

DISTRICT 3

**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: William T. Lichter, Village Manager

DATE: September 30, 2005 (COW) (B of T) **Date:** October 6, 2005

TITLE: 2004 Yorktown Water Main
Change Order #3

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

BACKGROUND/POLICY IMPLICATIONS:

See memo

FISCAL IMPACT/FUNDING SOURCE:

INCREASE: \$42,197.34

Project #: WA-04-01

HTE Project #: 0409

PO #: 050548

7901.809500

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	<i>M. Leonard Flood</i>	Date	10/3/05
Village Manager X	<i>W. T. Lichter</i>	Date	10/3/05

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: William T. Lichter, Village Manager
Through: Wes Anderson, Director of Public Works
From: David A. Dratnol, P.E., Village Engineer *DD*
Date: September 30, 2005
Subject: 2004 Yorktown Water Main
Change Order #3

Attached please find Change Order No. 3 for this project in the amount of \$42,197.34. The change order represents a 15% price adjustment to the remaining contract amount. The Resident Engineering consultant (Smith Engineering) and Public Works – Engineering have reviewed the contractor’s submittal for the cost escalation. The price adjustment reflects increases in material, labor and fuel costs over the past year. Any adjustment to remaining contract quantity (increase or decrease) will be at the “adjusted” unit price. A final change order to confirm all remaining contract quantities will be prepared once the work is complete. Contract quantities for the initial phase of the contract have been agreed upon and will be paid under the awarded contract unit price.

At the time of the construction contract award the Village was anticipating approval and sale of the Convention Center bonds to be complete by early fall of 2004. The first phase of the project was the construction of water main in the south west corner of the mall. The work was performed to accommodate the construction of the new Claim Jumper’s restaurant. With the sale of the bonds being delayed, the second phase of the project (replacement of the water main behind the Yorktown Convenience Center) was halted until the bonds were officially sold.

With the recent sale of the bonds, the contractor (Trine Construction) was contacted concerning his availability to resume the work. Topics of primary discussion were the contractor’s schedule and a potential increase in costs due to year delay. The contractor stated that he has a window of opportunity to resume construction on October 10, 2005. Given the opportunity to quickly resume construction and to complete the job by the Thanksgiving holiday, (prior the beginning of the holiday shopping season and the onset of inclement weather) Public Works Engineering is recommended that Trine Construction be given the go ahead to start work behind the Convenience Center.

Due to the time constraints with Public Works Committee and Village Board meeting dates that would correspond with an October 10, 2005 start date, Public Works Committee (PWC) has been polled via telephone. PWC concurs with the recommendation of allotting a 15% increase to the remaining work in the contract. In order to be able to issue an October 10th notice to proceed to Trine Construction, please place this item on the “late” Board of Trustee agenda for their review and approval at their regular meeting on October 6, 2005. If approved, please have two signed copies returned to Engineering for further processing.



RESOLUTION
R _____ 06

**A RESOLUTION AUTHORIZING A CHANGE ORDER
INVOLVING AN INCREASE 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 change order 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 days or more; and

WHEREAS, staff has presented and recommended the proposed Change Order No. 3 to the contract between the Village of Lombard and Trine Construction Company regarding 2004 Yorktown Water Main Project, as attached hereto as Exhibit "A" and made part hereof, to the Corporate Authorities of the Village of Lombard; and

WHEREAS, said change order attached hereto as Exhibit "A" would increase the dollar amount of the contract by \$42,197.34

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 change order attached hereto as Exhibit "A", the President and Board of Trustees find as follows:

- A. That the circumstances which necessitated said change order were not reasonably foreseeable at the time the contract was entered into.
- B. That the basis of the change order 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 change order 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 change order, bidding is hereby specifically waived as to the change order work.

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

Adopted this _____ day of _____, 2005

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2005

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

VILLAGE OF LOMBARD CHANGE ORDER

PROJECT NAME: Yorktown Water Main Replacement Project PROJECT NO.: WA-04-01

LOCATION: Yorktown Mall CHANGE ORDER: 3

CONTRACTOR: Trine Construction DATE: 9/30/2005

DESCRIPTION OF CHANGE ORDER: Cost Escalation

ORIGINAL CONTRACT AMOUNT: [1] \$483,352.10

TOTAL OF PREVIOUS AUTHORIZED CHANGE ORDERS: [2] \$78,238.53

CURRENT CONTRACT AMOUNT: ([1]+[2]) [3] \$561,590.63

PROPOSED CHANGE ORDER: (PENDING APPROVAL) [4] \$42,197.34

PROPOSED REVISED CONTRACT AMOUNT: (PENDING APPROVAL) ([3]+[4]) [5] \$603,787.97

NET OF ALL CHANGE ORDERS: (PENDING APPROVAL) ([2]+[4]) \$120,435.87

TIME EXTENSION OR REDUCTION: _____

TOTAL CONTRACT TIME: (PENDING APPROVAL) _____

BUDGET ESTIMATE: \$682,657.50

ENGINEER'S ESTIMATE: \$682,657.50

RECOMMENDED FOR ACCEPTANCE :

Rj Sell 09-30-05 Approved By: _____
Resident Engineer Date Director of Finance Date

Denise Augusti 9/30/05 Approved By: _____
Contractor Date (<\$10K or 25%) Village Manager Date

David A. Dwyer 9/30/05 Approved By: _____
Village Engineer Date (>\$10K or 25%) Village President Date

[Signature] 30 Sep 06 Attest: _____
Director of Public Works Date Village Clerk Date

Assistant Director of Finance _____ Date

It is understood that as part of this change order that the Contractor agrees that all bonds, permits, insurance and guarantees are hereby extended to incorporate this Change Order.

Yorktown Water Main

Current Contract Amount		\$561,590.63
Earned To Date		\$261,545.66
Material Allowance		\$18,729.36
Remaining Amount		\$281,315.61
Escalation	15.00%	\$42,197.34
Proposed Contract Amount		\$603,787.97

