

**RESOLUTION NO. R-2014-18**

**A RESOLUTION APPROVING AND AUTHORIZING  
THE EXECUTION OF CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2 TO THE  
CONTRACTS RELATING TO THE ENVIRONMENTAL REMEDIATION PROJECT  
FOR 101 AND 115 WEST LAKE STREET ENTERED INTO BETWEEN  
THE VILLAGE OF MAYWOOD (OWNER), TETRA TECH  
(ENVIRONMENTAL ENGINEER) AND R.W. COLLINS (CONTRACTOR),  
AND THE ADDITIONAL EXPENDITURE OF THE ST. CHARLES ROAD  
TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA FUNDS**

**WHEREAS**, the Village of Maywood is a home rule municipality, having 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**, on February 18, 2013, the Village President and Board of Trustees of the Village of Maywood (the "Village") approved and authorized the execution of a professional services contract (the "Professional Services Contract") for environmental remediation of the 101 and 115 West Lake Street properties (the "Project") with Tetra Tech, the engineer for the Project (the "Project Engineer"), and also approved a contract for environmental remediation services (the "Remediation Contract") with R.W. Collins (the "Contractor"). The Project Engineer's principal place of business is located at One South Wacker Drive, Chicago, Illinois. The Contractor's principal place of business is located at 7225 West 66th Street, Chicago, Illinois. The original amount of the Professional Services Contract was Thirty Seven Thousand Five Hundred and No/100 Dollars (\$37,500.00). The original amount of the Contract was up to Forty-Seven Thousand and No/100 Dollars (\$47,000.00). Due to a change in the scope of the amount of environmental remediation work required to complete the Project, in July 2013, the Village authorized a budget amount of up to One Hundred Forty Thousand Five Hundred and No/100 Dollars (\$140,500.00) to complete the Project; and

**WHEREAS**, the Contractor has filed a request for a change order to the Remediation Contract in the amount of Seventeen Thousand One Hundred Fifty-Five and No/100 Dollars (\$17,155.00) relative to certain additional remediation work that had to be performed as part of the Project ("Change Order No. 1"). A copy of Change Order No. 1 and its supporting materials are attached hereto as **Group Exhibit "A"** and made a part hereof; and

**WHEREAS**, the Project Engineer has filed a request for a change order to the Professional Services Contract in the amount of Five Thousand Sixty and No/100 Dollars (\$5,060.00) relative to the preparation and filing of certain reports and documents with the Illinois Environmental Protection Agency that relate to the additional remediation work covered by Change Order No. 1 and to close out the Project ("Change

Order No. 2"). A copy of Change Order No. 2 and its supporting materials are attached hereto as **Group Exhibit "A"** and made a part hereof; and

**WHEREAS**, based on the recommendation of Mark Lucas (Village Engineer), the President and Board of Trustees of the Village make the following findings and determinations in accordance with the Illinois Compiled Statutes, Chapter 720, Section 5/33E-9 (720 ILCS 5/33E-9) regarding Change Order No. 1 and Change Order No. 2 to the Contract:

1. Change Order No. 1 and Change Order No. 2 (or a series of change orders) **increase** the Contracts' sum by Ten Thousand and No/100 Dollars (\$10,000.00) or more.
2. Change Order No. 1 and Change Order No. 2 **increased** the completion time for the Project, as set forth in the Contracts, by thirty (30) days or more.
3. Change Order No. 1 and Change Order No. 2 (or a series of change orders):  
(a) are made necessary by circumstances not foreseeable at the time the Contracts were signed; (b) are germane to the Contracts as originally signed; and (c) are in the best interests of the Village.

In addition, the President and Board of Trustees make the following finding and determination pursuant to Section 5 of the Public Works Contract Change Order Act (50 ILCS 525/5): Change Order No. 1 (or a series of change orders) does not increase the original contract price by fifty percent (50%) or more of the original contract price, and thus the Village is not obligated to re-bid the additional work proposed under Change Order No. 1. This Act does not apply to Change Order No. 2, which is a professional services contract; and

**WHEREAS**, the President and Board of Trustees (the "Corporate Authorities") of the Village of Maywood, Cook County, Illinois (the "Village") authorize the expenditure of additional funds from the St. Charles Road Tax Increment Financing Redevelopment Project Area Fund to pay the amounts requested under Change Order No. 1 and Change Order No. 2, or such additional amounts necessary to complete the Project as subsequently approved or authorized by the Corporate Authorities.

**WHEREAS**, the President and Board of Trustees of the Village of Maywood, pursuant to their powers as provided by 720 ILCS 5/33E-9, find that it is in the best interests of the Village, its residents, property owners and businesses to approve Change Order No. 1 and Change Order No. 2 because they relate to a public project and are for a public purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** Each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

**SECTION 2:** The President and Board of Trustees of the Village of Maywood approve Change Order No. 1 in the amount of Seventeen Thousand One Hundred Fifty-Five and No/100 Dollars (\$17,155.00) and Change Order No. 2 in the amount of Five Thousand Sixty and No/100 Dollars (\$5,060.00) relative to the Project. Copies of Change Order No. 1 and Change Order No. 2 and their supporting materials are attached hereto as **Group Exhibit "A"** and made a part hereof. The President and Board of Trustees further authorize and direct the Village President, the Village Clerk and the Village Engineer, or their designees, to execute Change Order No. 1 and Change Order No. 2 and any other necessary documents to implement Change Order No. 1 and Change Order No. 2.

**SECTION 3.** This Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

**ADOPTED** this 17th day of November, 2014, pursuant to a roll call vote as follows:

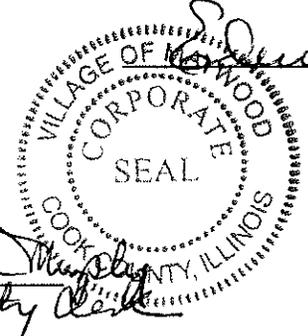
**AYES:** Trustee(s) A. Jaycox, M. Rogers, M. Lightford, and R. Rivers.

**NAYS:** None

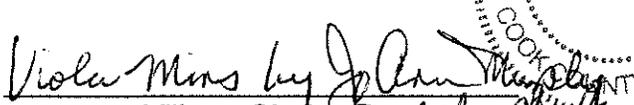
**ABSENT:** Mayor Perkins, Trustee(s) C. Ealey-Cross and A. Dorris

**APPROVED** by me, and attested by the Village Clerk, on this 20th day of November, 2014.

  
\_\_\_\_\_  
Village President



**ATTEST:**

  
\_\_\_\_\_  
Village Clerk

**Group Exhibit "A"**

**Change Order No. 1 and Change Order No. 2  
With Supporting Documents**

(attached)



TETRA TECH

September 29, 2014

Mr. David Myers  
Interim Village Manager  
Village of Maywood  
40 Madison Street  
Maywood, IL 60153

**RE: Lake Street and First Avenue Development Site  
Estimated Cost for 45 Day Report and 20 day Notification - Change Order 2 Request**

Dear Mr. Myers,

Tetra Tech has prepared this estimate for Change Order (CO) 2 for the completion of the required 45-Day Report and 20-Day Notification forms for the leaking underground storage tank (LUST) incident at the Lake Street and First Avenue Development Site. The Illinois Leaking Underground Storage Tank (LUST) program is requiring that the 45-day report and 20 day notification forms be submitted. This submittal would be the last requirement under the LUST program as the IEPA has already received the Village of Maywood's request to complete the LUST closure as part of the Site Remediation Program (SRP) closure activities. The scope of this work will include the completion of the 45-Day Report and 20-Day Notification Form and submittal of these documents to the IEPA LUST Program. This work would be conducted in parallel to the ongoing SRP closure activities summarized in the CO 1 request dated May 9, 2014.

The requested for Change Order 2 – Prepare 45-Day Report and 20-Day Notification is \$5,060.

