

Village of Willowbrook

7760 Quincy Street
Willowbrook, IL 60527-5594

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Veto Message

April 29, 2010

Village President

Robert A. Napoli

Village Clerk

Leroy R. Hansen

Village Trustees

Dennis Baker

Terrence Kelly

Michael Mistele

Sandra O'Connor

Paul Schoenbeck

To the Honorable Members of the Board of Trustees of the Village of Willowbrook, Illinois:

I am today vetoing in its entirety the following Motion declared carried at the April 26, 2010 regular meeting of the Board, to-wit:

A Motion awarding the fiscal year 2010-2011 Motor Fuel Tax Roadway Maintenance Program Contract to Crowley Sheppard Asphalt, Inc. in the amount of \$209,045.00

With this message, I return this Motion without my approval to the Board of Trustees for your receipt and reconsideration at the Board's next regular meeting of May 10, 2010.

I have objected to the said Motion because it would create a contractual liability against the Village of Willowbrook toward Crowley Sheppard Asphalt, Inc., an entity that is obviously not the low-bidder; because it provides for the expenditure of public monies from the Village's Motor Fuel Tax Fund in an amount \$17,356.00 greater than the low bid submitted by James D. Fiala Paving Co., Inc.; and, because that low bidder has already threatened in writing to pursue its legal options against the Village of Willowbrook. For your ease of reference, a copy of the April 27, 2010 letter from James D. Fiala Paving Company, Inc. is appended hereto.

Respectfully,

Robert A. Napoli
Village President

James D. Fiala Paving Company, Inc.

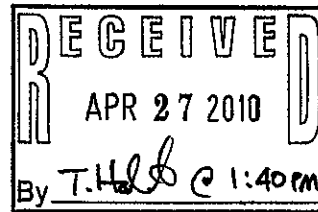
Quality Workmanship and Materials

500 East Frontage Rd North, Bollingbrook, IL 60440 PH: (630) 783-8311 FAX: (630) 783-8320

Mr. Timothy J. Halik, Director of Municipal Services
Village of Willowbrook
7760 Quincy Street
Willowbrook, IL 60527

Date: April 27, 2010

Job : Village of Willowbrook
2010 Road Project
Section: 10-00000-GM-02



Dear Mr. Halik,

It is James D. Fiala Paving Co., Inc. understanding that the Willowbrook Board voted to award the above listed project to Crowley-Sheppard Asphalt Inc. even though they were second bidder. We believe the board did not have all the facts when awarding this project and that the board should reconsider their vote and award the contract to James D. Fiala Paving Co., Inc.

We understand that the board did not know at the time that James D. Fiala Paving Co., Inc. is no longer owned by Jim Fiala, James D. Fiala Paving Co., Inc. was sold to Woodie Griffin on March 20, 2009 and Woodie Griffin owns 100% of the company not Jim Fiala. The board voted not to award the project to Fiala Paving do to an issue on a property that Jim Fiala owns. This should never of been considered since Jim Fiala does not own James D. Fiala Paving Co., Inc. so this other issue should of never been considered in awarding this project.

This was a sealed bid that was publicly opened that James D. Fiala Paving Co., Inc. was read low at \$191,689.00 and Crowley-Sheppard Asphalt Inc. was second at \$209,045.00 which is a difference of \$17,356.00. Fiala Paving is a upstanding Company with the State of Illinois and has completed many projects with the Village of Willowbrook.

We would ask that the board reconsider their vote immediately so that the rightful low bidder James D. Fiala Paving Co., Inc. will be awarded the project. Fiala Paving understands that not all the facts were known by the board at the meeting. We would hope that this clears up any and all misconceptions that have been used and we would hope that we do not have to consider other options so that this project is awarded to the rightful low bidder James D. Fiala Paving Co., Inc. If there are any other issues that might need to be clarified please contact us at your earliest convenience.

Sincerely,

Woodie Griffin, President