



# AGENDA MEMORANDUM

---

**DATE:** August 7, 2025

**TO:** Forest Preserve District Executive Committee

**FROM:** Jennifer Rooks-Lopez, Planning and Land Protection Director  
Benjamin Haberthur, Executive Director

**SUBJECT:** Presentation and Approval of a Construction Contractor Change for the OSLAD Grant Project at Mill Creek Greenway Forest Preserve Archery Range.

---

**PURPOSE:**

The purpose of this memorandum is to provide the Committee with information to consider the approval of a change in construction contractors on the Mill Creek Greenway Archery Range OSLAD Project; from Evans & Son, Inc., to Earthwerks Land Improvement & Development, Inc. ('Earthwerks' herein).

**BACKGROUND:**

On January 14<sup>th</sup>, 2025, The District awarded the construction project to the lowest (and at that time, qualified) bidder, Evans & Son, Inc. A multitude of issues including construction delays and communication lapses forced the District to take action to declare Evans & Sons in default and to terminate the Contract. The District also served the required notice upon the Surety. All parties agreed that Evans and Son, Inc. were not capable of undertaking the project and meeting the substantial completion date of August 1, 2025. The District consulted with legal counsel and the Surety to determine the best course of action to keep the project moving. This involved not only terminating the contract with Evans and Son, Inc. but also finding a replacement (covering) contractor. The District reached out to the second lowest bidder, determined it was qualified, and further confirmed it would honor their original bid price to perform the work. Earthwerks has agreed to offer a small credit for some work that had been performed by Evans & Sons.

**FINANCIAL IMPACT:**

The contract with Evans & Son, Inc. totaled \$1,174,046.70. The second highest bid from Earthwerks totaled \$1,384,666.80. EMC Insurance has agreed to cover the difference between these two amounts, totaling \$210,620.10, in exchange for a full release from the District so that the District will not be financially impacted by the change in contractors for project # 31013 in the general ledger account # 03-35-35-7050.

**RECOMMENDATION:**

Staff recommends the Committee approve the change in construction contractors from Evans and Son, Inc. to Earthwerks, to perform the Mill Creek Greenway Archery Range OSLAD Project.

**ATTACHMENTS:**

*Mill Creek Greenway Location Map*  
*Mill Creek Greenway-Layout Plan*  
*Abstract-Mill Creek Greenway*