

Subject: Custodian contract + 3 maintenance workers concerns

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To: School Board <schoolboard@mokena159.org>

CC: Steve Stein <steins@mokena159.org>

Dear Fellow Board Members (cc: Superintendent)

PLEASE DO NOT REPLY ALL - DISCUSSION ON THIS TOPIC IS SET FOR TOMORROW

I am writing to express significant concerns about the action item scheduled for our meeting tomorrow, regarding the recommendation to outsource the custodian contract to HES. In the interests of "no surprises and for discussion in our meeting. As a board, we have a responsibility to ensure decisions are made transparently, with accurate data, in compliance with legal and procedural standards, and with a long-term perspective on the district's financial health. Based on the information provided—or lack thereof—I believe we must pause and address several critical issues before proceeding.

1. **Selection of HES (Third-Lowest Bidder)**: The ad hoc committee recommends HES, despite their bid being the third lowest, without providing clear justification for why they are more qualified than lower bidders. Public bidding laws generally require awarding contracts to the lowest responsible and responsive bidder—one who offers the lowest price, meets bid specifications, and demonstrates the capability and reliability to perform the contract. Selecting a higher bidder without documented evidence that they are more qualified or responsible risks violating these legal standards and could expose the district to bid protests or legal challenges. This lack of transparency undermines our ability to make an informed decision.

2. **Post-Bid Modifications to Requirements**: The administration negotiated changes to the bid requirements with HES after bids were received on 3/17, removing key criteria such as the performance bond, new equipment, and a dedicated truck. These modifications, which impact district safeguards, reliability, and efficiency, were made without board approval or re-opening the bidding process to allow other vendors to compete under the revised terms. This raises serious procedural concerns.

3. **Legal Concerns with Bid Scope Changes**: Modifying the scope of work after bids were received—specifically by removing requirements for a performance bond, new equipment, and a truck—without allowing other bidders to submit revised proposals under the new scope may violate applicable public bidding laws. Such actions risk undermining the fairness and competitiveness of the bidding process, potentially exposing the district to legal challenges from other bidders or stakeholders. The board was not informed or asked to approve these changes, the administration should consult legal counsel to verify compliance with relevant statutes.

4. **Flawed Financial Estimates**: The cost analysis for the current provider and the proposed in-house maintenance workers is based on inaccurate calculations. The administration's requirement for 18 member staff (versus the current 16) lacks justification. The cost estimates for hiring three maintenance workers as district employees also significantly underestimate expenses, including

inaccurate healthcare costs, not including workers' compensation, supplies, and fuel.

5. **Long-Term Cost Implications of In-House Employees**: The proposal to bring three maintenance workers in-house fails to account for the long-term financial impact. Employee wages rise annually at a rate of +~3%, which exceeds CPI, and additional costs such as healthcare (+8-15%), pensions, and taxes are increasing at a higher rate than those associated with outsourced contractors. This decision should not be evaluated solely on a one-year basis but as a long-term commitment, as these rising costs will compound over time, significantly increasing the district's financial burden compared to maintaining an outsourced model.

6. **Unsubstantiated Claims and CDL Requirement Issues**: The administration claims that bringing three maintenance workers in-house will result in a better work product compared to the outsourced model, but this assertion is not supported by verifiable data. Additionally, while the proposal includes a requirement for these employees to obtain CDLs to serve as backup bus drivers, one of the three proposed hires—who earns \$5/hour more than the other two, at \$35/hour—is reportedly unable to obtain a CDL. This undermines a key rationale for the in-house transition and raises questions about the selection process for these positions.

7. **Concerns About Predetermination and Process Integrity**: Public statements made by some board members and administration officials, prior to the receipt of bids or completion of the cost analysis, indicated a preference for hiring the three maintenance workers in-house. This raises concerns about the impartiality of the decision-making process. The underestimated cost projections and lack of clear evidence demonstrating benefits to the district further suggest that the analysis may have been shaped to support a predetermined outcome, rather than objectively evaluating what is best for the district. This approach risks prioritizing individual preferences over fiscal responsibility, resulting in higher costs for the same level of service without justifiable benefits.

8. **Oversight of Vendor Compliance and Background Checks**: The current custodian contract issue arose, in part, because the regional superintendent's office identified that background checks were not being conducted on custodial staff working on school premises during school hours. Notably, just months before this issue was raised, the administration recommended renewing the current contractor's agreement, suggesting that the oversight failure lies with the administration's responsibility to ensure vendor compliance and student safety. As a board, we have a legal duty to ensure that all contractors working on school grounds during school hours meet safety requirements, including timely background checks, to protect our students. The shift to a new contract and in-house employees appears to deflect responsibility from this oversight, yet the underlying issue could have been addressed by enforcing existing contract terms.

9. **Lack of Transparency and Unanswered Questions**: Board members have repeatedly requested clarification and supporting documentation, yet critical information remains missing. The HES contract up for approval is incomplete, unclear, and questions about cost estimates, bid modifications, and the rationale for additional staffing have gone unanswered. This lack of responsiveness is unacceptable and hinders our ability to fulfill our fiduciary duties.

10. **Commitment to Transparency at the Upcoming Meeting**: At tomorrow's board meeting, I intend to reference these multifaceted concerns to highlight the need for a thorough review of these action

items. Given the detailed nature of these issues, it is not feasible to read this entire email during the open meeting. However, in the interest of transparency, I will encourage members of the public to request a copy of this email to review the concerns for themselves. The public has a right to understand the full scope of these issues to ensure our decision-making process serves the best interests of the district and our students.

8-9 years ago, the district outsourced custodial services to save significant costs. The current proposal reverses that decision in part, introducing substantially higher costs—compounded by rising employee-related expenses—without clear benefits to the district.

Moreover, the administration's failure to correct miscalculations, address our questions, ensure compliance with bidding regulations, and acknowledge oversight failures suggests a lack of accountability that cannot be ignored.

I sent a separate email to our administration and board members on 5/16/25 regarding my many concerns with our financial controls and budgeting process. We are in a deficit position and over budget on numerous lines which has not been explained to the board of education. Approving this contract and hiring will further exacerbate our deficit, while lacking sound rationale and cost analysis.

I urge the board to delay voting on this action item until the following steps are taken:

- Provide a detailed justification for selecting HES over lower bidders, demonstrating compliance with legal requirements for selecting the lowest responsible and responsive bidder.
- Explain the post-bid modifications, including their legal implications, and seek board approval for any changes to bid requirements.
- Confirm compliance with applicable public bidding laws, including consultation with legal counsel, to address the risks of modifying the bid scope without allowing rebidding.
- Correct the flawed financial estimates and provide a transparent cost comparison, including a long-term analysis of employee versus outsourced costs.
- Clarify the rationale for additional custodial staff and the in-house maintenance worker proposal, including verifiable data on improved outcomes and addressing the CDL issue.
- Ensure the decision-making process is objective and free from predetermination, with a clear explanation of how the analysis aligns with the district's best interests.
- Address the oversight failure regarding background checks and confirm how the administration will ensure vendor compliance with safety requirements, such as timely background checks, to fulfill our legal duty to protect students.
- Supply a complete and clear contract for board review.

We cannot move forward with a decision that lacks transparency, relies on inaccurate data, risks legal non-compliance, and fails to account for long-term financial impacts or oversight responsibilities to the district. I respectfully request that these concerns be addressed promptly and that the administration provide the necessary information to ensure an informed, responsible, and legally sound decision.

Thank you for your attention to this matter. I look forward to discussing this further at our meeting tomorrow.

Kelli MacMillan
Board Member