

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: September 15, 2020 (COW) (B of T) **Date:** October 15, 2020

TITLE: Kelly Ct Water Main Replacement Project WA 20 07
Change Order No. 1

SUBMITTED BY: Brian Jack, Utilities Superintendent 

BACKGROUND/POLICY IMPLICATIONS:

Change Order No. 1 is a net increase of \$20,127.05. The change order represents additional quantities for water service installation, water main casing pipe required by IEPA, and additional asphalt patching and trench backfill.

FISCAL IMPACT/FUNDING SOURCE:

Project #: WA 20 07
Budget Amount: \$75,000
Current Contract Amount: \$78,725.00
Change Order #1: \$20,127.05
Total Revised Contract Amount: \$98,852.05

Change Order Project #: RM PROG 32 for balance

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.

MEMORANDUM



To: Scott Niehaus, Village Manager
From: Brian Jack, Utilities Superintendent *Bj*
Through: Carl Goldsmith, Director of Public Works *g*
Date: September 15, 2020
Subject: **Change Order #1 - Kelly Ct Water Main Replacement Project WA 20 07**

Enclosed is proposed Change Order #1 for the Kelly Ct Water Main Replacement Project WA 20 07. The change order for a net increase of \$20,127.05 is for additional costs for increase quantities of water service installations due to the extended length of services in the court bulb, the addition of casing pipes for the water main crossings of the sanitary and storm sewers requested and required by the IEPA construction permit, and additional asphalt patching and trench backfill that was over the estimate of the proposal. The original contract was awarded for a contract amount of \$78,725.00 with Change Order #1 increasing the contract to a total of \$98,852.05.

This project was budgeted for in the Water/Sewer Capital Reserve Fund project WA 20 07 in the amount of \$75,000. The additional funds of \$23,850.05 above the budgeted amount for change order #1 will be absorbed in the Water/Sewer Capital Reserve Fund RM PROG 32 Water System Maintenance and Improvements.

Recommendation

Staff recommends for an approval of Change Order #1 in the amount of \$20,127.05 for a total contract amount of \$98,852.05.

RESOLUTION
R _____

A RESOLUTION AUTHORIZING A CHANGE ORDER
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 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 (30) days or more; and

WHEREAS, staff has presented and recommended the proposed Change Order No.1 to the contract between the Village of Lombard and John Neri Construction Co., Inc. regarding the Kelly Ct Water Main Replacement Project WA 20 07, as attached hereto as Exhibit "A" and made part hereof, (the "Change Order") 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 \$20,127.05.

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.

Resolution _____

Adopted this 15th day of October, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 15th of October, 2020.

Keith Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

VILLAGE OF LOMBARD CHANGE ORDER

PROJECT NAME: Kelly Ct Water Main Replacement Project PROJECT NO.: WA 20 07
 LOCATION: Village of Lombard CHANGE ORDER: 1
 CONTRACTOR: John Neri Construction Co. Inc. DATE: 9/15/2020

DESCRIPTION OF CHANGE ORDER: Additional footage for water service replacement, additional casing pipe required by IEPA, and additional aq ft pavement patching

| | | |
|--|-----|--------------------|
| ORIGINAL CONTRACT AMOUNT: | [1] | <u>78,725.00</u> |
| TOTAL OF PREVIOUS AUTHORIZED CHANGE ORDERS: | [2] | <u>\$0.00</u> |
| CURRENT CONTRACT AMOUNT: ([1]+[2]) | [3] | <u>\$78,725.00</u> |
| PROPOSED CHANGE ORDER: (PENDING APPROVAL) | [4] | <u>\$20,127.05</u> |
| PROPOSED REVISED CONTRACT AMOUNT: (PENDING APPROVAL) ([3]+[4]) | [5] | <u>\$98,852.05</u> |

NET OF ALL CHANGE ORDERS: (PENDING APPROVAL) ([2]+[4]) \$20,127.05
 TIME EXTENSION OR REDUCTION: _____
 TOTAL CONTRACT TIME: 60 Cal Days
 BUDGET ESTIMATE: \$75,000.00
 ENGINEER'S ESTIMATE: _____

RECOMMENDED FOR ACCEPTANCE :

Bm 9/15/2020 Approved By: _____
 Utilities Superintendent Date Director of Finance Date

John Neri 9/15/2020 Approved By: _____
 Contractor Date (<\$10K or 25%) Village Manager Date

N/A Approved By: _____
 Village Engineer Date (>\$10K or 25%) Village President Date

[Signature] 9/14/2020 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.

