

LC200100 LANDSCAPE PERFORMANCE GUARANTEE (LCDOT)

Use this special provision for LCDOT projects with longer term maintenance and monitoring periods (often beyond the end of the rest of the project). This specification will require editing for the following:

- In the Description for basins on LCFPD property.
- The plant list on the next page – revise for the project pay items.

Delete this note from the special provision.

Effective: February 25, 2015

Revised: October 10, 2022

Description: This project consists of Native Vegetation Installation (NVI) within the scope of detention basin construction on lands owned by the Lake County Division of Transportation. A two year Maintenance and Monitoring Period (MMP) shall follow the vegetation installation as detailed in this special provision, with final approval and payment based upon acceptance criteria for the successful establishment of the NVI.

Guarantee:

The MMP for the NVI will extend beyond the completion date of the whole project. So as not to delay acceptance of the entire project and delay final payment due him/her, the Contractor shall submit a Landscape Performance Guarantee to the County in the full amount of the installed plant material items.

Landscape Performance Guarantee	=	Sum of all covered plant material items in the NVI (installed quantity X unit bid price)
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In the event that NVI plant materials are added to or reduced from the original Contract quantities, the value of the Landscape Performance Guarantee shall be adjusted from the original contract amount accordingly.

The Landscape Performance Guarantee shall be in the form of a surety bond or a line of credit. The surety bond/line of credit shall be executed prior to LCDOT acceptance of the project and the issuance of final payment. The surety bond/line of credit shall remain in full force and effect until the completion of the MMP; and final inspection and acceptance of the NVI including all plant materials and replacements. The terms of inspection and acceptance are defined in this special provision.

The Engineer shall be the sole authority in determining which plantings or areas meet or do not meet the acceptance criteria.

If the Contractor fails to perform the maintenance work necessary to meet acceptance criteria, or performs the work unsuitably as determined by the Engineer, or for any other cause whatsoever does not carry out the work in a suitable manner, the Engineer shall give notice to the Contractor and the Contractor's bank or surety. Said notice shall specify the corrective measures required. If the Contractor, within a period of 10 days after said notice, does not proceed in accordance therewith, the County shall draw on the Landscape Performance Guarantee to have the work completed.

The plant materials in this Contract included in NVI are listed below. These materials, including any adjustments, shall be covered by the Landscape performance Guarantee.

Pay Code	Description	Units	Quantity
25000312	SEEDING, CLASS 4A	Acre	4.6
LC200372	PERENNIAL PLANTS, WETLAND TYPE, SPECIAL II	Unit	141

Maintenance and Monitoring:

The two year Maintenance and Monitoring Period (MMP) will begin after initial acceptance of the covered work, including the period of establishment requirements. If planting work is not completed at the same time, the MMP shall start when the first planting is completed and end two years after the last planting was completed, even if that is greater than two years.

During the MMP the Engineer will visit the site a minimum of two times a year during the growing season. The visits will occur on or about May 1 and September 1, in all years of the MMP. The visits will be conducted to assess the progress and health of the vegetation within the native planting area. The Engineer will evaluate the status of the plantings and the level of the acceptance criteria achieved. Additionally, the Engineer will determine if remedial measures are required and recommend procedures to correct any noted deficiencies.

The vegetative monitoring shall be based on meander surveys of the various areas. Large community types will have multiple meander surveys completed each year to provide a better representative evaluation of the overall area and to be able to clearly identify those areas which are deficient.

At the end of each year of the MMP the Engineer will evaluate the installed plant materials according to the specified acceptance criteria. A report will be issued by the Engineer following the completion of the two year MMP. The report will, at a minimum, address the level of acceptance criteria met and include any applicable remedial recommendations.

At the end of the MMP, if all of the NVI passes the acceptance criteria, the MMP will be completed and the Landscape Performance Guarantee shall be released.

If, however, the Engineer determines that some areas and/or plant materials do not pass the acceptance criteria, the MMP will be extended for those areas. The Contractor's responsibility for maintenance and monitoring in the areas that meet the acceptance criteria will end. The entire Landscape Performance Guarantee will remain in full force and effect until all areas and/or plan materials, including replacements, meet the acceptance criteria.

