

AMENDING RESOLUTION 2022-091 TO INCREASE THE COMBINED PROJECT TOTAL FOR THE CONSTRUCTION OF TRAFFIC CALMING MEASURES ON FAIRVIEW DRIVE AND A BIKE PATH EXTENSION NEAR GROVE STREET TO AN AMOUNT NOT TO EXCEED \$257,000 (ELLIOT & WOOD, INC.).

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 16, 2022, the City's corporate authorities adopted Resolution 2022-091, which authorized the award of a contract to Elliot & Wood, Inc. (the "Contractor") to construct the traffic calming measures on Fairview Drive and a bike path extension near Grove Street (the "Project") for an amount not to exceed a combined project total of \$225,000; and

WHEREAS, due to unforeseen circumstances, the costs of the Project will exceed \$225,000 in an amount not to exceed a combined project total of \$257,000; and

WHEREAS, the City's corporate authorities find that it is in the City's best interests to amend Resolution 2022-091 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 Two of Resolution 2022-091 to state as follows:

SECTION 2: The City's corporate authorities approve, authorize, and direct the City Manager to enter into an agreement, in a form acceptable to the City Manager, with Contractor to perform the Project for a combined project total in an amount not to exceed \$257,000.

SECTION 3: Except as otherwise provided by this Resolution, the provisions of Resolution 2022-091 shall remain in full force and effect. To the extent that there is a conflict between this Resolution and Resolution 2022-091, 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 City's corporate authorities 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 in 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 CONTRACT TO ELLIOT AND WOOD, INC IN THE AMOUNT OF \$212,053.64 FOR THE CONSTRUCTION OF TRAFFIC CALMING MEASURES ON FAIRVIEW DRIVE AND A BIKE PATH EXTENSION NEAR GROVE STREET WITH STAFF AUTHORITY TO APPROVE CHANGE ORDERS UP TO A COMBINED PROJECT TOTAL NOT TO EXCEED \$225,000.

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 16, 2022, the City publicly opened bids for the Fairview Traffic Calming and Grove Street Bike Path Extension consisting of installing a permanent traffic measures and a bike path extension (the "Project") with the lowest responsible bidder being Elliot and Wood, Inc (the "Contractor") in the total amount of \$212,053.64 (the "Bid"); and

WHEREAS, the City's corporate authorities find that approving the Contractor's Bid is in the City's best interests for the protection of the public health, safety, 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 adopted and incorporated herein as Section One to this Resolution.

SECTION 2: The City's corporate authorities approve, authorize, and direct the City Manager to enter into an agreement, in a form acceptable to him, with Contractor for the Project for the Bid amount of \$212,053.64 with staff authority to approve change orders up to a combined Project total of \$225,000.

SECTION 3: 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 City's corporate authorities that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, this resolution shall supersede state law in that regard within its jurisdiction.

SECTION 4: 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 26th day of September 2022 and approved by me as Mayor on the same day. Passed by a 6-0-2 roll call vote. Aye: Larson, Smith, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Morris, Perkins.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant