

**ORDINANCE NO. CO-2021- 11**

**AN ORDINANCE APPROVING CHANGE ORDER NUMBER 1 TO  
THE CONSTRUCTION CONTRACT WITH TRIGGI CONSTRUCTION, INC. FOR  
THE 2020 ALLEY AND ROADWAY 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, Section 6 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 2020, the Corporate Authorities approved a Construction Contract with low-bidder Triggs Construction, Inc. (the "Contractor") for the 2020 Alley and Roadway Improvements Project ("Project") ("Project Contract"). The original Project Contract amount was \$1,997,278.00 (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 \$103,000.56, 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 \$2,100,278.56 (the "Amended Project Contract Price"); and

**WHEREAS**, the Corporate Authorities of the Village 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 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 \$10,000.00 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 Construction Contract was signed; (b) is (are) germane to the Construction 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 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 \$103,000.56 payable to Triggs Construction, Inc., 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 \$103,000.56 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 18<sup>th</sup> day of May, 2021 pursuant to a roll call vote as follows:

**AYES:** Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington, M. Lightford and N. Booker

**NAYS:** None

**ABSENT:** None

**NO VOTE:** Trustee K. Wellington (Did not cast a vote due to technical difficulty with Zoom audio)

**APPROVED** by me as Village President, and attested by the Village Clerk, on the 18<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Edwenna Perkins, Village President

**ATTEST:**

\_\_\_\_\_  
Viola Mims, Village Clerk

This Ordinance was published by me in pamphlet form on the 18<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Viola Mims, Village Clerk

**Exhibit "A"**

**Change Order Number 1**

(attached)

**CHANGE ORDER**

**Change Order No. 1  
Date : May 10, 2021**

**Name of Project:** Village of Maywood  
2020 Alley and Roadway Improvements

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

**Contractor:** Triggs Construction, Inc.  
1975 Powis Road  
West Chicago, IL 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	DEDUCTIO N
1	See Attachment "A" for associated contract items and unit prices.	1 (Lump Sum)	\$103,000.56	\$103,000.56	
	TOTALS			\$103,000.56	
	NET CHANGE			\$103,000.56	

Location and reasons for the change: 6<sup>th</sup> Avenue – Numerous emergency water main repairs required attention and were included as part of the contract. Wilcox Street – Special tree removal, brush removal, and parkway cleanup required attention in order to construct the improvements. School Street, Warren Street – Certain remobilization costs were incurred in order to complete the work in sequence with the adjacent private development and by end of 2020 season.

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

Original CONTRACT PRICE \$ 1,997,278.00

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

The CONTRACT PRICE due to this CHANGE ORDER will be (increased)(decreased) by: \$ 103,000.56

The CHANGE ORDER will result in a net:

(increase)(decrease) to Original CONTRACT PRICE of 5.16% to date.

(increase)(decrease) to Current CONTRACT PRICE of 5.16%.

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 2,100,278.56

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

The date for completion of all work will be October 5, 2020

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 \_\_\_\_\_

Attested by: \_\_\_\_\_

Edwenna Perkins, President

Viola Mims, Clerk

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

**CLERK'S CERTIFICATE**

I, Viola Mims, 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:

**ORDINANCE NO. 2021-11**

**AN ORDINANCE APPROVING CHANGE ORDER NUMBER 1 TO THE CONSTRUCTION CONTRACT WITH TRIGGI CONSTRUCTION, INC. FOR THE 2020 ALLEY AND ROADWAY IMPROVEMENTS PROJECT AND AUTHORIZING THE EXPENDITURE OF MADISON STREET/5TH AVENUE TIF DISTRICT FUNDS TO PAY FOR SUCH CHANGE ORDER WORK**

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 18<sup>th</sup> day of May, 2021, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 18<sup>th</sup> day of May, 2021.

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 Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington, M. Lightford and N. Booker

**NAYS:** None

**ABSENT:** None

**NO VOTE:** Trustee K. Wellington (Did not cast a vote due to technical difficulty with Zoom audio)

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 18<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Viola Mims, Village Clerk

[SEAL]