JNC

JOHN NERI CONSTRUCTION CO., INC.

Sewer & Water Contractors

770 Factory Road *Addison, IL 60101

Tel: 630 629-8384* Fax: 630 629-7001

www.johnnericonstruction.com

September 8, 2020

Mr. Brian Jack
Village of Lombard
1051 S. Hammerschmidt Ave.
Lombard, Illinois 60148

Re: Kelly Ct. Water Main Replacement

Dear Mr. Jack,

INVOICE # 090820A

We, the John Neri Construction Co., Inc. furnished and installed the following items for the above referenced project showing quantities and total due.

| <i>ITEM</i> | <i>DESCRIPTION</i> | <i>QUANTITY</i> | <i>UNIT</i> | <i>UNIT PRICE</i> | <i>TOTAL</i> |
|-------------------------|---|-----------------|-------------|-------------------|---------------------|
| 1 | 6" x 6" pressure connection in 48" Dia. vault W/Ty. 1 Frame | 1 | Ea. | \$ 5,800.00 | \$ 5,800.00 |
| 2 | 6" D.I.P. Cl. 52 W/Poly wrap | 364 | L.F. | \$ 88.00 | \$ 32,032.00 |
| 3 | 6" P.V.C. SDR 26 (ASTM 2241) (san. Sewer crossing) | 21.5 | L.F. | \$ 50.00 | \$ 1,075.00 |
| 4 | Fire Hydrant W/Aux. valve & valve box (install only) | 1 | Ea. | \$ 2,750.00 | \$ 2,750.00 |
| 5 | 6" 45° Bend W/Mega Lugs | 0 | Ea. | \$ 275.00 | \$ - |
| 6 | Abandon existing water main connection | 1 | Ea. | \$ 2,500.00 | \$ 2,500.00 |
| 7 | Abandon fire hydrant | 1 | Ea. | \$ 750.00 | \$ 750.00 |
| 8 | 1" water service (Tap, corp. stop,) Average 5' long | 0 | Ea. | \$ 1,450.00 | \$ - |
| 9 | Test & Chlorinate | 1 | Ea. | \$ 1,500.00 | \$ 1,500.00 |
| 10 | Trench Backfill | 483.79 | C.Y. | \$ 45.00 | \$ 21,770.55 |
| 11 | Traffic control and protection. | 1 | Ea. | \$ 3,600.00 | \$ 3,600.00 |
| TOTAL AMOUNT DUE | | | | | \$ 71,777.55 |

Sincerely,



Nicholas Neri, President
John Neri Construction Co., Inc.



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September 8, 2020

Mr. Brian Jack
Village of Lombard
1051 S. Hammerschmidt Ave.
Lombard, Illinois 60148

Re: Kelly Ct. Water Main Replacement C/O #1
Additional items furnished and installed as directed.

INVOICE # 090820B

Dear Mr. Jack,

We, the John Neri Construction Co., Inc. furnished and installed the following items for the above referenced project showing quantities and total due.

| # | DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | TOTAL |
|-------------------------|--|----------|---------|------------|---------------------|
| 1 | 1" Type "K" Copper (includes corp. stop, direct tap, curb stop, buffalo box, and connection to existing water service) | 437 | L.F. | \$ 55.00 | \$ 24,035.00 |
| 2 | 8" P.V.C. SDR 26 (ASTM 2241) (San. Sewer crossing) | 14 | L.F. | \$ 75.00 | \$ 1,050.00 |
| 3 | HMA pavement patch | 9.5 | Sq. Yd. | \$ 65.00 | \$ 617.50 |
| 4 | 12" P.V.C. C-900 (casing pipe) | 14 | L.F. | \$ 98.00 | \$ 1,372.00 |
| Total Amount Due | | | | | \$ 27,074.50 |

Sincerely,

Nicholas Neri, President

John Neri Construction Co., Inc.



