

CLERK'S CONTRACT and AGREEMENT COVER PAGE

Legistar File ID#: 2014-0440

Innoprise Contract #: C14-0077

Year: 2014

Amount: \$6,610.23

Department: Public Works - Rich Rittenbacher

Contract Type: Maintenance

Contractors Name: Denler, Inc.

Contract Description: Asphalt Rejuvenator Demonstration - Biorestor
C15-0081 (2015-0395)Add A Heritage Subdivision (\$14,000)

MAYOR
Daniel J. McLaughlin

VILLAGE CLERK
John C. Mehalek
14700 S. Ravinia Ave.
Orland Park, IL 60462
(708) 403-6100
www.orlandpark.org



VILLAGE HALL

TRUSTEES
Kathleen M. Fenton
James V. Dodge
Patricia A. Gira
Carole Griffin Ruzich
Daniel T. Calandriello
Michael F. Carroll

November 3, 2015

Mr. David Denler
Denler, Inc.
19148 104th Ave., Ste #3
Mokena, Illinois 60448

RE: *NOTICE TO PROCEED – Addendum A Asphalt Rejuvenation Heritage Subdivision*

Dear Mr. Denler:

This notification is to inform you that the Village of Orland Park has received all necessary documents in order for work to commence on the above stated project as of October 27, 2015 along with the invoice and waivers of lien. Purchase Order # 15-002278 was issued on August 19, 2015 for this work.

For your records, I have enclosed one (1) original Addendum A to the Asphalt Rejuvenator Contract for Heritage Subdivision in an amount not to exceed Fourteen Thousand and No/100 (\$14,000.00) Dollars. If you have any questions, please call me at 708-403-6173.

Sincerely,

Denise Domalewski
Contract Administrator

Encl:
CC: Tom Martin
Rich Rittenbacher

MAYOR

Daniel J. McLaughlin

VILLAGE CLERK

John C. Mehalek

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July 27, 2015

Mr. David Denler
Denler, Inc.
19148 S. 104th Avenue
Mokena, Illinois 60448

RE: *Addendum A Heritage Subdivision dated July 27, 2015*
Asphalt Rejuvenator Demonstration

Dear Mr. Denler:

This notification is to inform you that on July 20, 2015, the Village of Orland Park Board of Trustees approved awarding Denler, Inc. the contract in accordance with the proposal you submitted dated June 22, 2015, for the Application of Biorestor in the Heritage Subdivision. Please sign two (2) copies of the attached addendum and return both copies to my attention at Village of Orland Park, 14700 S. Ravinia Avenue, Orland Park, Illinois 60462. I will return a fully executed addendum for your files.

We also need a current Certificate of Insurance from your insurance company in accordance with all of the Insurance Requirements listed and agreed to at minimum and endorsements for a) the additional insured status, b) the waiver of subrogation for General Liability and c) the waiver of subrogation for Workers Compensation (see attached Insurance Requirements form for reference). Please email to ddomalewski@orlandpark.org or fax to 708-403-9212.

If you have any questions, please call me at 708-403-6173.

Sincerely,

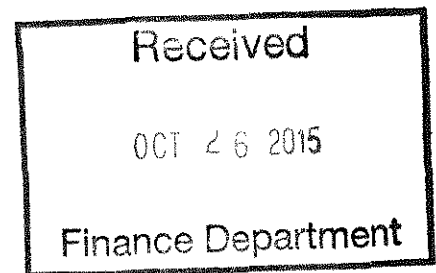
Contract Administrator

cc: Rich Rittenbacher

ADDENDUM A to
Asphalt Rejuvenator Demonstration Contract

Dated
August 26, 2014

Between
The Village of Orland Park, Illinois ("VILLAGE") and Denler, Inc. ("CONTRACTOR")



WHEREAS, on August 26, 2014, a certain Agreement regarding Asphalt Rejuvenator Demonstration between the Village and the Contractor was executed (hereinafter referred to as the "Agreement"); and,

WHEREAS, the Village wishes to increase the SCOPE and extend the term of the agreement.

