

IDOT PROJECT LABOR AGREEMENT DETERMINATION

To: Gary Hannig, Secretary

From: Christine M. Reed, Director

Date: April 30, 2010

Re: FAP 310 (US 67), Contract Number 76318, Madison County

{June 11, 2010}

In accordance with Executive Order 2003-13 (Blagojevich), it is recommended that a project labor agreement (PLA) be utilized for the above-captioned Project. This recommendation is based on the considerations indicated below.

1) The Project is being awarded and administered by IDOT (i.e., not by another governmental agency). SEE ATTACHMENT A

2) The Project is being constructed using state or local funds only (i.e., no federal funds).

3) The overall size, scope, sequencing, logistics or other aspects of the Project make it particularly challenging to manage, and use of a PLA is expected to help assure that the construction work is performed properly and efficiently under the circumstances.
SEE ATTACHMENT A

4) The duration of construction activity on the Project is expected to exceed one construction season (i.e., 110 or more working days), or the nature of the Project results in a heightened need for labor force continuity and stability over a substantial period of time.
SEE ATTACHMENT A

5) There is a firm construction completion date established for the Project thereby increasing the adverse consequences of any work stoppage or other labor disruption.

6) The time required to complete the Project is expected to extend beyond the expiration date of one or more existing collective bargaining agreements covering trades likely to be involved in the Project, thereby increasing the likelihood of work stoppage(s) or other labor disruption(s) during construction of the Project.
SEE ATTACHMENT A

7) In the absence of a PLA, there is an increased likelihood of jurisdictional disputes among unions or of conflict between unionized and non-unionized workers on the Project that could have a potentially material adverse effect on the time, cost, or quality of work performed on the Project.

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8) This project presents specific safety concerns to the traveling public and a PLA, will ensure labor force continuity and stability, decreasing the length of the safety concern.
SEE ATTACHMENT A

9) Use of a PLA is expected to result in improved access to skilled labor, improved efficiency, or improved safety performance on the Project.

10) Use of a PLA on the Project is not expected to have a material adverse effect on the competitive bidding process.

11) Use of a PLA on the Project is not expected to have a material adverse effect on the ability of the Department to achieve other Departmental goals (e.g., utilization of disadvantaged businesses, utilization of Illinois domiciled businesses, development of competitive vendor alternatives over time, etc.).

12) There are other material considerations favoring or disfavoring use of a PLA on this Project as follows:

Based upon the identified considerations, we recommend that you approve use of a PLA on this Project. Upon your approval, the Department shall undertake to negotiate in good faith a PLA with the relevant labor organization(s), and shall include in all necessary bid specifications and other documents information regarding the actual or form of PLA that is to binding upon all contractors and their employees.

Agreed: Justin Reed 5/19/10
{Division Chief} (Date)

Agreed: SWHE SOFF 5/18/10
{Bureau of Design & Environment} (Date)

Agreed: My (Lamer) 5/11/10
{Regional Engineer} (Date)

Approved: Gary Hannig 5/20/10
Gary Hannig Secretary (Date)
by: Susan Wolfberg

FHWA concurrence in the PLA for the above mentioned contract.

Norman R. Stoner 5/6/2010
Division Administrator FHWA (Date)

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ATTACHMENT A:

JUSTIFICATION FOR USE OF PROJECT LABOR AGREEMENT ON FAP-310 (US-67), CONTRACT NUMBER 76318, MADISON COUNTY WHICH IS LOCATED ON US ROUTE 67 FROM PIASA CREEK AT THE MADISON/JERSEY COUNTY LINE TO 2.0 MILES NORTH.

ITEM 2: This project is federally funded.

ITEM 3: Estimated project cost is \$27,000,000. The project length is approximately 2.0 miles.