STATE OF ILLINOIS

COUNTY OF DuPage

FINAL WAIVER OF LIEN

Gty #

Escrow #

TO WHOM IT MAY CONCERN:

WHEREAS the undersigned has been employed by Village of Lombard to furnish labor, material & equipment for the premises known as Kelly Court Water Main Replacement, Lombard, IL of which Village of Lombard is the owner.

THE undersigned, for and in consideration of ninety eight thousand eight hundred fifty two 05/100 (\$98,852.05) Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, do(es) hereby waive and release any and all lien or claim of, or right to, lien, under the statutes of the State of Illinois, relating to mechanics' liens, with respect to and on said above-described premises, and the improvements thereon, and on the material, fixtures, apparatus or machinery furnished, and on the moneys, funds or other considerations due or to become due from the owner, on account of all labor, services, material, fixtures, apparatus or machinery, heretofore furnished, or which may be furnished at any time hereafter, by the undersigned for the above-described premises, INCLUDING EXTRAS.*

DATE 09/04/2020 COMPANY NAME John Neri Construction Co., Inc.

ADDRESS 770 W. Factory Road, Addison, IL 60101

SIGNATURE AND TITLE

Nicholas Neri

president

*EXTRAS INCLUDE BUT ARE NOT LIMITED TO CHANGE ORDERS, BOTH ORAL AND WRITTEN, TO THE CONTRACT

CONTRACTOR'S AFFIDAVIT

STATE OF ILLINOIS

COUNTY OF DuPage

TO WHOM IT MAY CONCERN:

THE UNDERSIGNED, (NAME) Nicholas Neri BEING DULY SWORN, DEPOSES AND SAYS THAT HE OR SHE IS (POSITION) President OF (COMPANY NAME) John Neri Construction Co., Inc. WHO IS THE CONTRACTOR FURNISHING labor, material, & equipment WORK ON THE BUILDING LOCATED AT Kelly Court Water Main Replacement, Lombard, IL OWNED BY Village of Lombard

That the total amount of the contract including extras* is \$98,852.05 on which he or she has received payment of \$0.00 prior to this payment. That all waivers are true, correct and genuine and delivered unconditionally and that there is no claim either legal or equitable to defeat the validity of said waivers. That the following are the names and addresses of all parties who have furnished material or labor, or both, for said work and all parties having contracts or sub contracts for specific portions of said work or for material entering into the construction thereof and the amount due or to become due to each, and that the items mentioned include all labor and material required to complete said work according to plans and specifications:

| NAMES AND ADDRESSES | WHAT FOR | CONTRACT PRICE INCLDG EXTRAS* | AMOUNT PAID | THIS PAYMENT | BALANCE DUE |
|---|--------------------------------|-------------------------------|-------------|--------------|-------------|
| John Neri Construction Co., Inc. | labor, material, and equipment | \$98,852.05 | \$0.00 | \$98,852.05 | \$0.00 |
| | | | | | |
| | | | | | |
| all material paid- JNC stock | | | | | |
| | | | | | |
| TOTAL LABOR AND MATERIAL INCLUDING EXTRAS* TO COMPLETE. | | \$98,852.05 | \$0.00 | \$98,852.05 | \$0.00 |

That there are no other contracts for said work outstanding, and that there is nothing due or to become due to any person for material, labor or other work of any kind done or to be done upon or in connection with said work other than above stated.

DATE 9-8-20

SIGNATURE: *Nicholas Neri* president

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8TH DAY OF September 2020

*EXTRAS INCLUDE BUT ARE NOT LIMITED TO CHANGE ORDERS, BOTH ORAL AND WRITTEN, TO THE CONTRACT

