

**DISTRICT 6**

**VILLAGE OF LOMBARD**  
**REQUEST FOR BOARD OF TRUSTEES ACTION**  
For Inclusion on Board Agenda

    X     Resolution or Ordinance (Blue)      \_\_\_\_\_ Waiver of First Requested  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

**TO:** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott Niehaus, Village Manager

**DATE:** January 12, 2015 (COW) (B of T)      **Date:** January 22, 2015

**TITLE:** Fuel Distribution Center  
Construction Observation and Documentation

**SUBMITTED BY:** David Gorman, P.E., Assistant Director of Public Works *DG*

**BACKGROUND/POLICY IMPLICATIONS:**

Amendment No. 2 is a net increase of \$5,700.00. The amendment is for the additional work performed by the Integrity Environmental Services, Inc.

**FISCAL IMPACT/FUNDING SOURCE:**

Project #: FM 15-01  
Current Contract Amount: \$38,560.00  
Amendment #2: \$5,700.00  
Total Revised Contract Amount: \$44,260.00  
PO #: 2014-00000914  
Accounts: Water/Sewer Capital Reserve Fund (\$100,000.00)  
              Capital Project Fund (\$375,000.00)  
Account Number: 520.790.715.75420, and 410.710.725.75410

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

## InterOffice Memo



To: Scott Niehaus, Village Manager  
From: Ying Miao, P.E., Civil Engineer II  
Through: Carl Goldsmith, Public Works Director *Y*  
Date: January 12, 2015  
Subject: Fuel Station  
Amendment No. #2

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Attached please find the second amendment for the construction observation and documentation services with Integrity Environment Services, Inc. in the amount of a net increase of \$5,700. The amendment includes additional work in construction management, Task 4. The first amendment to the contract was \$6,000.00. The amendment #1 went to the Village Manager for signature. The detailed information regarding the amendment #2 can be found in the attachment.

This amendment will be presented to the President and Board of Trustees for their review and approval at their regular meeting on January 22, 2015. If approved, please have two signed copies returned to Engineering for further processing.

**RESOLUTION**  
**R \_\_\_\_\_**

**A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT INVOLVING AN INCREASE/DECREASE IN THE DOLLAR AMOUNT OF THE CONTRACT OF \$10,000 OR MORE AND/OR EXTENDING/SHORTENING THE TIME IN WHICH THE CONTRACT IS TO BE COMPLETED BY THIRTY (30) DAYS OR MORE**

**WHEREAS**, pursuant to Illinois Compiled Statutes, Chapter 720, Section 5/33E-9, units of local government are required to make specific findings prior to authorizing any amendment relative to a contract which would increase or decrease the dollar amount of the contract by \$10,000 or more, or would extend or shorten the time in which the contract is to be completed by thirty (30) days or more; and

**WHEREAS**, staff has presented and recommended the proposed amendment to the contract between the Village of Lombard and Integrity Environmental Services, Inc. regarding the Fuel Distribution Center project, as attached hereto as Exhibit "A" and made part hereof, (the "Amendment") to the Corporate Authorities of the Village of Lombard; and

**WHEREAS**, said Amendment attached hereto as Exhibit "A" would increase the dollar amount of the contract by \$5,700.00, when combined with a previous amendment would increase, the total dollar amount of the contract by \$11,700.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:**

**SECTION 1:** That after reviewing the explanation of staff as to the necessity of and reasons for the Amendment attached hereto as Exhibit "A", the President and Board of Trustees find as follows:

- A. That the circumstances which necessitated said Amendment were not reasonably foreseeable at the time the contract was entered into.
- B. That the basis of the Amendment was not within the contemplation of the contract when the contract was signed.
- C. That it is in the best interests of the Village of Lombard to approve the Amendment in its proposed form.
- D. That to the extent that it may have been necessary to go to bid relative to the work contemplated by said Amendment, bidding is hereby specifically waived as to the Amendment work.

**SECTION 2:** That having made the findings set forth in Section 1 above, the President and Board of Trustees hereby approve the Amendment attached hereto as Exhibit "A", and direct and authorize the Village President and Village Clerk to execute said Amendment on behalf of the Village.

Adopted this 22<sup>nd</sup> day of January, 2015 , pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this 22<sup>nd</sup> day of January, 2015 .

\_\_\_\_\_  
**Keith Giagnorio**  
**Village President**

ATTEST:

\_\_\_\_\_  
**Sharon Kuderna**  
**Village Clerk**



Exhibit A

December 31, 2014

C-11358

Mr. Carl Goldsmith  
Director of Public Works  
Village of Lombard  
1051 South Hammerschmidt Avenue  
Lombard, Illinois 60148

Dear Carl:

Request for Consultant Agreement Modification  
Task 4 (Construction/Project Management and Contract Administration)  
Fuel Dispensing System Installation and Removal Project  
Public Works Facility  
Village of Lombard  
1051 South Hammerschmidt Avenue  
Lombard, Illinois  
IES No. 917-01

It has come to our attention that the additional Task 4, Construction/Project Management and Contract Administration hours previously requested and approved by your office in early November 2014 (Consultant Agreement Modification No. 1) was an under estimation. Please recall that the original Task 4 total included 100 hours. The previously approved Consultant Agreement Modification No. 1 added 80 hours, which has proven to be short of the hours needed for the Task 4 services.

Below is a breakdown of Task 4 hours incurred, approved, and paid to date:

**Original Task 4 Hours-**

September 2014-	47 hours @ \$75/hour =	\$ 3,525 (paid)
October 2014-	53 hours @ \$75/hour =	<u>\$ 3,975</u> (paid)
<b>Total Original Task 4 Hours =</b>	<b>100 hours @ \$75/hour =</b>	<b>\$ 7,500</b>

**Additional Task 4 Hours (Modification No. 1)-**

October 2014-	46 hours @ \$75/hour =	\$ 3,450 (paid)
November 2014-	34 hours @ \$75/hour =	<u>\$ 2,550</u> (paid)
<b>Total Additional Task 4 Hours (Modification No. 1) =</b>	<b>80 hours @ \$75/hour =</b>	<b>\$ 6,000</b>

Mr. Carl Goldsmith  
C-11358  
December 31, 2014  
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Below is a breakdown of the additional Task 4 hours incurred beyond the additional 80 hours approved in early November 2014:

**Additional Task 4 Hours (Modification No. 2 Request)-**

November 2014-	9 hours @ \$75/hour =	\$ 675
December 2014-	23 hours @ \$75/hour =	\$ 1,725
January 2015 (anticipated estimate)-	24 hours @ \$75/hour =	\$ 1,800
Spring 2015* (anticipated estimate)-	20 hours @ \$75/hour =	<u>\$ 1,500</u>
<b>Total Additional Task 4 Hours (Modification No. 2 Request) =</b>	<b>76 hours @ \$75/hour =</b>	<b>\$ 5,700</b>

\* *As you are aware, there will be follow-up site work performed by the contractor and his sub-contractors in the Spring of 2015 (i.e. permanent asphalt, additional concrete, canopy steel painting, etc.).*

Based on the above, we again respectfully request that hours be added by modification to our Consultant Agreement to cover the additional Task 4, Construction/Project Management and Contract Administration services incurred and to be incurred for this project. This modification would increase our approved Task 4 hours from 180 to 256 and our Task 4 fees (Integrity only) from \$13,500 to \$19,200.

As always, if you have any questions or wish to discuss this matter further, please feel free to contact the undersigned at (630) 718-9133.

INTEGRITY ENVIRONMENTAL SERVICES, INC.



Mark J. Ravanese  
President