The overall project scope consists of:

- Widening and resurfacing US-67 from the existing 2-lane pavement to a proposed 4-lane expressway.
- The proposed 4-lane full depth HMA pavement with 10 ft wide outside shoulders, 6 ft wide median shoulders, and a 38 ft depressed median will be constructed. In this area, the existing pavement, temporary pavements, and stage construction will be used to maintain traffic.
- New bridges over Little Piasa Creek and Piasa Creek to be constructed
- Access roads and approach roads with intersections will also be constructed as part of this contract.

As can be seen by the scope of work above, any disruption in the continuity of this project due to labor issues would result in delays in construction sequencing which may result in completed portions of the project remaining closed to the traveling public due to the inability to gain access through incomplete portions delayed by a work stoppage.

It is anticipated that lapsing trade agreements through any of the above stages of work on this project would be addressed through the use of a Project Labor Agreement. It is the Illinois Department of Transportation's finding that the large skilled workforce needed for this project can be provided by the union trades involved and is a necessary requirement for a Project Labor Agreement.

ITEM 4: This project is anticipated to take 180 working days to complete and will be staged over three construction seasons. Many factors will contribute to the project being extended to three construction seasons. The first factor is the restrictions for tree removal from May 1 through August 31 due to commitment for protection of the habitat for the Indiana bat. The restriction could delay the ability for utilities to finish their relocation or the contractor to do work. The second factor is the relocation of the utilities. Several utilities needed to be moved and had to wait for the ROW to be purchased. The Department has been purchasing property in this area for several years in anticipation of construction, but the lack of a few parcels being purchased jeopardizes the ability to move utilities. The Department is utilizing a consultant to assist in the utility coordination to expedite the moves. The utilities will be moved and cleared around the bridges first to allow construction to begin on the controlling items. A third factor that will contribute to the contract extending into three seasons is related to the June letting and

180 working days. Under ideal conditions, the contractor could not start work until September of 2010 and based on the number of working days, the construction project will be extended through portions of three construction seasons. The utilization of three construction seasons is an additional reason to utilize a project labor agreement on this project. During the delay for utilities, no working days will be charged if the controlling item is being impacted. In other words, the PLA will still guarantee delivery of the project as it relates to labor disruptions and not be impacted by utility delays. During the delay for utilities, no working days will be charged if the controlling item is being impacted. In other words, the utility moves may delay the completion date, but the PLA still guarantees no labor disruptions and helps provide a successful delivery of the project.

The project will be constructed utilizing stage construction and will require two stages to complete. In order to maintain one lane of traffic in each direction, the use of temporary pavements, temporary median crossovers, and temporary connectors will be necessary throughout, which - if left in place for an extended period of time due to a work stoppage - can result in increased safety concerns for the traveling public.

The existing two lane facility has a level of service C during the peak hours. After the facility opens, the four lane facility will have a level of service A initially. Based on user cost of \$12/hour for vehicles and \$24/hour for trucks, the user cost of \$584/day will incur with any work stoppages.

ITEM 6: The following collective bargaining agreements will expire during the construction of this project:

- Cement Masons 90 Exp. 07/31/12
- IBEW 649 (Lineman) Exp. 12/05/10
- IBEW 649 (Wireman) Exp. 01/04/11
- Iron Workers 392 Exp. 08/01/10
- Laborers 218 (Alton) Exp. 07/31/10
- Operating Engineers 520 Exp. 07/31/12
- *Carpenters 377 Exp. 05/01/13
- **Teamsters 525 Exp. 04/30/10

*Only if delays force work beyond the estimated completion.

**Currently under negotiations and utilizing existing contract

ITEM 8: As can be seen by the discussion of the overall project scope above, this project will be challenging to manage. The consultant has suggested two construction stages. Each stage will require temporary pavements, temporary median crossovers, and/or temporary connectors, which will result in "weaving" conditions in both stages. Labor continuity would minimize the amount of time the traveling public would be exposed to the "weaving" and median crossover conditions.

Any work stoppage will increase the length of time the traveling public would be required to utilize the staging necessary for this project. Labor continuity would minimize the amount of time the traveling public would have to utilize the stage construction, thus reducing the length of the safety concern.