

Memo

To: Paula Schumacher, Village Administrator
From: Tyler Isham, Assistant Director of Public Works
Subject: **Vapex Odor Control System Purchase**
Date: December 12, 2022

BACKGROUND

The Public Works Department has continued to work with the industrial users within Brewster Creek Business Park regarding their effluent sewer flow and its effects on residents and the Village's treatment plant, particularly the odors from the flow through the neighborhoods. Different filters and chemicals have been utilized to try and help fight off the odors, but have not been able to eliminate the odors entirely. Staff has inspected the sewer mains in the affected area via smoke testing, and has been in contact with homeowners regarding the odor levels in their neighborhood.

Staff met with reps for a Vapex Odor Control system. This system combines ozone, water, and air using a patented 3-fluid nozzle to atomize the water molecules to create hydroxyl radicals. The odorous air is not extracted instead the odors are treated at the same space where they are generated. Typically, these are placed at lift stations where the sewer from all these users are culminating. The Vapex system would be installed at the Brewster Creek lift station, and would be able to eliminate these odors most effectively. This system would decrease the Village's dependence on chemicals to combat the odors, and would be able to utilize TIF funds to purchase to system. A formal proposal is attached for your review.

RECOMMENDATION

Due to the time sensitivity of the funding, and the specialized equipment necessary to combat the odors, Staff recommends waiving bids and purchasing the Vapex Odor Control system.

MOTION

MOTION TO APPROVE RESOLUTION # 2022-____-R, A RESOLUTION WAIVING PUBLIC BIDS TO PURCHASE AN ODOR CONTROL SYSTEM FROM VAPEX ENVIRONMENTAL TO TREAT ODORS EMANATING FROM THE BREWSTER CREEK BUSINESS PARK

RESOLUTION 2022 - _____

A RESOLUTION WAIVING PUBLIC BIDS TO PURCHASE AN ODOR CONTROL SYSTEM FROM VAPEX ENVIRONMENTAL TO TREAT ODORS EMANATING FROM THE BREWSTER CREEK BUSINESS PARK

WHEREAS, Section 1-8A-5:E of the Bartlett Municipal Code, as amended, provides that all contracts and purchase orders for the purchase of equipment, materials, supplies and contracts for public improvements in excess of \$30,000 shall be let to the lowest responsible bidder after advertising for bids (the "Public Bidding Requirement") unless waived by a vote of 2/3 of the trustees then holding office or otherwise exempt or excepted by law; and

WHEREAS, by proceedings spread in full upon the records of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois (the "*Village*"), pursuant to the provisions of the Tax Increment Allocation Redevelopment Act, as supplemented and amended (the "*TIF Act*") by the Local Government Debt Reform Act, as amended, and the other Omnibus Bond Acts, as amended and as further supplemented and, where necessary, superseded, by Section 6 of Article VII of the 1970 Constitution of the State of Illinois (collectively, the "*Act*"), the President and Board of Trustees of the Village (the "*Corporate Authorities*") have heretofore proceeded, and do hereby determine, as follows:

A. On July 6, 1999, the Corporate Authorities adopted Ordinance No. 99-67, approving a redevelopment plan (the "*Redevelopment Plan*") and redevelopment project (the "*Redevelopment Project*") under the TIF Act with respect to the redevelopment project area described in Exhibit A to said ordinance, being known as the Bartlett Quarry Redevelopment Project Area (the "*Redevelopment Project Area*").

B. On July 6, 1999, the Corporate Authorities adopted Ordinance No. 99-68, designating the Redevelopment Project Area a redevelopment project area under the TIF Act.

C. On July 6, 1999, the Corporate Authorities adopted Ordinance No. 99-69, adopting the tax increment financing provisions of the TIF Act and creating the "Bartlett Quarry Redevelopment Project Area Special Tax Allocation Fund" (the "*Special Tax Allocation Fund*") in connection therewith.

D. Ordinance No. 99-67, Ordinance No. 99-68, and Ordinance No. 99-69 are hereinafter collectively referred to as the "Original Bartlett Quarry TIF Ordinances" are hereby incorporated herein by reference.

E. On December 21, 1999, the Corporate Authorities adopted Ordinance No. 99-143, authorizing the execution of that certain Redevelopment and Financing Agreement by and between the Village and Elmhurst-Chicago

Stone Company (the "*Developer*") (the "*Redevelopment Agreement*"), pursuant to the home rule powers of the Village and as authorized by the TIF Act. The terms and provisions of the Redevelopment Agreement are hereby incorporated herein by this reference.

