

ORDINANCE NO. CO-2022-20

**AN ORDINANCE APPROVING CHANGE ORDER NUMBER 1 TO
THE CONSTRUCTION CONTRACT WITH SWALLOW CONSTRUCTION CORPORATION
FOR THE FIRST AVENUE WATER MAIN IMPROVEMENTS PROJECT, AND AUTHORIZING THE
EXPENDITURE OF MADISON STREET/5TH AVENUE TIF DISTRICT FUNDS
TO PAY FOR SUCH CHANGE ORDER WORK**

WHEREAS, the President and Board of Trustees of the Village of Maywood (the "Corporate Authorities"), operating as a home rule municipality, have all of the powers and authority granted to such municipalities pursuant to Article VII (Local Government, Section 6 (Powers of Home Rule Units) of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, in 2021, the Corporate Authorities approved a Construction Contract with low-bidder Swallow Construction Corporation (the "Contractor") for the First Avenue Water Main Improvements Project ("Project") ("Project Contract"). The original Project Contract amount was \$1,911,966.00 (the "Contract Price"). A copy of the Project Contract is incorporated herein by reference and made a part hereof; and

WHEREAS, a change order is necessary because the Contractor was required to perform additional construction activities that were not contemplated in the original Project Contract. The cost of the additional construction activities equals \$78,485.23, as set forth in Change Order Number 1 to the Project Contract, and is payable to the Contractor. A copy of Change Order Number 1 is attached hereto as **Exhibit "A"**. Upon approval of Change Order Number 1, the original Contract Price for the Project shall be increased to \$1,990,451.23 (the "Amended Project Contract Price"); and

WHEREAS, the Corporate Authorities agree to authorize and approve the additional Project costs by approving Change Order Number 1 for the Project. The source of funding for the Project is the Madison Street/5th Avenue TIF District Fund; and

WHEREAS, based on the recommendation of the Village Engineer, the Corporate Authorities make the following findings and determinations (see bolded text) in accordance with 720 ILCS 5/33E-9 (Criminal Code; Change Order Statute) regarding changes to the Project Contract:

1. The change order (or series of change orders) recommended in **Exhibit "A"**, which is attached hereto and made a part hereof, increases or decreases the contract sum by \$10,000.00 or more **[YES]**; OR
2. The change order increases or decreases the contract time by thirty (30) days or more **[NO]**; OR
3. The change order (or series of change orders): (a) is (are) made necessary by circumstances not foreseeable at the time the Project Contract was signed; (b) is (are) germane to the Project Contract as originally signed; and (c) is (are) in the best interests of the Village **[YES for a, b and c]**.

In addition, the Corporate Authorities make the following finding and determination pursuant to Section 5 of the Public Works Contract Change Order Act (50 ILCS 525/5): the amount of the Change Order (or series of change orders) does not increase the original contract price by 50% or more of the

original contract price and thus the Village of Maywood is not obligated to re-bid the additional work proposed under the Change Order.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: The Corporate Authorities of the Village of Maywood approve Change Order Number 1 to the Project Contract in the amount of \$78,485.23 payable to Swallow Construction Corporation, the Contractor, in accordance with Change Order Number 1, a copy of which is attached hereto as **Exhibit "A"**. The Corporate Authorities also authorize the expenditure of \$78,485.23 of Madison Street/5th Avenue TIF District Funds to pay for Change Order Number 1 work.

SECTION 3: The Corporate Authorities of the Village of Maywood authorize and direct the Village President, the Village Clerk, the Village Treasurer, the Village Manager and the Village Engineer, or their designees, to execute, process and deliver the necessary checks, wire transactions, change order documents and such other instruments necessary to comply with the authorization and direction set forth in this Ordinance.

SECTION 4: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in the manner provided by law.

ADOPTED this 1st day of November, 2022 pursuant to a roll call vote as follows:

- AYES:** Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Lightford, A. Peppers and I. Brandon
- NAYS:** None
- ABSENT:** Trustee M. Jones

APPROVED by me as Village President, and attested by the Village Clerk, on the 1st day of November, 2022.

Nathaniel George Booker, Village President

ATTEST:

Gwaine Dianne Williams, Village Clerk

This Ordinance was published by me in pamphlet form on the ___ day of November, 2022.

Gwaine Dianne Williams, Village Clerk

Exhibit "A"

Change Order Number 1

(attached)

CHANGE ORDER

Change Order No. 1
Date : October 21, 2022

Name of Project: Village of Maywood
First Avenue Water Main Improvements

Owner: The President and Board of Trustees
Village of Maywood, Illinois

Contractor: Swallow Construction, Inc.
4250 Lacey Road
Downers Grove, IL 60515

The following change in work is authorized by the President and Board of Trustees of the Village of Maywood to the above contract as follows:

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	ADDITION	DEDUCTION
A30	Locating of Blind Connection and Installation of 6" Inserta Valve on east side of 1 st Avenue	1 (L.S.)	\$21,061.95	\$21,061.95	
A31	Additional Full Depth Pavement Patching, Sawcutting, Traffic Control and Protection, IDOT QC Testing, Pavement Removal and Excavation	1 (L.S.)	\$46,423.38	\$46,423.28	
A32	Additional Landscaping Restoration	1 (L.S.)	\$9,000.00	\$9,000.00	
A33	Additional Sidewalk Restoration	1 (L.S.)	\$2,000.00	\$2,000.00	
	TOTALS			\$78,485.23	
	NET CHANGE			\$78,485.23	

Location and reasons for the change: First Avenue between Harrison Street and Wilcox Street. Discovery, locating, and necessary disconnection of unknown water connection. Restoration work included.

The above changes are additional work added to the contract and fulfill the original intent of the contract.

Original CONTRACT PRICE \$ 1,911,966.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$ N/A

The CONTRACT PRICE due to this CHANGE ORDER will be (increased)(decreased) by: \$ 78,485.23

The CHANGE ORDER will result in a net:

(increase)(decrease) to Original CONTRACT PRICE of 4.10% to date.

(increase)(decrease) to Current CONTRACT PRICE of 4.10%.

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 1,990,451.23

The CONTRACT TIME will be (increased)(decreased) by 0 calendar days.

The date for completion of all work will be December 2, 2022

The undersigned has determined that the change is germane to the original contract as signed, that circumstances which necessitate this change were not reasonably foreseeable at the time the contract was signed, and work of this type was included in the original contract, and the additional efforts of this work are within the intent of the contract and Village policy, and that this change is in the best interest of the Village of Maywood and is authorized by law.

OWNER: Village of Maywood
40 Madison Street
Maywood, Illinois 60153

(SEAL)

By _____

Nathaniel George Booker, President

Attested by: _____

Gwiane Dianne Williams, Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

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which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 1st day of November, 2022, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 1st day of November, 2022.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Lightford, A. Peppers and I. Brandon

NAYS: None

ABSENT: Trustee M. Jones

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 2nd day of November, 2022.

Gwaine Dianne Williams, Village Clerk

[SEAL]