

Minutes of the Board of Commissioners

Tinley Park-Park District

Tinley Park, Illinois

Held on September 3, 2024

The Special meeting of the Board of Commissioners, Tinley Park-Park District scheduled to be held in the Rickerson Meeting Room of the Bettenhausen Recreation Building on September 3, 2024, was called to order by Commissioner Ryan at 5:34 pm.

Commissioners Present: Don Cuba
Bernie O'Boyle
Lisa O'Donovan
Ashley Rubino
Marie Ryan

Others Present: Shawn Roby, Executive Director
Ryan Veldman, Superintendent of Parks
Meghan Fenlon, Superintendent of Recreation
Carol Bradtke, Marketing Manager
Burt Odelson, Attorney
Tom Hahne, Tetra Tech
Mike Maloney, Project Manager
Renee Cipriano, Former Director of the IEPA
Elizabeth Harvey, Environmental Attorney
Kelly Jones, Board Secretary

Additions, Clarifications, Corrections or Deletions to Agenda

None

Public Comment on Agenda Items:

None

New Business:

- A. Motion to award the contract for Abatement and Demolition of the former Tinley Park Mental Health Center to Omega III, LLC, the terms to be negotiated between the parties, in the amount not to exceed 15 million dollars.
- B. Motion to award the contract for Third Party Monitoring of Asbestos Abatement, former Tinley Park Mental Health Center to Shawn Brown Enterprises, INC \$57,640.00.
- C. Information regarding UST and NFR letter.
- D. Information regarding additional landscape work.

Commissioner Ryan asked Attorney, Burt Odelson to walk us through the items in new business:

Attorney Odelson began by summarizing the steps the board and staff have taken to get to where we are right now:

-November 2022- we announced our plans to bid on the property.

-May 2023- the legislature grants the property to the Tinley Park-Park District for \$1 and awards \$15 million to clean it up.

-August 2023- the governor signs the legislation.

-August 2023- our team is assembled: Mike Maloney our Project Manager, Elizabeth Harvey, one of the best Environmental Attorneys in the state, Renee Cipriano, the retired Director of the IEPA, Tom Hahne of Tetra Tech, a company known throughout the state for its environmental expertise, Shawn Roby and Ryan Veldman from the Tinley Park-Park District and Burt Odelson, Attorney.

-December 2023- we took down the high vegetation growth around the facility with permission from the state who had not yet tendered the deed.

-February 2024- was the transfer of title to the Tinley Park-Park District.

-March 2024- the UST's (underground storage tanks) were removed with an NFR (no further remediation) letter issued in August 2024.

-November 2023-May 2024 - many weekly meetings in-person and by zoom by the team. On the parameters to be included in the asbestos abatement and demolition bid. (nicknamed the "Big Bid").

-May 2024 -the bids were let.

-June 2024-the bids were returned.

-June 2024-August 2024- The team evaluated the bids.

-Tonight, September 3rd, 2024-The Tinley Park-Park District Board of Commissioners will award the bids.

-Approximately 130 business days since the Tinley Park-Park District was titled the property.

On May 2, 2024, the Tinley Park-Park District (TPPD or Owner) issued an Invitation to Bid for the Abatement of Regulated Materials, Waste, and Demolition at the Former Tinley Park Mental Health Center (FTPMHC). TPPD received five (5) bids in response to the Invitation to Bid. Those bids were opened by TPPD and read aloud on June 3, 2024. As noted in the Invitation to Bid, the Tinley Park-Park District Board of Park Commissioners reserves the right to waive all technicalities, to accept or reject any or all bids, to accept only portions of a proposal and reject the remainder without disclosure for any reason. Further, all bids shall remain firm for ninety (90) days from June 3, 2024.

The five (5) bidders, in no particular order, are:

1. Alpine Demolition Services, LLC
2. Brandenburg Industrial Service Co.
3. McDonagh Demolition, Inc.
4. Omega III LLC
5. National Wrecking Company

The TPPD has assembled an evaluation team comprised of persons with expertise in environmental regulation, including specifically asbestos regulation, legal, logistics and other expertise to ensure that the bids received would each undergo a comprehensive evaluation. Each member of the evaluation team is intimately familiar with the Invitation to Bid and its requirements and has evaluated the bids based solely on bids and relevant considerations.

