

**RESOLUTION  
R 57-18**

**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 #5 to the contract between the Village of Lombard and ESI Consultant LTD. regarding the North Broadway Force Main and Pump Station 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 #5 attached hereto as Exhibit "A" would further increase the dollar amount of the contract by \$785.90, bringing the final total contract amount to \$244,632.02, from its original amount of \$164,312.15.

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 #5 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 #5 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 6<sup>th</sup> day of September, 2018, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston and Ware

Nays: None

Absent: Trustee Pike

Approved by me this 6<sup>th</sup> day of September, 2018.



**Keith Giagnorio**  
**Village President**

ATTEST:



**Sharon Kuderna**  
**Village Clerk**



ESI Consultants, Ltd.  
*Excellence. Service. Integrity*

July 10, 2018

Ms. Ying Miao  
~VIA EMAIL~  
Village of Lombard  
255 East Wilson Avenue  
Lombard, IL 60148

**Re: Invoice**  
**N. Broadway Interim Pump Station and Force Main (SS-15-01)**  
**ESI Project Number: 15-611**

Dear Ms. Miao:

I am in receipt of your email stating that the requested amount from Invoice #26 exceeds the available funds remaining in the agreement. We had been requested by Sean Kelly in December, 2017 to invoice the effort associated with the valve vault and soils issues separately and so we did not subtract this amount from the contract amount when we invoiced thereafter. If the Village is now including this invoice (Invoice # 24) against the contract amount, then I agree that there is an overage of \$785.90. It is my understanding that the Village has completed the North Broadway Pump Station and Forcemain project and therefore will no longer require services from us. If this is the case, then Invoice #26 is our final invoice as noted in the invoice. As your email requested a formal request for an amendment to our agreement, please accept this letter as this request.

Sincerely,

**ESI Consultants, Ltd.**

A handwritten signature in black ink that reads "Anthony G. Malone".

Anthony Malone  
Vice President

Attachment

cc: file

A:\Billing\2018\06-2018\AM\Final\15-611 Lombard N. Broadway PS and FM\15-611 N. Broadway Interim Pump Station and Force Main Request for Addendum.doc