F. Under the terms of the Original Bartlett Quarry TIF Ordinances and/or the Redevelopment Agreement, the Incremental Property Taxes as that term is defined therein are allocated such that 87½% of each distribution of Incremental Property Taxes (the "Limited Incremental Property Taxes") are pledged taxes used to pay the principal and interest on various tax increment revenue bonds and various tax increment revenue notes and for the Developer and/or the Owner's Redevelopment Project Costs that are TIF eligible expenses as defined in the Act (the "Developer's TIF Portion"), and 12½% of the Incremental Property Taxes (the "Municipal TIF Portion") are not pledged taxes and may be used by the Village to pay for improvements in or which benefit the Redevelopment Project Area, provided such improvements and expenses are TIF eligible expenses as defined in the Act.

G. The Developer has developed the Brewster Creek Business Park upon the Bartlett Quarry Redevelopment Project Area.

H. There are a number of food preparation and processing businesses in the Brewster Creek Business Park (collectively, the "Brewster Creek Food Industries") that generate food waste, food byproduct, and waste water that are discharged into the Village's sanitary sewer system, for which the Village has adopted comprehensive sewerage regulations, codified at Title 7, Chapter 5, Article D, of the Bartlett Municipal Code (the "Sewerage System Regulations").

I. Some of the food preparation and food processing activities of the Brewster Creek Food Industries create malodorous liquids, gases, or solids, either singly or by interaction with other waste waters in the Village's sanitary sewer system that generate odors in neighborhoods adjoining the Brewster Creek Business Park, which the Brewster Creek Food Industries and the Village have attempted to mitigate and treat, but the Village continues to receive periodic odor complaints from residents.

J. The Village staff, with the assistance of its environmental consultant, have recommended the Village purchase an odor control system manufactured by Vapex Environmental as specified on the proposal attached hereto as Exhibit A (the "Vapex OCS Proposal").

K. The Village does not have sufficient time before the expiration of the Bartlett Quarry TIF, nor is it cost efficient, to have a specialized professional engineer prepare plans and specifications for an odor control system, and then solicit public bids therefor, as each such odor control system is proprietary, and each is unique and one of a kind, and thus, does not lend itself to public bidding.

K. The Bartlett Quarry TIF (sometimes also referred to as the Brewster Creek Business Park TIF”) is scheduled to end December 31, 2022, although TIF Increment Taxes levied and extended for Tax Year 2022 will not be received by the Village until 2023 assuming the timely collection, extension and distribution of tax monies to the Village and there remain certain public improvements in the Brewster Creek Business Park to be completed including purchase by the Village of an odor control system out of the Municipal TIF Portion to serve the Brewster Creek Business Park, as such system is an eligible TIF expense under the TIF Act;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees (the “Corporate Authorities”) of the Village of Bartlett, an Illinois municipal corporation, of DuPage, Cook and Kane Counties, Illinois, and in exercise of its home rule powers as a home rule unit of government, as follows:

SECTION ONE: The above Recitals are hereby expressly incorporated herein and are hereby adopted as findings and determinations of the Corporate Authorities.

SECTION TWO: Based on the above findings and determinations, upon the passage of this Resolution by a 3/4 vote of the Corporate Authorities, the Board does hereby waive public bidding to purchase an odor control system, and hereby approves of the proposal submitted by Vapex Environmental to purchase the odor control system which is specified on the Vapex OCS Proposal therefor attached hereto as Exhibit A (the “Vapex Environmental Proposal”) for the sum of \$117,500.

SECTION THREE: The Village Administrator is hereby authorized and directed to execute the Vapex Environmental Proposal on behalf of the Village, and to pay for the cost thereof upon the terms set forth in said Proposal.

SECTION FOUR: SEVERABILITY. The various provisions of this Resolution are to be considered as severable, and of any part or portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

SECTION FIVE: REPEAL OF PRIOR RESOLUTIONS. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION SIX: EFFECTIVE DATE. This Resolution shall be in full force and effect upon passage and approval.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Kevin Wallace, Village President

ATTEST:

Lorna Gilles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Resolution 2022 - _____ enacted on December 20, 2022, and approved on December 20, 2022, as the same appears from the official records of the Village of Bartlett.

