

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: David A. Hulseberg, Village Manager
DATE: October 19, 2009 (B of T) Date: November 5, 2009
TITLE: Change Order #1 for Bituminous Mix Contract
SUBMITTED BY: Keith J. Surges, Operations Superintendent *KJS*

BACKGROUND/POLICY IMPLICATIONS:

Public Works is requesting approval of Change Order #1 in the amount of \$55,000.00 to cover additional costs related to the In-House Grind and Overlay Program for FY2010. The original item was approved by the Board of Trustees on May 21, 2009 for an amount not to exceed \$192,500.00. This change order represents a 29% increase in the contract amount for a total of \$244,500.00.

FISCAL IMPACT/FUNDING SOURCE

FY2010 7101.733200 project #5515 \$55,000.00

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____



To: David A. Hulseberg, Village Manager
From: Keith J. Surges, Operations Superintendent *KJA*
Through: Carl Goldsmith, Director of Public Works *CJ*
Date: May 7, 2009
Subject: Change Order #1 for PWO-1001 Bituminous Mix Contract

The original contract in the amount of \$192,500.00 for Bituminous Mix was awarded to Du-Kane Asphalt on May 21, 2009. This contract covers the supplying of Asphalt Bituminous Mix for the repair of streets due to underground utility digs, street maintenance repairs and the In-House Grind and Overlay Program.

When the item originally went to the Board for approval the list of streets to be included in the In House Grind and Overlay portion was not yet complete, as the Village was identifying the condition of the roadway after the winter. The estimate of the costs for the Grind and Overlay portion was \$100,000, the total actual cost is \$155,000. This will be the final amount for the project and is within the total budgeted amount.

Public Works is requesting approval of Change Order #1 in the amount of \$55,000.00 to cover the additional costs related to the Bituminous Mix Contract for the In-House Grind and Overlay Program. Please present this at the Board of Trustees meeting on November 5, 2009 for consideration.

VILLAGE OF LOMBARD CHANGE ORDER

PROJECT NAME: Butumnious Mix PROJECT NO.: PWO-1001

LOCATION: Inhouse Grind and Overlay Program CHANGE ORDER: #1

CONTRACTOR: Du-Kane Asphalt DATE: 19-Oct-09

DESCRIPTION OF CHANGE ORDER: Change Order #1 is needed to add additional Bituminous Asphalt Mix used during the In-House Grind and Ovcerlay Program.

ORIGINAL CONTRACT AMOUNT:	[1]	<u>\$192,500.00</u>
TOTAL OF PREVIOUS AUTHORIZED CHANGE ORDERS:	[2]	<u>\$0.00</u>
CURRENT CONTRACT AMOUNT: ([1]+[2])	[3]	<u>\$192,500.00</u>
PROPOSED CHANGE ORDER: (PENDING APPROVAL)	[4]	<u>\$55,000.00</u>
PROPOSED REVISED CONTRACT AMOUNT: (PENDING APPROVAL) ([3]-[4])	[5]	<u>\$247,500.00</u>

NET OF ALL CHANGE ORDERS: (PENDING APPROVAL) ([2]+) \$55,000.00


TIME EXTENSION OR REDUCTION: NONE

TOTAL CONTRACT TIME: (PENDING APPROVAL) _____

BUDGET ESTIMATE: \$70,000.00

ENGINEER'S ESTIMATE: \$70,000.00

RECOMMENDED FOR ACCEPTANCE :


10/19/09 Date
 Operations Superintendent

 Approved By: _____
 Director of Finance Date

Contractor _____ Date _____
 Approved By: _____
 (<\$10K or 25%) Village Manager Date


10/19/09 Date
 Director of Public Works

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

Assistant Finance Director _____ Date _____
 Attest: _____
 Deputy Village Clerk 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.

RESOLUTION
R _____ 10

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. 2 to the contract between the Village of Lombard and Du-Kane Asphalt Co. regarding the Bituminous Asphalt Mix Contract FY2010, 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 \$244,500.00.

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 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 5th day of November, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this 5th day of November, 2009.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney