

**RESOLUTION
R 2-12**

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 Testing Service Corporation regarding the FY 2010 & 2011 Geotechnical Engineering, Construction Material Testing and Environmental Services, 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 decrease the dollar amount of the contract by \$10,000.00, when combined with previous amendments would increase, the total dollar amount of the contract to \$110,000.00

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 2nd day of June, 2011,
pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Giagnorio, Wilson, Breen, Fitzpatrick and Ware

Nays: None

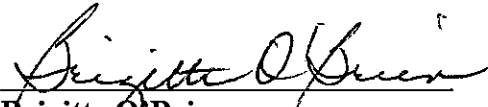
Absent: None

Approved by me this 2nd day of June, 2011.



William J. Mueller
Village President

ATTEST:



Brigitte O'Brien
Village Clerk

AGREEMENT TO AMEND A CONTRACT

THIS AGREEMENT made and entered into this 2nd day of June 2011, by and between the **VILLAGE OF LOMBARD** (the "VILLAGE") and **TESTING SERVICE CORPORATION** (the "CONSULTANT").

WHEREAS, on March 19, 2009 the VILLAGE and CONSULTANT executed a contract regarding certain engineering services relative to the Geotechnical Engineering, Construction Material Testing and Environmental Services contract, which was amended on October 1, 2009, April 15, 2010 and on February 3, 2011 and;

WHEREAS, the VILLAGE and CONSULTANT have agreed to decrease the amount of work to be performed by the CONSULTANT together with a resultant decrease in the limit which the contract sum may not exceed;

NOW, THEREFORE, for and in consideration of the foregoing and various covenants in said agreement and the mutual covenants herein contained, it is agreed by and between the parties as follows:

SECTION 1: The aforementioned contract shall be amended to show a contract sum not to exceed \$110,000.00 for Fiscal Years 2010 and 2011.

SECTION 2: All other terms, covenants and conditions of said contract heretofore executed which are not amended or deleted herein shall remain in full force and effect.

IN WITNESS WHEREOF, the VILLAGE and CONSULTANT have caused this document to be signed by duly authorized officers who have set their hands and seals the day and year set forth above.


VILLAGE OF LOMBARD

By: 
Village President


ATTEST:

By: 
Village Clerk

TESTING SERVICE CORPORATION

By: 
Thomas Morris, President

ATTEST:

By: 
Michael Geroulis, Treasurer