The standard of award that applies is contained within the Invitation to Bid and states that the contract award will be made to the bidder who is the lowest, responsible and responsive bidder. This construct also takes into consideration whether the selected bidder and his or her bid are the best value for the TPPD.

Work to Be Performed:

The selected contractor for this abatement and demolition project will work directly for TPPD and will be required to coordinate and synchronize work with the selected third-party air monitoring company. This project is an essential part of the overall remediation of the FTPMHC site. All work done under the contract must be in accordance with applicable federal, state, county, and local requirements and regulations.

The scope of Work includes, but is not limited to:

- Mobilization and site setup.
- Abatement of all regulated materials and waste including, but not limited to, asbestos-containing building materials (ACBM) in buildings and steam tunnels.
- Demolition of all above ground and below ground components including, but not limited to, all foundations, footings, steam tunnels, water reservoir, electrical systems, aboveground storage tanks, and gas lines, but excluding roadways and parking lots.
- Removal, management, and disposal/recycling of metals, universal wastes, hazardous materials, and other building materials and other waste.
- Management, separation, disposal, and/or recycling of demolition debris.
- Air emissions and dust management.
- Water management, both point source and stormwater.
- Demobilization.
- Recordkeeping and reporting.

Evaluation:

Bidder is Responsive:

One prong of the bid evaluation process is to determine whether the bidders are "responsive." Responsiveness is determined by evaluating whether the bidder has met all requirements as directed by the Invitation to Bid, completed all forms and provided all information sought by TPPD. The evaluation team reviewed the bid packages and corrected bids as presented by the five (5) bidders to determine whether each bidder was "responsive." **Based upon the bid packages and the corrected bids, the evaluation team has determined all bidders are responsive.**

Bidder is Responsible:

The second prong to be considered when evaluating the bids is to determine whether the bidder is "responsible." Subfactors to be evaluated under this prong include, but are not limited to, past performance, technical capabilities, management skills, personnel qualifications, prior work, references and licensing. Overall, all five (5) bidders have been determined by the evaluation team to be responsible. All bidders have relevant past performance history and experience. All bidders provided references and evidence of their asbestos licensing and accreditations. Further, the evaluation team determined that all bidders appear to possess the ability to accomplish the technical requirements. **Based on the evaluation of all subfactors, the evaluation team has determined that all bidders are responsible.**

Bidder is the Lowest Bidder:

The last prong to be evaluated is whether the bidder is the "lowest bidder." Once calculations are checked, this is the easiest prong to determine. Since the standard for award is "lowest responsible and responsive bidder," when the lowest bidder has been determined to be both responsible and responsive, the evaluation weighs heavily in favor of awarding the contract to that bidder. However, since "best value for the Owner" is also a consideration, the evaluation team took an additional step as part of its due diligence work. On August 13, 2024, TPPD sent a letter to the two lowest bidders: Omega III LLC as the lowest bidder and McDonagh Demolition Inc., as the second to the lowest bidder. TPPD requested that each verify the completion of three (3) similar projects in the regional area of Chicago and surrounding municipalities and counties within the last five (5) years, including a description of each project, the dates each project was initiated and completed, and the corporate entity that performed each project; and that each verify three (3) client references including contact information. During the week of August 19, 2024, all three references for each bidder were contacted by two members of the evaluation team. All references for both bidders contacted were positive. Omega, in particular, is handling large scale projects, and one reference remarked that Omega has come in on time and on budget with no change orders requested. **Based on the evaluation of both cost and "best value for the Owner," the evaluation team has determined that Omega III LLC is the lowest bidder.** The evaluation team has also concluded that **Omega III LLC is both responsible and responsive.**

After doing background checks, we have found Omega III LLC is one of the largest turn-key demolition contractors in the Midwest. Omega self-performs (meaning they do not sub-out the work) demolition, remediation, asbestos abatement, site cleanup and preparation, and emergency response. Omega places a high value and has an EMR (experience modification rate) below the average standard with a continuing

commitment to bringing it even lower. EMR is a calculation used by insurance companies to determine workmen compensation premiums. A contractor's assigned EMR is based on a couple of factors including actual insurance claim history which give owners and managers an idea of the kind of risk they would take on by hiring that contractor. We are very confident in suggesting Omega tonight. The Tinley Park-Park District takes safety very seriously. We note that since a particular incident with Omega, Omega has been hired by the US Department of Veteran Affairs to serve as the prime contractor for the demolition of The Edward Hines VA Hospital. Omega has also served as prime contractor in numerous large demolition projects across the Midwest including the demolition of the Huntley outlet mall, abatement and demolition of the Schaumburg Atrium Center, full demolition of a school in the Crete Monee School District and numerous other projects. References were contacted and all provided very positive reviews of Omegas work and safety efforts. The team is confident that Omega will provide the district with qualified personnel and exemplary work.

Mike Maloney, Our Project Manager, has extensive experience with project management and safety is his number one priority. Mr. Maloney will be instituting a daily morning safety meeting with the contractor and their team to discuss the day's work and an approach to executing the work in a safe and compliant manner.

How much additional funding is needed to complete the project? Is the administration and the IEPA committed to the additional funding? If not, what happens to the site? Estimating the exact cost for the remediation of the site is quite difficult. The site is close to 300 acres and houses over 45 abandoned buildings and structures. The site previously was operated as the Tinley Park Mental Health Center until it was closed by the state in 2012. Since that time, the site has essentially been abandoned. Degradation of the buildings has taken place since 2012. The cost of essentially everything from materials, transportation and disposal to worker pay has increased. The cost of complying with environmental regulations has also increased. Prior to obtaining the grant dollars from the state estimates for the cost of cleanup range from 5 million which was the state contractor to 12 million which was the village contractor many years ago, to higher estimates. Cost contingencies are still based on best estimates. Based on current dollars and evaluated by the bids that we received for the Abatement and Demolition work and based on the current conditions on the site. We have estimated that the cost to bring the site through abatement and demolition and through the Illinois EPA Site Remediation Program will be higher than the 15 million dollars initially granted. This means we will likely need additional help from the state to meet the current financial needs to get the site through Environmental Remediation that is required to meet applicable environmental regulations. We are confident that the state is our partner in this cleanup effort. Given that this was a state-owned site for all these years and that we have stepped in to take ownership and clean it up, we believe the state will provide the additional funding that it will take to finish the project. We cannot speculate on "what ifs". We are confident that the state will step up and provide

whatever necessary additional funding in excess of the 15 million that was initially awarded by the state.

Phased award:

TPPD has the authority to accept or reject any or all bids and to accept only portions of a proposal and reject the remainder without disclosure for any reason. TPPD also has the authority to direct the work to be performed in phases.

Recommendation:

The evaluation team recommends that the Board of Commissioners award the contract for abatement and demolition to **Omega III LLC** with modifications to the contract contained within the Invitation to Bid. Specifically, in order to make the most efficient use of currently available funds and resources, the evaluation team recommends that the Board of Commissioners award the contract to Omega III LLC with a phased approach to the scope of Work to match the timing of available funding. The evaluation team further recommends that the bid award be conditioned as follows:

- During the first phase, the entirety of the abatement scope of Work is to be completed, including but not limited, to the removal of all asbestos and other regulated materials and wastes.
- The scope of Work for the first phase will also include demolition of some of the buildings and structures on site.
- The line item for backfill contained within the Revised Bid Form will not be awarded and the cost will be removed from the award.
- Once the award is approved and notification is made by TPPD to Omega III LLC, negotiations with Omega III LLC will include identifying the full scope of the first phase of Work and the approach to the second phase of Work.
- All of these conditions and necessary modifications will be embodied in a contract to be executed by the parties.