NOW, THEREFORE, for and in consideration of the foregoing and the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

1. In the event of any conflict or inconsistency between the provisions of this Addendum and the Agreement, the provisions of this Addendum shall control.
2. **SECTION 1: THE CONTRACT DOCUMENTS** of said Agreement shall be amended to include Addendum A Heritage Subdivision dated July 27, 2015
3. **SECTION 2: SCOPE OF THE WORK AND PAYMENT** of said Agreement shall be amended to include the following:

Provide an asphalt rejuvenator demonstration using the product Biorestor in an area approximately 13,530 sq. yds. in the Heritage Subdivision in Orland Park, Illinois at a price of \$0.99/square yard

4. **SECTION 2: SCOPE OF THE WORK AND PAYMENT** of said Agreement shall be amended to strike the following in its entirety:

TOTAL: an amount not to exceed Six Thousand Six Hundred Ten and 23/100 (\$6,610.23) Dollars

And replace with the following in its entirety:

TOTAL: an amount not to exceed Six Thousand Six Hundred Ten and 23/100 (\$6,610.23) Dollars for Sterling Ridge; an amount not to exceed Fourteen Thousand and No/100 (\$14,000.00) Dollars for Heritage Subdivision.

5. **SECTION 4: TERM OF THE CONTRACT** of said Agreement shall be amended to strike the following in its entirety:

The CONTRACTOR shall commence the WORK of this Contract upon receipt of a Notice to Proceed and shall complete performance of the WORK of this Contract by November 15, 2014,

ADDENDUM A to
Asphalt Rejuvenator Demonstration Contract

Dated
August 26, 2014

Between
The Village of Orland Park, Illinois ("VILLAGE") and Denler, Inc. ("CONTRACTOR")

And replace with the following:

The CONTRACTOR shall commence the WORK of this Contract upon receipt of a Notice to proceed and shall complete performance of the WORK of this Contract by December 31, 2015,

6. All of the other terms, covenants, representations and conditions of said Agreement not deleted or amended herein shall remain in full force and effect during the effective term of said Agreement.
7. This Addendum may be executed in two or more counterparts, each of which taken together, shall constitute one and the same instrument.

This Addendum, made and entered into effective the **27th day of July, 2015**, shall be attached to and form a part of the Agreement dated the 26th day of August, 2014 and shall take effect upon signature below by duly authorized agents of both parties.

AGREED AND ACCEPTED

FOR: THE VILLAGE

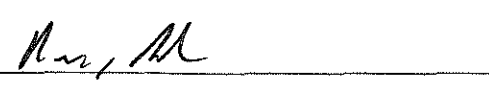
By: 

Print Name: Paul G. Grimes
Village Manager

Its: _____

Date: 10/30/15

FOR: THE CONTRACTOR

By: 

Print Name: David J. Denler

Its: President

Date: 10/22/15



QUOTE
#0040

To: Village of Orland Park Engineering Division
15655 Ravinia Avenue, Orland Park, IL, 60462
TEL: 7084036350 EMAIL: RRittenbacher@orlandpark.org

Date: 2015-06-22
Due: 2015-06-22

ITEM	QTY	PRICE	NET SUBTOTAL
Biorestor Application	13530.00	0.990	13,394.70
Application of a "bio-based" 100% natural pavement rejuvenator. Biorestor penetrates, protects and restores asphalt pavements with a blend of oils and polymers that research has shown reduces the damaging effects of oxidation and hardening by up to 60% over a five year period of time.			
Warranty	1.00	0.000	0.00
Application Guarantee			

We are so confident in the Biorestor application that if the treated surface develops cracks resulting from standard oxidation damage and bituminous hardening, Bioseal will repair those cracks by the IDOT standard specification of routing and sealing with ASTM 6690 Type II material at no cost to the contracting agency. This guarantee will be in effect for (3) three years following the date of the Biorestor application date.

Terms and Conditions

All pavement surfaces must have been constructed within the prior (3) three months of application and according to the following applicable guidelines and the contracting agency must have on file the test data for the constructed surfaces being warranted. IDOT standard specifications for road & bridge construction adopted 2012, Iowa DOT standard specifications for road construction adopted 2012, INDOT standard specifications, WISDOT standard specifications for highway construction adopted 2012.

