

TRANSPORTATION COMMITTEE MEETING

**Macon County Office Building
141 S. Main Street, Room 514
Decatur, IL 62523**

**December 18, 2019
5:30 P.M.**

MEMBERS PRESENT

Patty Cox, Chair
Phil Hogan – Vice Chair
Pat Dawson
Kevin Greenfield
Kevin Bird

COUNTY PERSONNEL PRESENT

Bruce Bird, County Engineer
Stu Jacobs, Highway Dept
Mike Baggett, State's Attorney's Office
Jeannie Durham, County Board Office

MEMBERS ABSENT

Rachel Joy

The meeting was called to order by Chair Cox at the Macon County Office Building.

MINUTES

Motion was made by Mr. K. Bird to approve the November 20, 2019 minutes, seconded by Mr. Hogan and the motion carried 4-0.

CLAIMS

Motion was made by Mr. K. Bird to approve the claims for November, seconded by Mr. Hogan, and the motion carried 4-0.

Public Comments –

None

Old Business -

Macon County Board Resolution Approving the FY 2020 Fuel Bid

Mr. B. Bird explained that this is a carry over from last month when the committee had questions about Petroleum Traders. He said he had contacted in excess of 20 county engineers in the central and western part of the state and none of them had ever heard of them. Through one of the representative at Morgans, the Springfield School District was contacted. Their purchasing agent said that they had won a bid. They do not think they are a 3rd party. They ordered and the fuel showed up. He did say that when they lost the next bid, it was very unpleasant dealing with them. That is the only experience anyone around here has had with them. They provided the fuel, but dealing with them was not so pleasant. The Springfield School District no longer bids theirs.

Chair Cox asked Mr. Baggett for an opinion on how the lowest and most responsible bid would work. Mr. Baggett said that if you're going to hang your hat on the lowest responsible bidder language, you do have some discretion there, but you will have to be able to articulate quite well why the lowest bidder is not responsible. He gave the example that if you have two bids (he

clarified that he did not know how many bids there were on this project) and one is from a monetary point of view, lower, but you want to select the other one and you say that the other one is more responsible, you will need to be able to articulate pretty well what makes that bidder more responsible. It is not going to be because we like them, we have history with them, they are a local bidder versus a non-local bidder. There has to be something that makes this bidder irresponsible; something in the nature of their bid. If they're promising something that is too good to be true, that might be a good example of what constitutes an irresponsible bidder. Otherwise, you have to go with the lowest responsible bidder with the emphasis on lowest. He said his understanding was that there may have been a concern or desire to select a local bidder or someone more local than the other bidder. That has gone up to the courts and the Appellate Court that governs Macon County has ruled unequivocally in a case that is more than 20 years old and has not yet been overruled. Selecting someone on the basis that they are closer is not a grounds to find them to be the most responsible bidder. Those two things do not equal each other. Selecting someone based on distance or locale is impermissible under the Statute if that is the sole basis for the choice.

Mr. K. Bird asked about if the chosen bidder was not able to supply the needed service and obviously the fuel has to be kept on hand, is that grounds to call someone else to get it if they are not responding or getting it to us. Mr. Baggett explained that that would be in the nature of the contract reached with whoever is awarded the contract. Mr. Baggett said he had not seen the request for bids or contract and so did not know how detailed it was. This is certainly something that could be included in the final contract if it would be permissible to do that. He said it could be stated that they have to do it within X amount of time and failure to do so might constitute breach of contract and give us the ability to terminate the contract early and allow us to seek fuel from an alternative supplier on an emergency basis. In that scenario, we could try to plan for that potentiality. Mr. B. Bird indicated that the contract is not that specific, so what is ultimately going to control is what the final contract with the recipient of the award says. That can be a negotiated matter within that contract. If they are not willing to agree to that, then if our documents say that we reserve the right to refuse any and all .. .

Chair Cox asked Mr. B. Bird if he was worried about the maintenance versus what we currently get from Morgans. Mr. B. Bird said there would no longer be a representative to come out and take a look and do stuff on the tanks like Morgans did. They always came and checked on things. This doesn't make them the exclusive supplier. If there is a situation of a storm coming and we have to have fuel so we call them up and they say they'll be here in 3 days, but we need it now, we'll get it now. On the road oil side for the road oil and chip seal, there was a similar supplier scenario where there was a middle man using somebody else, they bid on ours and the township oils for about 3 or 4 years. They got it for a couple of years and we ended up, due to an occasional issue with some of the oil and how and when they loaded it, we learned to put this in the specifications. They haven't bid the last several times because, that's how they were getting a lower price compared to the competitors. If this is awarded, obviously it is somebody and something we will keep a very close eye on. If issues that make us believe that this is irresponsible or a breach of the contract, we will be notifying them. We have two local suppliers that can probably get something to us ASAP if we really want it. Chairman Greenfield asked if they couldn't just go to the gas station too, if they needed to. Mr. B. Bird confirmed that if they really get in a bind, they can just go to the Pacific Pride because they'll take any credit card.

