

AMENDING RESOLUTION 2021-083 TO INCREASE THE COMBINED PROJECT TOTAL FOR THE ROUTE 23 AND GURLER ROAD IMPROVEMENTS TO AN AMOUNT NOT TO EXCEED \$1,995,000 (CURRAN CONTRACTING COMPANY).

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, on September 13, 2021, the City's corporate authorities adopted Resolution 2021-083, which authorized the award of a construction services contract to Curran Contracting Company (the "Contractor") to perform the Illinois Route 23 and Gurler Road improvements (the "Project") for an amount not to exceed a combined project total of \$1,886,650; and

WHEREAS, due to unforeseen circumstances, the costs of the Project will exceed \$1,886,650 in an amount not to exceed a combined project total of \$1,995,000; and

WHEREAS, the City's payment of the Project's costs should be fully reimbursed by grant funding provided by the Illinois Department of Transportation and additional contributions from the private developer(s); and

WHEREAS, the City's corporate authorities find that it is in the City's best interests to amend Resolution 2021-083 as provided by this Resolution for the protection of the public health, morals, and welfare; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals to this resolution are true, correct, material, adopted and incorporated as Section One to this Resolution.

SECTION 2: The City's corporate authorities adopt an amendment to Section One of Resolution 2021-083 to state as follows:

SECTION 1: The City's corporate authorities approve, authorize, direct, and ratify the City Manager to enter into an agreement, in a form acceptable to the City Manager, with Contractor to perform the Illinois Route 23 and Gurler Road Improvements Project for a combined project total in an amount not to exceed \$1,995,000.

SECTION 3: Except as otherwise provided by this Resolution, the provisions of Resolution 2021-083 shall remain in full force and effect. To the extent that there is a conflict between this Resolution and Resolution 2021-083, the provisions of this Resolution shall govern and control.

SECTION 4: This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should (a) contain terms contrary to the provision of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, that this resolution shall supersede state law in that regard within its jurisdiction.

SECTION 5: This resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 13th day of November 2023 and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None.





COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

AUTHORIZING THE AWARD OF A CONSTRUCTION SERVICES CONTRACT TO CURRAN CONTRACTING COMPANY IN THE AMOUNT OF \$1,736,419.37 FOR ILLINOIS ROUTE 23 AND GURLER ROAD IMPROVEMENTS, WITH STAFF AUTHORITY TO APPROVE CHANGE ORDERS UP TO A COMBINED PROJECT TOTAL NOT TO EXCEED \$1,866,650.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City's corporate authorities find that it is in the City's best interest for the promotion of the public welfare to improve the City's streets by constructing widening and signalization improvements to the intersection of Illinois Route 23 and Gurler Road (the "Project"); and

WHEREAS, the City publicly opened bids on August 30, 2021 for the Project with the lowest responsive and responsible bidder as Curran Contracting Company (the "Contractor"); and

WHEREAS, the City's corporate authorities find that it is in the City's best interests to approve the Contractor's bid, subject to the provisions of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The City's corporate authorities approve, authorize, direct, and ratify the City Manager to enter into an agreement with Contractor in a form acceptable to the City Manager for the Illinois Route 23 and Gurler Road Improvements Project in an amount of \$1,736,419.37, with staff authority to approve change orders up to a combined project total of \$1,866,650.

SECTION 2: This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should (a) contain terms contrary to the provision of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, that this resolution shall supersede state law in that regard within its jurisdiction.

SECTION 3: This resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13th day of September 2021 and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant