

ORDINANCE NO. CO-2020-24

**AN ORDINANCE APPROVING CHANGE ORDER NUMBER 1
TO PAVEMENT STRIPING CONTRACT WITH MARK-IT STRIPING, INC.
FOR MADISON STREET / 5TH AVENUE TIF DISTRICT PAVEMENT STRIPING 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 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, in 2020, the Corporate Authorities of the Village approved a Pavement Striping Contract with Mark-It Striping, Inc. (the "Contractor") for the Madison Street / 5th Avenue TIF District Pavement Striping Project ("Project") ("Project Contract"). The original Project Contract amount was \$34,637.69 (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 \$11,193.69, as set forth in Change Order No. 1 to the Project Contract, and is payable to the Contractor. A copy of Change Order No. 1 is attached hereto as **Exhibit "A"**. Upon approval of Change Order No. 1, the original Contract Price for the Project shall be increased to \$45,831.38 (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 No. 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 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 No. 1 to the Project Contract in the amount of \$11,193.69 payable to Mark-It Striping, Inc., the Contractor, in accordance with Change Order No. 1, a copy of which is attached hereto as **Exhibit "A"**. The Corporate Authorities also authorize the expenditure of \$11,193.69 of Madison Street / 5th Avenue TIF District Funds to pay for Change Order No. 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 September, 2020 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

APPROVED by me as Village President, and attested by the Village Clerk, on the 1st day of September, 2020.

Edwenna Perkins, Village President

ATTEST:

Viola Mims, Village Clerk

This Ordinance was published by me in pamphlet form on the 2nd day of September, 2020.

Viola Mims, Village Clerk

Exhibit "A"

Change Order No. 1

(attached)



VILLAGE OF MAYWOOD INTERDEPARTMENTAL MEMORANDUM

To: Willie Norfleet Jr., Village Manager
From: John West, Director of Public Works *JW*
RE: Pavement Striping
Date: August 3, 2020

The pavement markings throughout the Madison/5th Avenue TIF district have been completed and are now up to regulated standards. In my original correspondence requesting permission for this service \$34,637.69 was approved for expenditure from TIF funds. As the work proceed other areas and additional markings became necessary to complete markings throughout the district, such as the prairie path crosswalks from 19th – 11th, and select areas of South Maywood Drive & North Maywood Drive. These additional areas along with raised turn arrows increased the total expenditure to \$45,831.38. I am therefore requesting change order approval of an additional \$11,193.69 from the Madison/5th Avenue TIF for pavement marking services. Attach with this memo is a list all the areas within the Madison/5th avenue TIF district which were completed along with the quantities. I am requesting that this item be placed on the August 18, 2020 BOT Agenda for change order approval and final cost payment approval. Please let me know if you have any questions.

Cc: file

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 1st day of September, 2020, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 1st day of September, 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, M. Lightford and N. Booker

NAYS: None

ABSENT: None

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 September, 2020.

Viola Mims, Village Clerk

[SEAL]