It has been a concern of this board, the staff and the team not to spend the money of the Village of Tinley Park residents to take down this site and get it back to usable land when it was the state that got us to this point. So far, we have not done that except for the unnecessary FOIAs that we have received from the Village of Tinley Park that have cost us tens of thousands of dollars in unnecessary, wasteful money that we cannot charge to the state, to the grant. We must take that from our funds, which is unfortunate and unnecessary. Despite that we have proceeded at an incredibly fast pace with some really talented individuals that I am honored to have worked with and learned so much from. We are going to get a lot of this done quickly, the project needs to be completed

within 10 months. This means we will have most of this cleaned up in less than 2 years after we began the purchasing process.

Commissioners Comments:

Commissioner Rubino commented that she has full confidence in this team and the direction we are headed. She stated this team of experts and park district staff has done such a thorough job and all her questions have been answered.

Commissioner O'Boyle commented that there has been open communication, and anytime the board had a question they would get an answer. He commented that the board has been well-informed before making this vote.

Attorney Odelson commented transparency has always been the number one concern for us. We kept the board informed every step of the way. Attorney Odelson commented that he stepped away so as not to bill the district for just sitting and listening during the technical portions. Attorney Odelson would come back to the team when needed for park district perspective, laws pertaining to the park district, Open Meeting act, FOIAS, bidding process and things like that.

Commissioner Cuba commented to Attorney Odelson thank you for protecting us and the people of Tinley Park financially. It's a win-win situation.

Mr. Odelson stated it's a triple win: a win for the state, a win for the park district and a win for the people of Tinley Park.

Commissioner O'Donovan commented thank you so much to the team. It has been a learning-filled journey, and she has learned so much over the course of the last 130 days. She is grateful to everybody that is part of this process. Commissioner O'Donovan stated that it takes a village.

Mr. Odelson replied in this case, it takes a park district.

Commissioner Ryan commented that we have the best team ever!

Commissioner Cuba moved to award the contract for abatement and demolition of the former Tinley Park Mental Health Center to OMEGA III, LLC, the terms to be negotiated between the parties, in an amount not to exceed 15 million dollars. Seconded by Commissioner O'Donovan and carried by a unanimous vote.

Overview for 2nd bid:

On May 23, 2024, the Tinley Park-Park District (TPPD or Owner) issued an Invitation to Bid for the **Third-Party Monitoring of Asbestos Abatement, Former Tinley Park Mental Health Center, Project #9117771**. As a result of its Invitation to Bid, TPPD received six (6) bids. Those bids were opened by TPPD and read aloud on June 24, 2024. As noted in the Invitation to Bid, the Tinley Park-Park District Board of Park Commissioners reserves the right to waive all technicalities, to accept or reject any or all bids, to accept only portions of a proposal and reject the remainder without disclosure for any reason. Further, all bids shall remain firm for ninety (90) days from June 24, 2024.

The six (6) bidders, in no particular order are, as follows:

1. Environmental Consulting Group
2. Hygieneering, Inc.
3. Midwest Environmental Consulting Services, Inc.
4. Shawn Brown Enterprises, Inc.
5. True North Consultants, Inc.
6. TEM Environmental, Inc.

The TPPD has assembled an evaluation team comprised of persons with expertise in environmental regulation, including specifically asbestos regulation, legal, logistics and other expertise to ensure that the bids received would each undergo a comprehensive evaluation. Each member of the evaluation team is intimately familiar with the Invitation to Bid and its requirements and has evaluated the bids based solely on bids and relevant considerations.

The standard of award that applies is contained within the Invitation to Bid and states that the contract award will be made to the bidder who is the lowest, responsible and responsive bidder. This construct also takes into consideration whether the selected bidder and his or her bid are the best value for the TPPD.

Work to Be Performed:

The selected contractor for this project will be working directly for TPPD but will be required to coordinate and synchronize work with the selected abatement and demolition contractor. As you know, TPPD is currently reviewing the bids for the abatement and demolition work.

The overall work at the Site during this phase will include abatement and demolition, scheduled to start in the third quarter 2024. Through this Invitation to Bid, TPPD sought bids from qualified bidders to perform, on behalf of the TPPD, independent asbestos abatement oversight and asbestos air monitoring during

the abatement of the buildings and structures. Additional monitoring may be necessary during demolition as well.

