to provide outreach to different affected groups. A final draft report is expected in late summer or early fall. Tom Bamonte, General Counsel, then explained to the Board why the Tollway is participating in the disparity study.

There being no further business, Committee Chairman Roolf called for a motion to adjourn. Director Canham moved to adjourn; seconded by Director Towns. The motion was approved unanimously.

Meeting adjourned at approximately 9:05 a.m.

Minutes taken by: _____
Dawn Sirianni