Release Summary Sheet

Contract (PO) Number: 15878

Release Number: 16

Specification Number: 58904

Name of Contractor: MQ SEWER & WATER CONTRACTORS

City Department: CHICAGO DEPARTMENT OF TRANSPORTATION

Title of Contract: CDOT-JOC REPAIR, RECONSTRUCTION AND REHABILITATION OF FLAT WORK/SITE WORK AND STRUCTURES

Dollar Amount of Release: $124,100.25

Release Description: CDOT-JOC REPAIR, RECONSTRUCTION & REHABILITATION OF FLAT WORK SPACE, SITE WORK SPACE & STRUCTURES

Procurement Services Contact Person: LYLIANIS RODRIGUEZ

Vendor Number: 528125

Submission Date:
CITY OF CHICAGO
BLANKET RELEASE

Furnish the supplies and/or services described below in conformance with conditions set forth herein and in your offer

| RELEASE | PURCHASE | RELEASE | SPECIFICATION | VENDOR | SITE | DELIVERY | PAGE |
| DATE    | ORDER    | NUMBER  | NUMBER        | NUMBER | NAME | DATE     | NUMBER |
| 6/18/2009 | 15878    | 16      | 58904         | 528125 | A    |          | 1      |

DELIVER TO: 84-A05
A05
BUREAU OF HIGHWAYS
30 N LASALLE ST - STE 400
CHICAGO ILLINOIS 60602-2570
Chicago, IL

DELIVERY CHARGES to be PREPAID
TITLE TO PASS ON DELIVERY

CONTACT: 744-5806

PO DESCRIPTION: CDOT-JOC REPAIR, RECONSTRUCTION AND REHABILITATION OF FLAT WORK/SITE WORK AND STRUCTURES

BLANKET RELEASE

THIS SIGNED RELEASE IS YOUR AUTHORITY TO FURNISH THE SPECIFIED SUPPLIES AND/OR SERVICES IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE BLANKET AGREEMENT NUMBER: 15878

THIS PURCHASE IS FOR DEPARTMENT: 84 - CHICAGO DEPARTMENT OF TRANSPORTATION

SUBMIT THE ORIGINAL INVOICE TO:
A04
BUREAU OF ADMINISTRATION AND PLANNING
CHICAGO ILLINOIS 60602-2570, IL

<table>
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<tr>
<th>PO Line</th>
<th>Ship Line</th>
<th>COMMODITY INFORMATION</th>
<th>QUANTITY</th>
<th>UOM</th>
<th>COST</th>
<th>TOTAL COST</th>
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<td>1</td>
<td>96875</td>
<td>124,100.25</td>
<td>USD</td>
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CDOT-JOC REPAIR, RECONSTRUCTION & REHABILITATION OF FLAT WORK SPACE, SITE WORK SPACE & STRUCTURES

REQ# 43695; 09-84-9-030; BELMONT AVE. GREEN ALLEY; PO# 15878

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<th>Dist</th>
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<th>FUND</th>
<th>COST</th>
<th>APPR</th>
<th>ACNT</th>
<th>ACTV</th>
<th>PROJECT</th>
<th>RPT</th>
<th>CAT</th>
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<td>220540</td>
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<td>00000000</td>
<td>000000</td>
<td>00000000</td>
<td>124,100.25</td>
<td></td>
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</tbody>
</table>

SHIPMENT TOTAL: 124,100.25

RELEASE TOTAL: 124,100.25

APPROVAL:

SIGNATURE
DATE

Original (Department)

Payment on this order will be made upon receipt of an original vendor invoice form referencing this order. Submit the original invoice to the department referenced above. Mark all packages and papers with the purchase number. Any deliveries containing overshipments will be reflected unless otherwise authorized in this purchase. This purchase is subject to the City of Chicago General Conditions for Supplies. Work, or Professional Consulting Services: Special Conditions, Disclosure Ownership, Acceptance Page, as applicable, which are attached hereto or incorporated herein by reference.
The Department of Transportation

Reason why the MOA differs from the Sub Order

Project No: 09-84-9-030
Belmont Ave Green Alley

1. The Sub Order amount differs from the MOA estimate for the following reasons:

Cost increase attributed to additional scope added by alderman, including the removal and replacement of guardrail in alley.
Sub-Order Total: 124,100.25

Disclosure of Retained Parties

A. Definitions and Disclosure Requirements
1. As used herein, the term "Contractor" means a person or entity who has any contract with any one or more of the City of Chicago.
2. Pursuant to Executive Order 97-1, every contract and lease must be accompanied by a disclosure statement.
3. The Contractor is not required to disclose employees who are paid solely through the Contractor's regular payroll.
4. "Lobbyist" means any person (a) who provides information or advice on an issue to or on behalf of any person other than himself, (b) is paid less than $500 per month, or (c) is an employee of another entity who provides information or advice on an issue to or on behalf of any person other than himself.