The approved contract ceiling for the work on this parcel is \$140,700. Tetra Tech has requested an additional \$17,155 under Change Order 1 Request. This results in the following request for additional funding:

Approved Budget	\$140,500
Requested Additional Funding Under CO 1	\$ 17,155
This Request – CO 2	<u>\$ 5,060</u>
Revised Budget Ceiling	\$162,715

Tetra Tech is requesting the approval of \$5,060 in additional funding to bring the contract ceiling to \$162,715. If you approve of this increase, please authorize this increase below. If you have any questions, please feel free to contact me at (312) 201-7474.

Sincerely,

Tom Hahne  
Program Manger

**APPROVAL OF FUNDING INCREASE – CO 2  
VILLAGE OF MAYWOOD:**

**NAME/TITLE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**TETRA TECH**



**TETRA TECH**

May 9, 2014

Mr. David Myers  
Interim Village Manager  
Village of Maywood  
40 Madison Street  
Maywood, IL 60153

**RE: Lake Street and First Avenue Development Site  
Estimated Cost for Additional Remediation and Submittal of Remedial Action  
Completion Report**

Dear Mr. Myers,

Tetra Tech has prepared this estimate to document the additional remediation costs for the development parcel, which included remediation of the 101 and 115 West Lake Street parcels. Additional funding is also required to complete remediation activities, which would include the excavation and disposal of additional soil at the 115 W. Lake Street property and the completion of the Remedial Action Completion Report (RACR). The additional remediation is necessary as confirmation sampling in one of the five excavation areas (Area B, specifically) identified contamination exceeding remediation objectives (RO) included in the Illinois Environmental Protection Agency (IEPA) approved remedial action plan. A figure showing the location of this contamination is attached.

The remediation activities conducted in Area B and also Areas C, D, and E on 101 W. Lake Street resulted in higher remediation costs for disposing of higher quantities of contaminated soil than estimated and removing an aboveground storage tank (AST) containing waste oil on the 115 W. Lake Street parcel. The removal of the AST was requested by the Office of State Fire Marshall (OSFM) representative and was verbally approved by the Fire Department representative and the Interim Village Manager.

The scope of additional remediation would include removal of contaminated soil on the east sidewall of Excavation Area B. This would include placement of temporary fencing, removal of soil in an area estimated to be about 15 by 12 feet by 6 feet deep, transportation and offsite disposal of soil, confirmatory sampling of sidewalls, and backfilling and restoration of the excavation with stone. A contingency has also been included in this estimated in the event that additional contamination is noted during excavation.

Following the receipt of confirmation sampling results, Tetra Tech will complete the RACR and submit it to the IEPA for review and approval.

The additional costs are summarized below:

Soil Remediation, Sampling and Restoration	\$14,350
Prepare RACR	<u>\$ 6,700</u>
Additional Cost	\$21,050

The approved contract ceiling for the work on this parcel is \$140,700. Costs incurred to date are \$136,605. The remaining budget is \$3,895. The estimated cost to complete remediation and to complete the RACR are estimated at \$21,050. The requested budget increase is thus \$21,050 less the remaining budget of \$3,895 or about \$17,155.

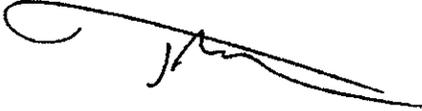
Approved Budget	\$140,500
Remaining Budget	\$ 3,895
Additional Remediation Cost Estimate	<u>\$ 21,050</u>
Requested Additional Funding	\$ 17,155
Revised Budget Ceiling	\$157,655

Tetra Tech is requesting the approval of \$17,155 additional funding to bring the contract ceiling to \$157,655.

If you approve of this increase, please authorize this increase below.

If you have any questions, please feel free to contact me at (312) 201-7474.

Sincerely,



Tom Hahne  
Program Manager

Approval of Funding Increase  
(Request Dated May 9, 2014)

Village of Maywood

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



