

# 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**

Original (Department)

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

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

DELIVER TO: 84-A05

ORDERED FROM:

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

MQ SEWER & WATER CONTRACTORS  
INC. D/B/A MQ CONSTRUCTION CO  
665 ROPPOLO LANE (EFT)  
ELK GROVE VILLAGE, IL 60007

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

PO Line	Ship Line	COMMODITY INFORMATION	QUANTITY	UOM	UNIT COST	TOTAL COST
1	1	96875 CDOT-JOC REPAIR, RECONSTRUCTION & REHABILITATION OF FLAT WORK SPACE, SITE WORK SPACE & STRUCTURES	124,100.25	USD	1.00	124,100.25
REQ# 43695; 09-84-9-030; BELMONT AVE. GREEN ALLEY; PO# 15878						
1		Dist BFY FUND COST CTR APPR ACCNT ACTV PROJECT RPT CAT GENRL FUTR				
		1 008 0637 0842145 9008 220540 0000 00000000 000000 00000 0000				124,100.25
						<b>SHIPMENT TOTAL: 124,100.25</b>

RELEASE TOTAL: 124,100.25

APPROVAL:

SIGNATURE

DATE

SIGNATURE

DATE

*Byron Whiteaker*  
*Jol CPO 6/17/09*

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.



City of Chicago  
 Department of Transportation  
 30 North LaSalle Street  
 Chicago, IL 60602

To: Department of Transportation

Date: May 28, 2009

Sub-Order Total: **124,100.25**

**Disclosure of Retained Parties**

**A. Definitions and Disclosure Requirements**

- As used herein, the term "Contractor" means a person or entity who has any contract lease with the City of Chicago.
- Pursant to Executive Order 97-1, every city contract and lease must be accompanied by a disclosure statement providing certain information and attorneys, lobbyists, accountants, consultants, subcontractors, and other persons whom the contractor has retained or expects to retain with respect to the contract or lease. In particular, the contractor must disclose the name of each such person, his or her business address, the nature of the relationship, and the amount of fees paid or estimated to be paid.
- The Contractor is not required to disclose employees who are paid solely through the Contractor's regular payroll.
- "Lobbyist" means any person (a) who for compensation or on behalf of any person other than himself undertakes to influence any legislative or administrative action, or (b) any part or whose duties as an employee of another includes undertaking to influence any legislative or administrative action.

**B. Certification**

Contractor hereby certifies as follows:

1. This Disclosure relates to the following transaction:

Project name: 09-84-9-030 Green Alley Project  
 Specification, loan or other identifying number: 58904

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 with respect to or in connection with the contract or lease is listed below (attach additional pages if necessary):

Name	BUSINESS ADDRESS	MBE WBE or Non	RelationShip (attorney, lobbyist, subcontractor, etc.)	FEE (indicate whether paid or estimated)
Bigane Paving Co.	935 W. Chestnut St. Suite 203	WBE	Subcontractor	\$28,025.00 Est.
MQ Construction	665 Roppolo Lane Elk Grove Village, IL, 60007	Non	Subcontractor	\$96,075.25 Est.

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 default under the contract and may result in termination of the contract or lease

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: [Handwritten Signature]

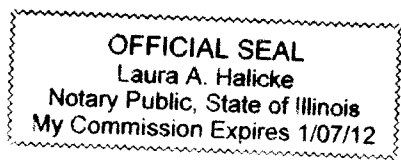
Date: 5/28/09

Name (Type or Print): MICHAEL A. QUARANTA

Title: VP

Subscribed and sworn to before me  
 this 28<sup>th</sup> day of May 2009

Notary Public Signature: [Handwritten Signature]





City of Chicago  
Richard M. Daley, Mayor

Department of Transportation

Thomas G. Byrne  
Commissioner

Luann Hamilton  
Deputy Commissioner

Division of Project Development  
30 North LaSalle Street  
Suite 500  
Chicago, Illinois 60602-2570  
(312) 744-1987  
(312) 744-3958 (FAX)

www.cityofchicago.org/transportation

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

09 MAY - 7 PM 4:41

Attn: Carolyn Johnson  
City JOC Manager

9-030

Re: JOC Project Number: 09-84-~~1~~-029  
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*  
Montel M. Gayles  
Chief Procurement Officer

5/8/09

Approved: file  
jlm

Approved: GQ *[Signature]*  
RS *[Signature]*  
FR *[Signature]*

Reviewed by: Lou Langone *[Signature]* 5/6/09

NEIGHBORHOODS





City of Chicago  
Department of Transportation  
30 North LaSalle Street  
Chicago, IL 60602

Job Order Contract

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



**CITY OF CHICAGO  
DEPARTMENT OF TRANSPORTATION**

**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***