Lorna Gilles



PRICING & SIZING

EXHIBIT A

CUSTOMER: Bartlett
SITE NAME: Bruster Creek PS
DATE: November 14, 2022

RECOMMENDATIONS: Number of Units: 1
Number of Nozzles: 2

SCOPE:

1	NANO
2	HV 500 Nozzle - Flexible Install
300 ft	Oxidant Tubing
300 ft	Water Tubing
1	4" RXN Vent
100 ft	2.5" Zipper Cable Sheath
2	IOM Manuals
1	Installation Kit - NANO - Multiple Nozzles
1	Spare Parts Kit - NANO

OPTIONS:

Semi-Annual Maintenance & Extended Warranty Program - Inquire for Pricing

PRICING: \$ 117,500 USD, Freight Included. Taxes extra

Pricing includes:

- 1 Technician, 1 trip for 2 days for installation inspection, startup and operator training
- 2 semi-annual visits to perform maintenance starting 6 months after startup

WARRANTY - 18 months from ship date or 12 months from start up whichever comes first

SHIPMENT

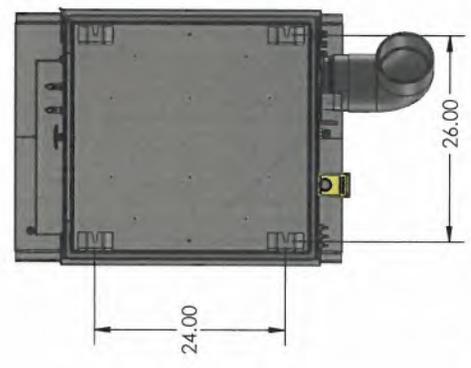
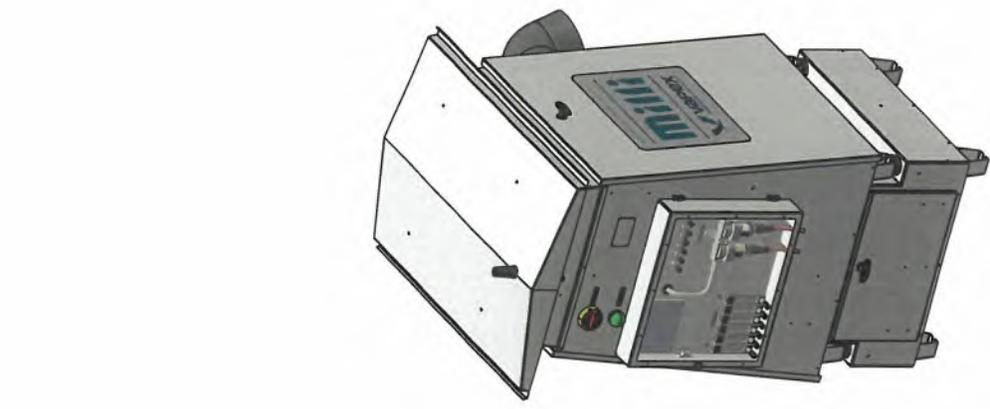
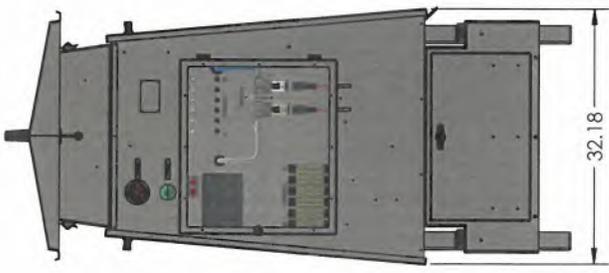
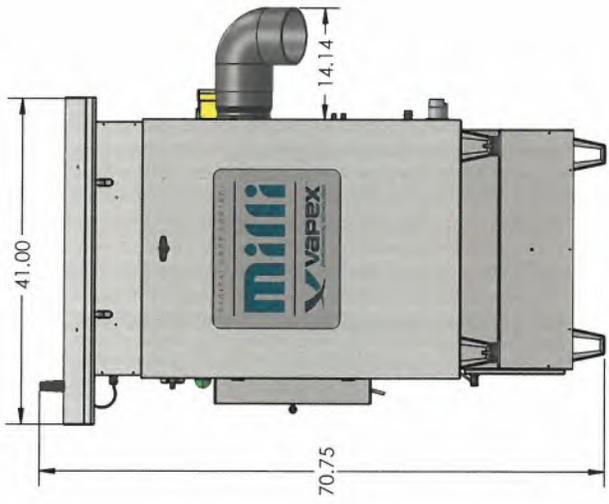
Submittals 2 to 4 weeks after receipt of written purchase order
Shipment 4 to 6 weeks after receipt submittal approval or waiver

NOTES

Contractor is responsible for piping (materials and labor) from the Vapex™ unit to the nozzle assembly
Payment Terms: 15% upon release to production, 80% upon equipment delivery, 5% upon unit startup

Prior to issuing Vapex Purchase Order, Vapex must provide a formal Quotation.
This is a preliminary budget. Above Pricing valid for 30 days

1 2 3 4 5 6 7 8



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A B C D



NAME DATE
 DRAWN JO 12/2020

NOTES:

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SCALE: 1:15 DO NOT SCALE DRAWING SHEET 1 OF 1

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