

BNS/MS/1

RESOLUTION NO. R-2017-28

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF CHANGE ORDER NUMBER 2 TO
A CONSTRUCTION CONTRACT FOR CERTAIN ADDITIONAL ALLEY
IMPROVEMENTS RELATIVE TO THE 2016 ALLEY AND PARKING LOT
IMPROVEMENTS PROJECT
LOCATED WITHIN THE ST. CHARLES ROAD TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT AREA (RECONSTRUCTION OF PUBLIC ALLEY
IMPROVEMENTS: ALLEY #136 (BETWEEN 4TH AND 5TH AVENUES,
MAIN STREET TO LAKE STREET), ALLEY #132 (BETWEEN 8TH AND 9TH
AVENUES, MAIN STREET TO LAKE STREET), ALLEY #135
(BETWEEN 5TH AND 6TH AVENUES, MAIN STREET TO LAKE STREET))**

(Escrow Number 4: Village Projects)

**(Soil Testing and Removal Costs for Alley #132:
Lake Street to Main Street, Between 8th Avenue and 9th Avenue)**

WHEREAS, in 2016, the Corporate Authorities of the Village of Maywood (the "Village") approved a construction contract with Triggs Construction, Inc. (the "Contractor") relative to the reconstruction of certain public alley and parking lot improvements: Alley #136 (between 4th and 5th Avenues, Main Street to Lake Street), Alley #132 (between 8th and 9th Avenues, Main Street to Lake Street), Alley #135 (between 5th and 6th Avenues, Main Street to Lake Street) (the "Project"). The total project cost as set forth in the Construction Contract was Four Hundred Fifty-Six Thousand Seven Hundred Two and 80/100 Dollars (\$456,702.80) (the "Original Contract Price") and the Construction Contract is incorporated herein by reference and made a part hereof; and

WHEREAS, in the course of the contractor performing work on Alley #132 (Lake to Main, between 8th and 9th Avenues), testing revealed that the Alley contained soil that was required to be removed and taken to a special waste facility. Costs incurred related to testing and removal included environmental testing fees in the amount of Seven Thousand Four Hundred and 00/100 Dollars (\$7,400.00), incurred by Peterson Environmental, Ltd., and dump fees and cartage fees in the amount of Thirty One Thousand Seventy Three and 61/100 Dollars (\$31,073.61) incurred by the Contractor (collectively, the "Soil Testing and Removal Costs"). Those additional Soil Testing and Removal Costs have been submitted to the Village President and Board of Trustees in combined form as Change Order Request No. 2 to the Alley Improvement Project, in the amount of Thirty Eight Thousand Four Hundred Seventy Three and 61/100 Dollars (\$38,473.61); and

WHEREAS, the Village agrees to authorize and approve reimbursement of the Soil Testing and Removal Costs related to Alley #132 by adoption of Change Order Request No. 2 to the Alley Improvement Project; and

WHEREAS, the Village Engineer (Mark Lucas of Hancock Engineering) has recommended to the Corporate Authorities of the Village the approval of Change Order Request No. 2 to the Construction Contract relative to the Soil Testing and Removal Costs at a cost of Thirty-Eight Thousand Four Hundred Seventy-Three and 61/100 Dollars (\$38,473.61) payable to the Contractor. A copy of Change Order Request No. 2, which identifies the additional work and additional costs to be performed as part of performing the Soil Testing and Removal, is attached hereto as **Exhibit "A"** and made a part hereof; and

WHEREAS, based on the recommendation of the Village Engineer, the Corporate Authorities of the Village make the following findings and determinations (see bolded text) in accordance with the Illinois Compiled Statutes, Chapter 720, Section 5/33E-9 regarding changes to the Construction 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 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 Construction Contract was signed; (b) is (are) germane to the Construction Contract as originally signed; and (c) is (are) in the best interest of the Village [**Yes for a, b and c**].

In addition, the Corporate Authorities of the Village make the following finding and determination pursuant to Section 5 of the Public Works Contract Change Order Act (Public Act 93-0656): 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 is not obligated to re-bid the additional work proposed under the change order; and

WHEREAS, the Corporate Authorities of the Village of Maywood, pursuant to their home rule powers as provided by Article VII, Sections 6 and 10(a) of the Illinois Constitution of 1970, have the authority to approve and direct the Village President, Village Clerk and Village Engineer to execute the necessary change order documents because it relates to a public works project and is for a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, ILLINOIS, PURSUANT TO ITS HOME RULE POWERS AS PROVIDED BY ARTICLE VII, SECTIONS 6 AND 10(a) OF THE ILLINOIS CONSTITUTION OF 1970, AS FOLLOWS:

SECTION 1: The Corporate Authorities of the Village of Maywood, pursuant to their home rule powers as provided by Article VII, Sections 6 and 10(a) of the Illinois Constitution of 1970, approve Change Order Request No. 2 to the Construction Contract in the amount of Thirty-Eight Thousand Four Hundred Seventy-Three and 61/100 Dollars (\$38,473.61) payable to Triggi Construction, Inc. as Contractor in accordance with Change Order Request No. 2, a copy of which is attached hereto as **Exhibit "A"**.

SECTION 2: The Corporate Authorities authorize and direct the Village President, the Village Clerk, the Village Treasurer, the Village Manager and the Village Engineer, or their designees, to execute and process the necessary checks, wire transactions, change order documents and such other instruments necessary actions to comply with the authorization and direction set forth in this Resolution.

ADOPTED this 16th day of May, 2017, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

ABSENT: None

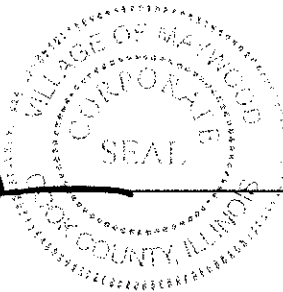
APPROVED this 18th day of May, 2017, by the Village President of the Village of Maywood, and attested by the Village Clerk, on the same day.



Village President

ATTEST:


Village Clerk



Date: 5/18/17

Exhibit "A"

CHANGE ORDER NUMBER 2

(attached)

CHANGE ORDER

Change Order No. 2
Date : May 16, 2017

Name of Project: Village of Maywood
2016 Alley and Parking Lot Improvements – St. Charles TIF

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

Contractor: Triggs Construction, Inc.
1975 Powis Road
West Chicago, Illinois 60185

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
1	Special Soil Management	1 (Lump Sum)	\$38,473.61	\$38,473.61	
	TOTALS			\$38,473.61	
	NET CHANGE			\$38,473.61	

Location and reasons for the change: Alley #132 (Alley between 9th Avenue, 8th Avenue, Main Street, and Lake Street) was found to contain waste requiring special soil management at an appropriate waste facility in accordance with EPA standards.

Original CONTRACT PRICE \$ 456,702.80

Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$ 548,702.80

The CONTRACT PRICE due to this CHANGE ORDER will be (increased)(decreased) by: \$ 38,473.61

The CHANGE ORDER will result in a net:

(increase)(decrease) to Original CONTRACT PRICE of 28.57 % to date.

(increase)(decrease) to Current CONTRACT PRICE of 7.01 %.

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 587,176.41

The CONTRACT TIME will be (increased)(decreased) by N/A calendar days.

The date for completion of all work will be May 31, 2017 (per Change Order No. 1).

The undersigned has determined that the change is germane to the original contact 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 _____

Edwenna Perkins, President

Attested by: _____

Viola Mims, Clerk