Motion to go with the lowest bid was made by Mr. Hogan, seconded by Mr. K. Bird to forward the resolution on to the finance committee with recommendation to approve, and the motion carried 5-0. Chair Cox clarified that the lowest bidder is the Petroleum Traders.

New Business

Macon County Board Resolution Approving a Jurisdictional Transfer Agreement with the Village of Niantic

Mr. B. Bird explained that this is the portion of CH19 that was paved this year. It runs from old 36 up to the RR tracks. Our jurisdiction prior to this ran from Old 36 for about 350' – 360' north. Then our County Highway was actually an extension across a municipal street through the original one mile limits of Niantic. The State Statute states that if you have a county highway extension and you reconstruct a road like we did out there in conjunction with the Village, then by Statute, it becomes a County Highway and the extension thing goes away. When the road was reconstructed, the Village paid for 100% of the construction costs for the portion within their limits which ended up being about 95% of the total cost of the project. We're getting a brand new reconstructed road that, by Statute, we have to take. This is the last piece of that.

Motion was made by Mr. Hogan, seconded by Mr. K. Bird to forward the resolution on to the finance committee with recommendation to approve, and the motion carried 5-0.

Macon County Board Resolution Appropriating Funds for a Box Culvert on Schellabarger Road in Illini Township

Mr. B. Bird explained that this is the one that is currently being worked on with the township. So, the total appropriation is about \$200,000. The township will be reimbursing 10% of the cost.

Motion was made by Mr. K. Bird, seconded by Mr. Hogan to forward the resolution on to the finance committee with recommendation to approve, and the motion carried 5-0.

Macon County Board Resolution Appropriating Funds for the 2020 Annual MFT Maintenance Program

Mr. B. Bird explained that this is very similar in cost to what has been in the past. He said they want to keep an eye on the new MFT as it comes in. He said they'd have a much better idea. Next year's program will be larger than this. This is just the annual program that has to be approved.

Motion was made by Mr. Greenfield, seconded by Mr. Hogan to forward the resolution on to the finance committee with recommendation to approve, and the motion carried 5-0.

Macon County Board Resolution Appropriating Funds for Batch 2 PC Replacements at Highway

Mr. B. Bird explained that the first batch was done in last year's budget and this is the other half. This has to be done because of the version of Windows support ends January 14th. They all have to be replaced and upgraded or be exposed to viruses. The tech guy says typically within 3 to 3 ½ weeks, the hackers will have broken through and the system will be vulnerable. This will be all of the computers and they will be all up to date.

Motion was made by Mr. K. Bird, seconded by Mr. Hogan to forward the resolution on to the finance committee with recommendation to approve, and the motion carried 5-0.

Macon County Board Resolution Appropriating Funds for the Salary of the County Engineer

Mr. B. Bird explained that this figure comes from the state salary program schedule and amounts to a 2% increase.

Motion was made by Mr. Hogan, seconded by Mr. K. Bird to forward the resolution on to the finance committee with recommendation to approve, and the motion carried 5-0.

County Engineer's Report:

Mr. Bruce Bird reported that from Sunday afternoon through Tuesday afternoon, the crews have been working around the clock working on the snowstorm that came through. The SE part of the county had spots that looked like about 8" while the N side only had about 3". There were a couple of roads in the SE side that were a bit troublesome to get cleaned, but after today with the sun being out, everything is cleaned up real nice.

Otherwise, they've been working on sealing cracks and getting ready for projects next year.

The contractor is working on the box culvert in Shellabarger Road and will continue as long as conditions allow. They're going to have it done in about a week and a half. It's nice that they got in and got it done. There is another weight limit structure that is gone out of the way and taken care of.

The 85th Street project is pretty much shut down for the year. The house that has to be demoed and removed will be done when allowed. If the ground freezes solid, they may come in and do some work around the channel. They don't want to tear up everything that's in there right now. They've got about 15% of the dollar amount of the work done right now already.

Engineering staff is starting up on the bridge inspections. Our staff conducts about 120-130 regularly scheduled bridge inspections every year plus special, more frequent ones on top of that.

Chair Cox announced that Mr. Hogan is the new Vice Chair of the committee.

Motion to adjourn made by Mr. K. Bird, seconded by Mr. Hogan, the motion carried 5-0 and the meeting was adjourned at 5:45 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office