The specific requirements of the Work include:

- Provide daily logs of the work progress and location (building number or name and area), type of work, personal protective equipment (PPE) to be worn by anyone entering the regulated area, and inspection notes of the day's activities.
- Inspect and confirm that the containments put in place by the abatement and demolition contractor meet all applicable regulations prior to the start of asbestos removal.
- Provide a brief description of the week's activities to TPPD's Project Manager and asbestos project manager designated by TPPD, on each Friday at the completion of the shift.
- Document that all applicable laws, regulations and ordinances are being followed and that all notifications to required government bodies have been timely made by the abatement and demolition contractor.
- Take photographic documentation of milestones of each building, i.e. decontamination units, critical barriers, HEPA exhaust machines in place, use of water/documentation that the temperature is below 32 degrees if water is not used.
- Collect a minimum of two (2) outside building samples (upwind and downwind) or work area samples, based on the abatement and demolition sequence agreed to between the Owner and abatement and demolition contractor, and sampling of a minimum of one (1) HEPA exhaust per day of abatement activities.
- Collect final clearance samples of the work after the building or area passes a final visual inspection.
- Assemble a final report including air sample results, daily logs, and the abatement and demolition contractor's certifications and licenses.

Tom Hahne, of Tetra Tech explained the job of the third-party Air monitor in simpler terms:

The first thing they do is they make sure that the containment in the area that they are going to abate is intact and that they maintain the high efficiency particulate absolute filter and adequate negative pressure within that area, so they inspect it before they start. Once they are done, they will again inspect it, then take a final sample and confirm that all the asbestos was removed. During the time that this work is conducted, they will monitor both upwind and downwind air for asbestos particles. They probably will be doing that on-site every day, so that they have real-time results. Once they define an area as clean and all asbestos has been removed and managed accordingly by the prime contractor then they release that area for demolition.

Project Manager, Mike Maloney added that they basically encapsulate the building. They seal the building with plastic, suck the air in so there is negative air pressure, so nothing gets out.

Mr. Odelson commented that this third party is not tied to the asbestos removal company, they are specifically there to protect the health and welfare of the Village of Tinley Park.

Tom Hahne commented that the prime contractor is responsible for the abatement. They do the abatement, and they are responsible for obtaining permits prior to starting that work. They are responsible for properly managing the waste and shipping it off site. The third-party air monitor does none of that; they just verify that these activities are being conducted. The reason to do this is that the third-party monitor is completely independent, and they can stop work if they have to. They have no skin in the game of the actual abatement. Tetra Tech will also be on site to make sure the third-party air monitor professional is doing what they are supposed to do.

Attorney, Burt Odelson commented it should provide a lot of comfort to the board and the Village of Tinley Park residents that you have Tom Hahne, from Tetra Tech and Mike Maloney, a former Union president on this project.

Recommendation:

The evaluation team recommends that the Board of Commissioners award the contract for the third-party monitoring of asbestos abatement to Shawn Brown Enterprises, Inc.

Commissioner Cuba motioned to award the contract for Third-Party Monitoring of Asbestos Abatement, of the former Tinley Park Mental Health Center to Shawn Brown Enterprises, INC for \$57,640.00. Seconded by Commissioner O'Donovan and carried by a unanimous vote.

Information regarding UST and NFR letter.

Attorney Burt Odelson asked Tom Hahne, of Tetra Tech to speak on information regarding UST and NFR letter.

Tom Hahne explained that an NFR letter means no further remediation. It allows the site to be used with no strings attached, in an environmental aspect; meaning it is clean.

Regarding the USTS, there were two phases of activities that happened:

In 1995 the state removed tanks from around the site. They had 2 incidents that were associated with the site. The incident was when the tanks were removed, they identified some potential release either through their release or through testing of soil and water. That has not been figured out, but we have been working with the state on that. But, on

the NFR front all the tanks that were associated with the former gasoline dispensary and the boiler house were removed with testing that was pretty clean. Despite that, we had to issue an incident report because contaminants were detected and the state then required us to submit a 45-day report. Based upon our submittal they reviewed that information and had a few questions, which we resolved, and then issued the No Further Remediation (NFR) letter. In 1995 the state did a lot of work, but unfortunately, they never closed out the tanks. In going through that information, as requested by the state, we were going to submit a letter to the state identifying the scope of the work to do the testing required to obtain a NFR for the 1995 incidents. The important thing to understand is this will probably not turn out to be a big issue and we should be able to move equally fast on this. We have the state's attention, and they are cooperating.