B. Certification
Contractor hereby certifies as follows:

1. This Disclosure relates to the following transaction:
   Project name: 90-94-0030 Green Alley Project
   Specification or other identifying number: 58924

2. Name of Contractor: MQ Construction

3. EACH AND EVERY attorney, lobbyist, accountant, consultant, subcontractor, or other person retained or anticipated to be retained by the Contractor must be listed below.

<table>
<thead>
<tr>
<th>Name</th>
<th>BUSINESS ADDRESS</th>
<th>MBE</th>
<th>WBE or Non</th>
<th>RelationShip (attorney, lobbyist, subcontractor, etc.)</th>
<th>FEE (indicate whether paid or estimated)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bigane Paving Co.</td>
<td>935 W. Chestnut St. Suite 203</td>
<td>WBE</td>
<td>Subcontractor</td>
<td>$28,025.00 Est.</td>
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<tr>
<td>MQ Construction</td>
<td>685 Roppolo Lane Elk Grove Village, IL 60007</td>
<td>Non</td>
<td>Subcontractor</td>
<td>$96,075.25 Est.</td>
<td></td>
</tr>
</tbody>
</table>

CHECK HERE IF NO SUCH PERSONS HAVE BEEN RETAINED OR ARE ANTICIPATED TO BE RETAINED.

4. The Contractor understands and agrees that the city may rely on the information provided herein and that providing any false incomplete or inaccurate information shall constitute defrauding the city.

5. The Contractor understands and agrees that in any case in which the Contractor is uncertain whether a disclosure is required under the Executive order, the Contractor must either ask the city whether disclosure is required or make the disclosure.

Under the Penalties of Perjury, I certify that I am authorized to execute this Disclosure on behalf of the Contractor that the information disclosed herein is true and complete, and that no relevant information has been withheld.

Signature: __________________________
Name (Type or Print): __________________________

Date: 5/28/09
Title: __________________________

Subscribed and sworn to before me
this ______ day of ____________ 20_________

Notary Public Signature: __________________________

Disclosure Statement
May 01 2009

Mr. Montel M. Gayles  
Chief Procurement Officer  
Department of Procurement Services  
City Hall, Room 403  
121 North LaSalle Street  
Chicago, IL 60602

Attn: Carolyn Johnson  
City JOC Manager

Re: JOC Project Number: 09-84-11939  
Project Title: Belmont Ave Green Alley  
Estimated Cost: $100,000.00  
P.O. Number: F.H. Paschen, S.N. Nielsen & Assoc., Inc. - 15880  
Funding Source: TIF Funds

Dear Mr. Gayles:

The City finds the Contractor's Price Proposal unacceptable. The City has allowed the Contractor to submit a first and second Price Proposal. After several discussions, CDOT has determined to cancel this project with F.H. Paschen, S.N. Nielsen & Assoc., Inc. - 15880, and assign it to a different JOC contractor.

(General Conditions, Book 2 of 4, Pages 125-126, JOC General conditions, III. SCOPE OF WORK AND PROCEDURE FOR ORDERING WORK, B. Procedure for Ordering Work, 6. Review of the Price Proposal and Submittals, a. and b.)

If you concur with our recommendation, please sign below and return a copy for our files.