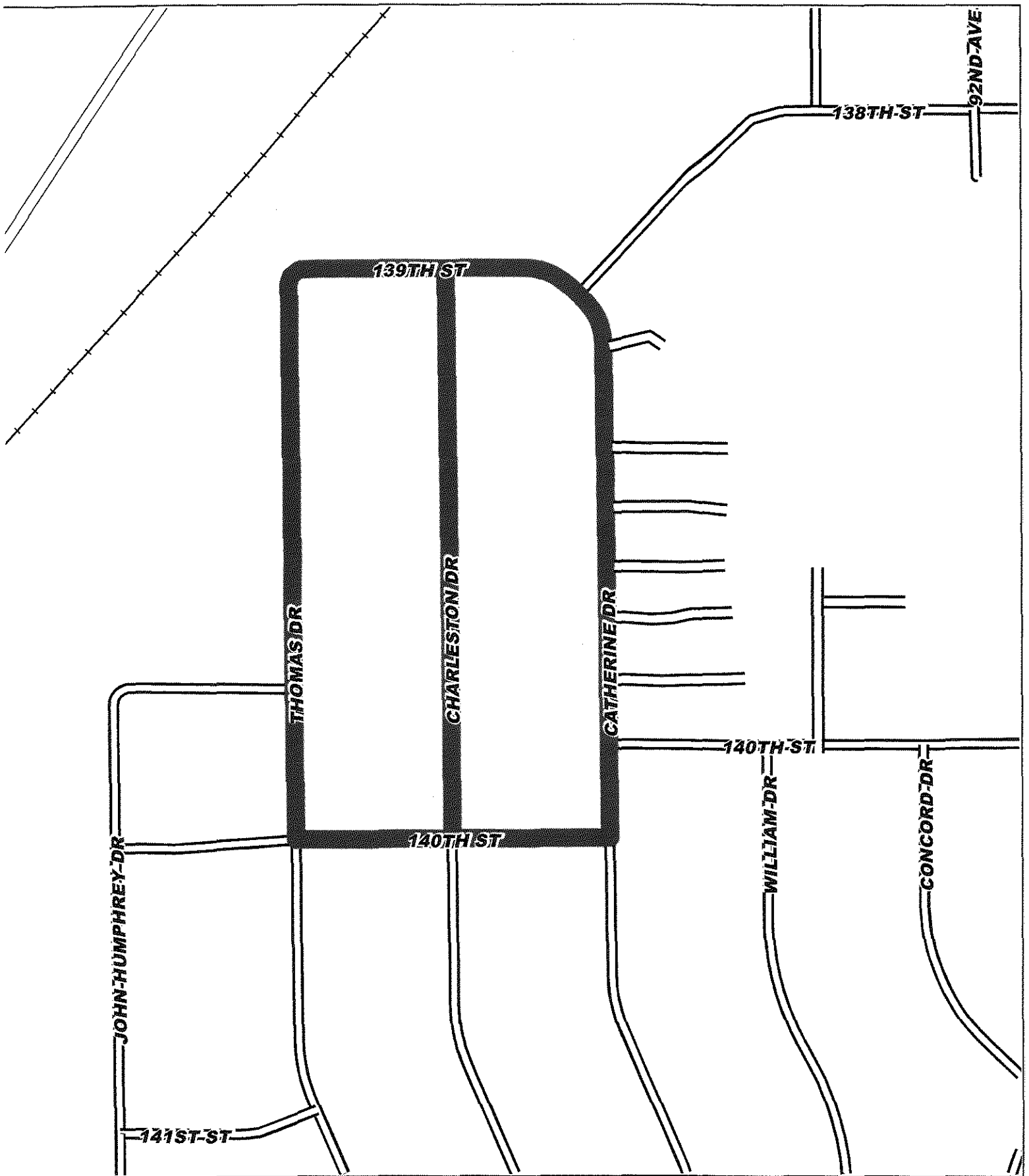
NET TOTAL: \$13,394.70
TAX: \$0.00
TOTAL: \$13,394.70

Notes

Heritage Subdivision Orland Park, IL

Payment Information

TERMS: Net payment due 30 days upon completion and receipt of this invoice. PAYMENTS: Payments not made within the contractual due date shall bear interest at two percent (2%) per month for a true A.P.R. of twenty four percent (24%) This interest if charged is intended to cover additional finance costs incurred to pay materials, payroll and overhead. Any costs of collecting unpaid bills in whole or in part including attorney fees and court costs shall be the responsibility of the owner and/or agent and/or



BIORESTOR ASPHALT REJUVENATOR **HERITAGE SUBDIVISION** **13,530 S.Y.**



1 inch = 250 feet

 Biorestor Asphalt Rejuvenator

This map is for reference only.
The Village makes no representations as to
the accuracy of the depicted utility locations
or sizes. The data is subject to change
without notice. The Village of Grand Park
assumes no liability in the use or application
of the data.
Reproduction or redistribution is forbidden
without the express written consent from
the Village of Grand Park.

