

**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:** October 7, 2014 (COW) (B of T)      **Date:** October 16, 2014

**TITLE:** Finley Road Rehabilitation – Phase 2  
Resident Engineering Services – Amendment #1

**SUBMITTED BY:** David A. Dratnol, P.E., Village Engineer *DD*

**BACKGROUND/POLICY IMPLICATIONS:**

Additional consultant hours related to construction inspection/observation for the Finley Road Pavement Rehabilitation - Phase 2 project.

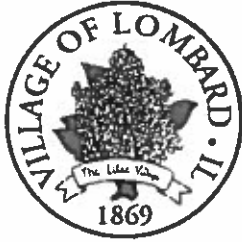
**FISCAL IMPACT/FUNDING SOURCE:**

Total Current Contract Amount: \$291,518.00  
Amendment #1: \$20,668.23  
Amended Contract Amount: \$312,186.23  
PO# 2014-0000061  
NWS Project Number: ST 12 02  
Account: RES ENG 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.



To: Scott Niehaus, Village Manager  
Through: Carl S. Goldsmith, Director of Public Works  
From: David A. Dratnol, P.E., Village Engineer  
Date: October 7, 2014  
Subject: Finley Road Pavement Improvements, Phase 2  
Resident Engineering Contract Amendment #1

Attached please find a letter which documents a request from Baxter and Woodman Consulting Engineers for a contract amendment in the amount of \$20,668.23 for additional resident engineering services for the Finley Road Pavement Improvements, Phase 2 project.

The additional hours can be linked to four primary tasks.

1. Additional field inspection during the time extension granted to the contractor to complete additional underground utility related work not included in the original scope of the construction contract.
2. An extensive punch list in the spring of 2014.
3. Saw cutting the white-topping sections within the project area. This was a recommendation from the Illinois Concrete Paving Association in response to the Finley Road and Madison Street intersection "blow-up".
4. Additional time needed to negotiate with the contractor concerning agreement on final contract quantities and time and material billings.

Please present this amendment to the President and Board of Trustees for their review and approval at their regular meeting on October 16, 2014.

Attachment: Baxter & Woodman Letter 10/01/14

DAD/rgs

**R E S O L U T I O N**  
**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**

**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 Baxter & Woodman regarding the Finley Road Pavement Rehabilitation – Phase 2, 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 \$20,668.23, to a total contract amount of \$312,186.23

**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 16th day of October 2014, pursuant to a roll call vote as follows:

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

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

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

Approved by me this 16<sup>th</sup> day of October, 2014.

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

ATTEST:

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

October 1, 2014

Mr. David Dratnol, P.E.  
Village of Lombard-Village Engineer  
1051 S. Hammerschmidt Avenue  
Lombard, Illinois 60148-3926

***Subject: Village of Lombard-Finley Road Pavement Rehab (Phase2)-Resident Engineering***

Dear Mr. Dratnol:

As you are aware, from our previous discussions and submitted Progress Reports, we anticipate exceeding our "Not to Exceed" fee due to the amount of approved extra work added by the Village, utility delays (Nicor & ATT) in July/August of 2013, and the Contractor working beyond the original contract completion date.

We respectively request an additional fee of (\$ 20,668.23) as shown on the Invoice and Progress Report which is above our approved "Not to Exceed" fee \$ 291,518.00 for Construction Engineering beyond the original Final Completion Date of November 25, 2013.

We have created a timeline of events to justify the need for an increase to our fee.

The original Final Completion Date was November 25, 2013. When Change Order #5 was processed in December of 2013 the Final Completion Date was extended by the Village to May 1, 2014.

The Contractor, ALAMP Concrete Contractors, had substantially completed the project by November 30, 2013. This date is approximately 3 weeks over the original substantial completion date of November 11, 2013. The roadway (except the pavement markings) was completed. The Village decided in November, 2013 that the parkway restoration work would be completed in the Spring of 2014 to let all the underground trenches in the parkway settle over the winter shutdown period.

On December 10, 2013 we prepared a time extension letter indicating that ALAMP could work between December 1, 2013 and May 1, 2014 and not be charged liquidated damages for failure to complete the project on time. The remaining work including any punchlist items had to be completed and the project accepted by the Village by May 1, 2014.

On May 6, 2014 ALAMP finished the parkway restoration work and we met on-site to determine the deficiency list. After the inspection, it was noted that there were twenty seven (27) items to be corrected. In addition, the Contractor had not agreed to all the final quantities and the extra work.

On May 20, 2014 the final deficiency list was re-inspected and found to be completed.

On June 3, 2014 we met with the Contractor to review the final quantities of work including any extra work that was completed.

On June 5, 2014 the Village requested that ALAMP provide additional saw cutting of the whitetopping (approximately 550 feet) per the recommendation of Mr. Randall Riley.

On June 17, 2014 The additional saw cutting work was completed.

On July 22, 2014 we agreed to final contract quantities and extra work with ALAMP. Final Change Order #6 was processed on July 22, 2014 and then Final Payment Estimate #7 was prepared and processed on August 29, 2014.

In Summary:

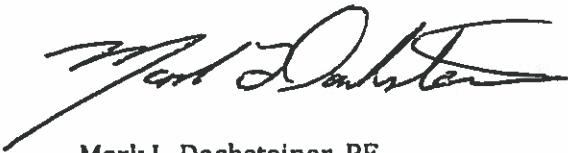
Our time for Construction Management, Field Observation, Project Documentation, and Project Closeout has exceeded the planned budgeted fee and man-hours. The justification for this occurring is due to the contract being extended by Change Order from November 25, 2013 to May 1, 2014 and an additional 47 calendar days for the Contractor to complete the project. The project closeout time was also increased to account for the extra work requested, agreement to final quantities of work, and determining the final engineering costs.

We are requesting an increase of **\$20,668.23** to our Construction Engineering fee to cover our costs and expenses for extra Field Observation and Documentation, Project Closeout, and Direct Costs as shown on the Progress Report #8 extra and our Invoice.

Please contact us with any questions in regards to this letter.

Sincerely,

BAXTER & WOODMAN, INC.  
CONSULTING ENGINEERS



Mark L. Dachsteiner, PE  
Project Manager

Cc: John Ambrose P.E. –Vice President and Regional Manager