

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: David A. Huiseberg, Village Manager *clah*  
DATE: January 7, 2009 (COW) (B of T) Date: January 15, 2009  
TITLE: 500 Blk. S. Main St. Sanitary Sewer Replacement  
Change Order No. #1 - Final  
SUBMITTED BY: Angela M. Podesta, Utilities Superintendent *AMP*

BACKGROUND/POLICY IMPLICATIONS:

Final balancing change order in the amount of \$123,497.95 due to moving the sanitary sewer from the sidewalk to the street. This Change Order includes a waiver of bids because the amount exceeds 50% of the original contract value.

FISCAL IMPACT/FUNDING SOURCE:

\$123,497.95 INCREASE / Water & Sewer Capital Reserve Fund  
TOTAL CONTRACT: \$315,172.95  
PW Proj: SAN 09-04  
P.O. No.: 61521

Review (as necessary):

Village Attorney X \_\_\_\_\_  
Finance Director X *AK Limoncelli*  
Village Manager X *Angela M. Podesta*

Date 1/7/09  
Date 1/15/09

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.

This Change Order #1-Final is the final balancing change order in the amount of \$123,497.95 and approval of Change Order #1-Final includes a waiver of bids due to the amount exceeding 50% of the original contract value. Staff recommends that Public Works Committee recommend approval of the Change Order at their January 13, 2009 meeting so that it may be submitted to the Village Board on January 15, 2009.

Attached is Change Order #1-Final for the contract with Neri. The scope of the project was significantly increased, over 50% of the original contract value, after the Village Board awarded the contract because the replacement sewer could not be installed under the sidewalk due to other underground utilities including an AT&T duct, streetlight cables, and the new ComEd poles. Thus, the replacement sewer was installed in the street. This change in scope increased the quantities of curb and pavement removal and replacement, increased the unit cost of installing the new sewer services and increased the cost of traffic control. A claim has been submitted to ComEd for the entire cost and the Village Attorney has provided advice in throughout that process.

The Village obtained a proposal from John Neri Construction Co., Inc. for the emergency construction of a 690-ft, 8" diameter replacement sewer and laterals. In the meantime, Village personnel pumped sewage out of the damaged sewer in order to prevent the basements of 13 homes from flooding, particularly during and after rains. The Board of Trustees subsequently approved an emergency contract with Neri to construct the replacement sanitary sewer and extend the service laterals.

On September 2, 2008, Public Works received a call from the resident at 555 S. Main Street reporting a sewer backup. Upon investigation, Public Works crews identified that the backup was caused by four ComEd utility poles being installed through the sanitary sewer main. Larger utility poles had just been installed adjacent to existing poles in conjunction with the Main Street Lighting Project. It appears that the former poles were above the sanitary sewer main, at a shallower bury depth than the new poles. Four of the new poles were set through the sanitary sewer main. JULIE locates prior to ComEd's work did identify the sanitary sewer main location and pieces of the sewer were clearly visible in the spoil piles at four of the poles. Therefore, it is the Village's position that ComEd bears the sole fault for the damage and the costs for the corrective action.

To: David A. Hulseberg, Village Manager

From: Angela M. Podesta, Utilities Superintendent *AMF*

Through: Carl S. Goldsmith, Director of Public Works *CSG by AMF*

Date: January 7, 2009

Subject: Change Order #1 for 500 Blk. S. Main St. Sanitary Sewer Replacement

MEMORANDUM



R E S O L U T I O N  
R \_\_\_\_\_ 09

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 5/33B-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. # 1- Final to the contract between the Village of Lombard and John Neri Construction, Inc. regarding 500 blk S. Main St. Sanitary Sewer Replacement, 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 \$123,497.95.

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.
- E. That the change order exceeds 50% of the previously approved bid waiver, and that this change order includes a waiver of bids for the new amount.

**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 \_\_\_\_\_, 2009.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

William J. Mueller  
Village President

Brigitte O'Brien  
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer  
Village Attorney