Acceptance Criteria:

For acceptance at the end of the two year Maintenance and Monitoring Period (MMP), all included NVI areas shall meet the following conditions:

1. No NVI area shall have more than 1.0 square yard (areal) coverage devoid of vegetation.
2. No NVI area shall have less than 50% vegetative (areal) coverage in any given 10.0 square yard plot.
3. No more than 20% of the total species present within any 10.0 square yard plot and throughout the NVI area may be comprised of non-native or invasive species as measured by areal coverage. The term non-native shall include all species identified as not native to northeastern Illinois in "Plants of the Chicago Region" (Swink and Wilhelm, 1994), invasive species include those listed on the Northeast Illinois Invasive Plant partnership website (www.niipp.net) , and include but are not limited to the species listed below.

NON-NATIVE AND INVASIVE SPECIES

<u>BOTANIC NAME</u>	<u>COMMON NAME</u>
<i>Alliaria petiolata</i>	Garlic mustard
<i>Rhamnus</i> spp.	Buckthorn
<i>Phalaris arundinacea</i>	Reed canary grass
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Melilotus</i> spp.	Sweetclover
<i>Rosa multiflora</i>	Multiflora rose
<i>Cirsium</i> spp.	Thistle
<i>Coronilla varia</i>	Crown vetch
<i>Dipsaucus</i> spp.	Teasel
<i>Lonicera</i> spp.	Honeysuckle
<i>Phragmites australis</i>	Common reed
<i>Poa compressa</i> & <i>P. pratensis</i>	Canada & Kentucky bluegrass
<i>Salix interior</i>	Sandbar willow
<i>Lespedeza cuneata</i>	Sericea lespedeza
<i>Euphorbia esula</i>	Leafy spurge
<i>Centaurea</i> spp.	Knapweed
<i>Polygonum cuspidatum</i>	Japanese knotweed

If any of these standards are not met during the two year MMP, the Contractor shall implement remedial activities, the cost of which shall be included in this work. The remedial activities shall be continued until final acceptance. Final acceptance and release of the performance security shall not be granted until such time as all acceptance criteria have been met. If the MMP is extended due to the work not meeting the acceptance criteria, the Contractor shall extend the performance guarantee for whatever period of time is necessary to successfully meet the acceptance criteria.

Landscaping Contractor Qualifications:

The Landscaping Contractor shall have at least five years experience in natural area installation and native planting management, maintenance and monitoring. The Landscaping Contractor shall have completed comprehensive natural area installation and management activities on at least three sites encompassing 10 acres or more. The Landscaping Contractor shall have on staff a senior level biologist, botanist, ecologist or equivalent, to oversee the natural area installation and management activities. The Landscaping Contractor shall also have licensed herbicide applicators and staff proficient in on-site natural area maintenance.

It is the Contractor's/Landscaping Contractor's responsibility to become familiar with all site conditions, instructions, contract documents, site conditions and conditions pertinent to the work involved. Failure to make a site inspection shall not excuse the Contractor/Landscaping Contractor from performance of the duties and obligations imposed under the terms of these Special Provisions and the contract. Failure to have read all the conditions, instructions and specifications of this contract shall not be cause to alter the original contract or to request additional compensation.

Events Beyond Contractor Control: Over the two year MMP there may be events that are beyond the Contractor's control that will affect his/her ability to achieve the required performance standards. Losses due to fire, flood, lightning or storm (winds greater than 75 mph) are examples of such events. If such an event occurs that damages or kills the seeding, wetland plants or trees and shrubs, prior to the end of the two year MMP the Contractor shall immediately contact LCDOT. LCDOT will evaluate the situation and if LCDOT concurs that the event was in fact beyond the Contractor's control, the Contractor will be compensated for reseeding and replanting at the contract unit prices for the items involved, with prior approval from LCDOT.

Basis of Payment: This work shall be paid for at the lump sum price for LANDSCAPE PERFORMANCE GUARANTEE upon execution of the performance surety/line of credit after final acceptance of the covered pay items, including any applicable period(s) of establishment. The performance surety/line of credit shall be in full force and effect throughout the duration of the two year MMP or until all acceptance criteria have been met, whichever is longer.