INSURANCE REQUIREMENTS

WORKERS COMPENSATION & EMPLOYER LIABILITY

\$500,000 – Each Accident \$500,000 – Policy Limit

\$500,000 – Each Employee

Waiver of Subrogation in favor of the Village of Orland Park

AUTOMOBILE LIABILITY

\$1,000,000 – Combined Single Limit

Additional Insured Endorsement in favor of the Village of Orland Park

GENERAL LIABILITY (Occurrence basis)

\$1,000,000 – Each Occurrence \$2,000,000 – General Aggregate Limit

\$1,000,000 – Personal & Advertising Injury

\$2,000,000 – Products/Completed Operations Aggregate

Additional Insured Endorsement & Waiver of Subrogation in favor of the Village of Orland Park

EXCESS LIABILITY (Umbrella-Follow Form Policy)

\$2,000,000 – Each Occurrence \$2,000,000 – Aggregate

EXCESS MUST COVER: General Liability, Automobile Liability, Workers Compensation

Any insurance policies providing the coverages required of the Contractor shall be specifically endorsed to identify “The Village of Orland Park, and their respective officers, trustees, directors, employees and agents as Additional Insureds on a primary/non-contributory basis with respect to all claims arising out of operations by or on behalf of the named insured.” If the named insureds have other applicable insurance coverage, that coverage shall be deemed to be on an excess or contingent basis. The policies shall also contain a Waiver of Subrogation in favor of the Additional Insureds in regards to General Liability and Workers Compensation coverage’s. The certificate of insurance shall also state this information on its face. Any insurance company providing coverage must hold an A VII rating according to Best’s Key Rating Guide. Permitting the contractor, or any subcontractor, to proceed with any work prior to our receipt of the foregoing certificate and endorsement however, shall not be a waiver of the contractor’s obligation to provide all of the above insurance.

The Contractor agrees that within ten days after the date of notice of the award of the contract and prior to the commencement of any work, you will furnish evidence of Insurance coverage providing for at minimum the coverages and limits described above directly to the Village of Orland Park, Denise Domalewski, Contract Administrator, 14700 S. Ravinia Avenue, Orland Park, IL 60462. Failure to provide this evidence in the time frame specified and prior to beginning of work may result in the termination of the Village’s relationship with the Contractor.

ACCEPTED & AGREED THIS 22 DAY OF Oct, 20 15

David J. Aelter
Signature
David J. Aelter, President
Printed Name & Title

Authorized to execute agreements for:
Aelter, Inc. / BioSeal
Name of Company



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/23/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cottingham & Butler Mark Spangler 1770 Park Street Suite 210 Naperville IL 60563		CONTACT NAME: Mark Spangler PHONE (A/C, No, Ext): 630-420-3400 FAX (A/C, No): 630-420-8520 E-MAIL ADDRESS:															
INSURED Denler & Sons, Inc. Denler, Inc. 19148 S 104th Ave Mokena IL 60448		INSURER(S) AFFORDING COVERAGE <table border="1"><thead><tr><th>INSURER</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A :Allied P&C Ins. Co.</td><td>42579</td></tr><tr><td>INSURER B :AMCO Insurance Company</td><td>19100</td></tr><tr><td>INSURER C :Travelers Prop & Cas Co of Am</td><td>25674</td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></tbody></table>		INSURER	NAIC #	INSURER A :Allied P&C Ins. Co.	42579	INSURER B :AMCO Insurance Company	19100	INSURER C :Travelers Prop & Cas Co of Am	25674	INSURER D :		INSURER E :		INSURER F :	
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COVERAGES

CERTIFICATE NUMBER: 745634560

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ XCU Included ☒ Contractual Liab GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	Y	Y	ACPLPO7126053768	3/17/2015	3/17/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS	Y	Y	ACPBAPC7126053768	3/17/2015	3/17/2016	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$0			ACPCAA7126053768	3/17/2015	3/17/2016	EACH OCCURRENCE \$10,000,000 AGGREGATE \$10,000,000 \$
C	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	6JUB-2E797354	3/17/2015	3/17/2016	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Inland Marine			ACPCIMP7126053768	3/17/2015	3/17/2016	Leased/Rented \$30,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Village of Orland Park, and their respective officers, trustees, directors, employees and agents are additional insured on a primary and noncontributory basis on the general liability and auto liability policy subject to the terms and conditions of the endorsement attached to the policy. Waiver of subrogation in favor of the additional insureds applies to the general liability and workers' compensation when required by written contract.

CERTIFICATE HOLDER

CANCELLATION

VILLAGE OF ORLAND PARK 14700 S Ravinia Ave Orland Park IL 60462-3134	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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**WORKERS COMPENSATION
AND
EMPLOYERS LIABILITY POLICY**

ENDORSEMENT WC 00 03 13 (00) -06

POLICY NUMBER: (6JTB-2E79735-4-15)

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

SCHEDULE

DESIGNATED PERSON:

DESIGNATED ORGANIZATION:

VILLAGE OF ORLAND PARK
4700 S RAVINIA AVENUE
ORLAND PARK, IL 60462

DATE OF ISSUE: 08-28-15

ST ASSIGN: IL