Shawn Roby, Executive Director commented to make sure it's clear: we have the 1995 incidents that we are working on now to clean those up and wrap up whatever is going to be needed there to get an NFR letter. The NFR letter we just got is for what we removed back in March. This was the very first project after taking ownership, we started with that right away. In 130 days, we have removed the UST's and got an NFR letter. These are all steps towards. There are still steps for other things, but these are steps towards.

Shawn Roby commented that these are the consummate professionals between Mr. Maloney, Mr. Hahne, Mrs. Harvey and Mrs. Cipriano. It has been a fun thing to do because I am learning things I never thought I'd have to learn. I think I can speak for Ryan (Veldman, Superintendent of Parks) on this one, sometimes you sit there in awe with the knowledge that they bring to the table, but I can tell you that we are benefiting tremendously from the expertise that they bring to this. Mr. Odelson and his firm bring together the municipal side of this and the park district legal side. Mr. Veldman has been a consummate professional in his own right as the liaison with Mr. Maloney. Mr. Roby stated that he is excited for what is about to happen.

Elizabeth Harvey, Environmental Attorney commented that it has been a pleasure to work with this team. Mrs. Harvey stated she is quite proud of the work that they have done. She has been an environmental attorney for a long time, and this is one of the projects that really has made me proud of the people that I am working with and what they are accomplishing, and she is very thankful to be involved in it.

Mr. Odelson commented having the former director of the IEPA, Renee Cipriano, on board is unbelievably invaluable, aside from Elizabeth Harvey's expertise for decades in environmental law, when you have the head of the department that you are dealing with be able to pick up the phone and get instant respect, you cut through so much bureaucracy which means you save so much money and time. Having Renee Cipriano on board is a Godsend to us.

Information regarding additional landscape work

Mr. Roby commented that the park district awarded a contract prior to taking ownership, to Homer. At the time they were the lowest bidder of the project, to cut around the buildings to open it up so that Mr. Hahne and Mr. Maloney could get around the buildings. It was a mess. They did a great job getting it clear, and we heard from many in the public about how unbelievable it was to see that. At that time, we only did around the buildings and up to the roads. Mr. Roby asked Mr. Veldman to comment on another bid that we have out now.

Mr. Veldman commented that we have a second component which would clear about five additional areas within the site, about 60 acres. These were areas that were not located around buildings, roadways or parking lots that have been left in their natural state. We believe at this time that it would greatly enhance our security on the site. This would open the environmental security side of it and show the public there is even more to the site. This project is currently out for bid. September 11th is the bid opening.

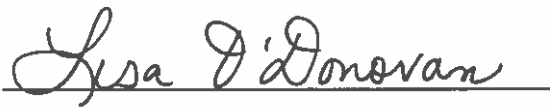
Mr. Odelson commented that many of the 17 legislators who signed on initially when we submitted our bid, have talked to him throughout the past 6 months to say how pleased they are as to what we have done. Many Tinley Park residents have also reached out to compliment what work has been done.

Mr. Maloney commented that Nicor has completed their task of removing the high-pressure gas line both parallel to Harlem Avenue and within the property. They still have two large components to remove. This was all done at no cost to the Tinley Park-Park District. Mr. Maloney stated that we are preparing to start our storm water removal project. There are a lot of things going on in a very short window of time.

Mr. Odelson stated there was an MWRD inspector on the property. We were wondering why he was there because the MWRD has nothing to do with the property in question at this time. Mr. Odelson inquired with the MWRD and was told that person will not be back because they do not have anything to do with this phase of the property.

Adjourn

Commissioner Cuba moved to adjourn to the September 18, 2024, Regular meeting, Seconded by Commissioner O'Donovan and carried by a unanimous vote. The meeting adjourned at 6:25pm.



Secretary



President

KAJ:kaj9/10/24