APPROVED:  
Montel M. Gayles  
Chief Procurement Officer  

Approved:  file  

jim

Reviewed by: Lou Langone  

FR 2/3/09
May 01, 2009
Anthony Izzi, Project Manager
FH Paschen
8725 W Higgins Rd., Ste 200
Chicago, IL 60631

Re: Project Cancellation Notice-Belmont Ave Green Alley
   Job Order Number - 09-84-11-029

Dear Anthony Izzi,

This letter serves as Project Cancellation Notice to stop all work on the Belmont Ave Green Alley Project - per the contract documents as stated below:

   a. The City will evaluate the Contractor's Price Proposal by evaluating the nature and number of Work Tasks proposed against the agreed upon Scope of Work and will determine the reasonableness of approach. Furthermore the City may compare the Contractor's Price Proposal to the City's cost estimate for the Scope of Work. The City reserves the right to reject a Contractor's Price Proposal based on unjustifiable quantities and/or work items, performance periods, inadequate documentation, or other inconsistencies on the Contractor's part. The City also reserves the right to not award a Work Order if that is determined to be in the best interests of the City.

   (General Conditions, Book 2 of 4, Pages 125-126, JOC General conditions, III. SCOPE OF WORK AND PROCEDURE FOR ORDERING WORK, B. Procedure for Ordering Work, 6. Review of the Price Proposal and Submittals, a. and b.)

If you have any questions, Please call Dolan McMillan of my staff at (312) 744-5806

Sincerely,

Luann Hamilton
Deputy Commissioner

cc: Gilberto Quiñones
    Dolan McMillan
INTER DEPARTMENTAL MEMORANDUM

TO: Gilberto Quinones, Deputy Commissioner

ATTN: Lou Langone

FROM: Luann Hamilton, Deputy Commissioner

DATE: May 5, 2009

SUBJECT: Justification for contractor selection
Belmont Ave Green Alley
JOC #08-84-11-019

In the months preceding CDOT assigning project 08-84-11-019 to FH Paschen and the months following that assignment, all three (3) CDOT JOC Contractors were being assigned projects, as directed by the Gordian Group. (see attached email) In addition, Article 12.G of Book 1, Section One states, “The Chief Procurement Officer, in his or her sole opinion, has the option of assigning individual projects to any of the Contractors if it is determined to be in the best interest of the City.”

The CDOT project manager chose FH Paschen for this project based upon the aforementioned understanding and explicitly stated in the MOA that "FH Paschen has been requested because of their expeditious and quality construction of a previous Green Alley Pilot location." This Belmont Avenue Green Alley is also a pilot project. This MOA was signed off by CDOT and DPS on March 5, 2009.
Alisa Tilson - FW: Email to Alisa

From: Dwayne Pierre-Antoine <D.Pierre-Antoine@gordian-group.com>
To: Alisa Tilson <Alisa.Tilson@cityofchicago.org>, "McMillan, Dolan" <Dolan.McMillan@cityofchicago.org>
Date: 5/5/2009 8:17:08 AM
Subject: FW: Email to Alisa
CC: "bwhittaker@cityofchicago.org" <bwhittaker@cityofchicago.org>

Alisa,

This email is to confirm conversations between you and Matt Garrison of The Gordian Group last summer concerning the assignment of work for the 2007 CDOT Job Order Contracts.

During the months of February through April of 2008, DPS instructed CDOT to follow the contract documents by assigning all projects to the two lowest contractors (MQ Construction and Pacific Construction). The documents state that this assignment must be done until one of the following events occur:

1) The amount of work exceeds the capacity of the Contractor to perform the work.
2) The Contractor fails to perform.

In addition, the Chief Procurement Officer has the option of assigning projects to any of the Contractors if it is determined to be in the best interest of the City.

Around the time period of May of 2008, DPS determined CDOT should start assigning work to the third lowest Contractor, F.H. Paschen. DPS discussed this assignment with The Gordian Group, and we, in turn, had this discussion with CDOT. At that point, CDOT began assigning work to F.H. Paschen, in conjunction with MQ and Pacific, with the intent of bringing F.H. Paschen's scheduled work to a level near that of said other two contractors.

This practice continued until on or around July 18th of last year when DPS determined that some of the projects scheduled for MQ may not come to fruition. At this point, DPS, through The Gordian Group, instructed CDOT to change both the Green Exchange Sustainable Streetscape project and Mautene Court Streetscape Improvement project from F.H. Paschen to MQ. Once these projects were switched to MQ, CDOT was to continue assigning projects to all three contractors.

The above reflects the conversations between DPS, CDOT, and The Gordian Group. Should you have any questions, need to discuss, or if we need to have a meeting to review, please let me know.

Thanks,

Dwayne G. Pierre-Antoine
The Gordian Group
(312) 744-5774 Office
(312) 659-9700 Cell
Email: Dpa@gordian-group.com