



CHIEF PROCUREMENT OFFICE
Ellen H. Daley, General Services

April 18, 2016

Charles Gerage, President
Omega Demolition Corporation
31w566 Spaulding Rd
Elgin, IL 60120

Re: Notice of Interim Suspension

Dear Mr. Gerage,

This letter serves as notice from the Chief Procurement Officer for General Services (“CPO”), placing you, Omega Demolition Corporation, under an interim suspension from doing business with the agencies under the CPO for General Services, including the Illinois Tollway (“Tollway”). Omega Demolition Corporation (“Omega”) is a subcontractor to Judlau Contracting Corp. (“Judlau) on Tollway Project #I-15-4237. Omega submitted a demolition plan for the project (attached) and then proceeded to deviate from its own approved plan on April 5th, resulting in an existing beam for the eastbound I-90 bridge over Touhy Avenue falling during bridge demolition, injuring four workers including one fatality.

In Omega’s submitted Demolition Plan its structural engineer states that the bridge girders would be “supported by an additional crane that will be rigged at the mid span of the last girder...” However, an initial investigation by construction manager Burns & McDonnell Engineering, Inc. contains photographs on pages 3-4 clearly showing that Omega deviated from this approach and supported the collapsed girder from the end span and not the mid span. Omega’s president, Charles Gerage, confirmed during a meeting with the Tollway’s executive director on April 8th that it deviated from its approved Demolition Plan, but was unable to explain the reason for the deviation. Initial investigation suggests Omega may have violated several of the Tollway’s specifications, made applicable to it through a flow-through clause in its subcontract with Judlau, including:

- Tollway Supplemental Specification 105.16 Job-Site Safety – “Caution shall be exercised by the Contractor at all times for the protection of persons and property. Any and all safety regulations and other provisions of applicable Federal, State and local laws and building, construction, and environmental codes shall be observed...”
- Tollway Supplemental Specification 105.03 - Conformity with Contract Documents. “All work performed and all materials furnished shall be in conformity with the lines, gradients, cross sections, dimensions, material and other requirements shown on the Plans or indicated in the



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Contract Documents. All work shall be of the highest quality and appearance and within the limits of precision reasonably expected of good construction practice... Work performed which is not provided for in the Contract, and work done which is not as directed or not as shown in the Plans or Extra Work done without written authority will be considered as unauthorized.”

- **Project Plans – Demolition Plan** “The contractor shall submit a demolition plan to the [Construction Manager] for review and acceptance, detailing the proposed methods of demolition...[which] shall include an assessment of the structure’s condition and an evaluation of the structure’s strength and stability during demolition and shall be signed and sealed by an Illinois licensed structural engineer...”

All of the aforementioned suggests Omega’s “acts or omissions that indicate that the contractor or subcontractor lacks integrity and honesty in the conduct of business or the performance of contracts.” 44 ILL. ADMIN. CODE 6.520.¹ Section 6.530 of the rules applicable to the Tollway provides that “an interim suspension may be imposed pending the completion of an investigation of the causes for suspension.” The incident is under continuing investigation by the Occupational Health and Safety Administration (OSHA) as well as the Tollway. A copy of the rules applicable to the Tollway regarding suspension of contractors is enclosed.

I find that immediate action is necessary to safeguard the public interest in the solicitation, execution, administration and performance of public contracts. Therefore, pending the outcome of a full investigation by the Occupational Health and Safety Administration (OSHA) and Tollway, and to prevent further potential harm to public health and safety, you are subject to an interim suspension. You shall not be eligible to participate on or in connection with any contract, or subcontract awarded or approved by the agencies under the jurisdiction of the CPO, including the Tollway. Further, pursuant to Section 6.590 of the rules, this interim suspension applies to all executory contracts that you are currently performing.

Pursuant to Section 6.620(b) of the rules, within 30 days after receipt of this notice of interim suspension, you may “submit, in person, in writing, or through a representative, information, documentation and argument in opposition to the interim suspension.” In accordance with the rules, “the CPO will consider the contractor's or subcontractor's submission in light of the evidence developed in the pending investigation, and may modify or terminate the suspension or may leave it in force. The CPO's decision concerning imposition of an interim suspension is final without further hearing.” Any submission should be delivered to Ms. Ellen H. Daley, Chief Procurement Officer for General Services, 401 South Spring Street, 712 Wm. Stratton Building, Springfield, Illinois 62706.

¹ “For activities related to the construction and operation of the toll highways under the jurisdiction of the Illinois Toll Highway Authority, the construction rules promulgated by the CPO-DOT shall be followed.” 44 ILL. ADMIN. CODE 1.1070.



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The interim suspension is effective immediately.

Ellen H. Daley
Chief Procurement Officer for General Services

Enclosure

cc: Greg Bedalov, Executive Director of the Illinois Tollway
Arnav Admin, V.P. Central Division, Judlau Contracting, Inc.
Bill Grunloh, CPO IDOT
Ben Bagby, CPO Higher Education
Margaret van Dijk, CPO CDB