

ORDINANCE NO. CO-2020-33

**AN ORDINANCE APPROVING CHANGE ORDER NUMBER 1
TO CONSTRUCTION CONTRACT WITH M&J ASPHALT PAVING COMPANY, INC.
FOR 2020 MFT ROADWAY IMPROVEMENTS PROJECT AND AUTHORIZING
THE EXPENDITURE OF GENERAL FUNDS TO PAY FOR SUCH CHANGE ORDER WORK**

WHEREAS, the President and Board of Trustees of the Village of Maywood (the "Corporate Authorities of the Village"), 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, on September 1, 2020, the Corporate Authorities of the Village approved a Construction Contract ("Project Contract") with M&J Asphalt Paving Company, Inc. (the "Contractor") for the 2020 MFT Roadway Improvements Project ("Project"). The Project includes roadway improvements to Huron Street, from 1st Avenue to the Des Plaines River and 19th Avenue from Harrison Street to Van Buren Street. The original Project Contract amount was \$395,858.50 (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 Illinois Department of Transportation ("IDOT") will not authorize the use of Motor Fuel Tax ("MFT") funds for the Project because residents have submitted their concerns to IDOT regarding the proposed geometric changes to Huron Street. IDOT has stated that no part of the Project may move forward utilizing MFT funds without the concurrence of the residents; as such, IDOT also will not permit the 19th Avenue portion of the Project to proceed separate from the Huron Street portion without such concurrence; and

WHEREAS, the Contractor has provided pricing for Change Order Number 1, which deducts the work along Huron Street from the Project Contract so that the Project includes only the 19th Avenue work. The cost to reconstruct 19th Avenue from Harrison Street to Van Buren Street is estimated at \$191,241.38, 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 and scope for the Project shall be decreased to omit the work on Huron Street and reduce the Contract Price to \$191,241.38 (the "Amended Project Contract Price"); and

WHEREAS, the Corporate Authorities of the Village agree to authorize and approve the altered Project costs by approving Change Order Number 1 for the Project. The source of funding for the Project is the Village's General Funds; 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 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 of the Village 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 \$191,241.38, payable to M&J Asphalt Paving Co., Inc., the Contractor, in accordance with Change Order Number 1, a copy of which is attached hereto as **Exhibit "A"**. The Corporate Authorities authorize the expenditure of \$191,241.38 of the Village's General 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 20th day of October, 2020 pursuant to a roll call vote as follows:

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

NAYS: None

ABSENT: Trustee M. Lightford

APPROVED by me as Village President, and attested by the Village Clerk, on the 20th day of October, 2020.

Edwenna Perkins, Village President

ATTEST:

Viola Mims, Village Clerk

This Ordinance was published by me in pamphlet form on the 21st day of October, 2020.

Viola Mims, Village Clerk

Exhibit "A"

Change Order Number 1

(attached)

EXHIBIT "A"

CHANGE ORDER

Change Order No. 1
Date : 10-12-20

Name of Project: Village of Maywood
2020 MFT Roadway Improvements Project

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

Contractor: M&J Asphalt Paving Company, Inc.
3124 South 60th Court
Cicero, IL 60804

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	See Attachment "A" for associated contract items and unit prices.	1 (Lump Sum)	\$191,241.38		\$204,617.12
	TOTALS		\$191,241.38		\$204,617.12
	NET CHANGE				\$204,617.12

Location and reasons for the change: 18th Avenue - Additional roadway pavement base course observed to be in poor condition necessitating replacement, 17th Avenue - Additional sidewalks found to be out of ADA compliance necessitating replacement.

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

Original CONTRACT PRICE \$ 395,858.50

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

The CONTRACT PRICE due to this CHANGE ORDER will be decreased by: \$ 204,617.12

The CHANGE ORDER will result in a net:

decrease to Original CONTRACT PRICE of 51.69% to date.

decrease to Current CONTRACT PRICE of 51.69%.

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 191,241.38

The CONTRACT TIME will be (increased)(~~decreased~~) by 6 calendar days.

The date for completion of all work will be November 20, 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, Village President

Viola Mims, Village 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:

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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 20th day of October, 2020, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 20th day of October, 2020.

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 and N. Booker

NAYS: None

ABSENT: Trustee M. Lightford

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 21st day of October, 2020.

Viola Mims, Village Clerk

[SEAL]