

**RESOLUTION 18-44**

**A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF CHANGE ORDERS FOR CONSTRUCTION CONTRACTS FOR THE MORTON GROVE NILES WATER COMMISSION WATER TRANSMISSION MAIN AND FACILITY IMPROVEMENTS PROJECT**

**WHEREAS**, the Morton Grove Niles Water Commission, located in Cook County, Illinois (“MGNWC”), has been established to operate a public water supply system (the "System") by an intergovernmental agreement adopted by the Village of Morton Grove and the Village of Niles pursuant to 65 ILCS 5/11-135-1 *et seq.*, and the MGNWC further operates in accordance with the provisions of Article VII, Section 6 of the Illinois Constitution;

**WHEREAS**, the MGNWC Board of Commissioners has determined that it is advisable, necessary and in the best of the MGNWC to acquire property and construct water transmission mains and facility improvements including new water main lines, pump stations and a water storage standpipe, and to rehabilitate certain existing water main lines to construct and operate a public water supply system that connects the Villages of Morton Grove and Niles to the MGNWC’s future water supplier, the city of Evanston (“the MGNWC Water Transmission Main and Facility Improvements Project” or the “Project”) ; and

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$96,200,000.00; and

**WHEREAS**, a substantial portion of the Project will be financed with for low interest loans from the Illinois Environmental Agency (“IEPA”)’s Public Water Supply Loans State Revolving Fund pursuant to that loan agreement between the IEPA and the MGNWC dated March 2, 2018 for Project Loan No. L175513; and

**WHEREAS**, the MGNWC Board has approved and the MGNWC has entered into the following contracts relating to the Project:

<b>Contract No.</b>	<b>Contractor</b>	<b>Contract Title</b>	<b>Contract Amount</b>
1	Berger Excavating Contractors, Inc.	East Segment MGNWC 30-Inch Water Supply Transmission Main	\$15,288,636.65
2	DiMeo Brothers, Inc.	West Segment MGNWC 30-Inch Water Supply Transmission Main	\$14,069,630.00
3	Bolder Contractors, Inc.	MGNWC 20-Inch Water Supply Transmission Main	\$11,566,613.00
4	Michels Corporation	Morton Grove Existing 20-Inch Transmission Main Maintenance	\$4,368,691.00
5B	DeZurik APCO Hilton	Procurement of MGNWC Water Supply Transmission Main Large Valves	\$318,743.62
6	Joseph J. Henderson & Son, Inc.	MGNWC Intermediate Pump Station, Water Transmission Main and Facility Improvements Project	\$2,974,000
7	Joseph J. Henderson & Son	MGNWC Nagle Avenue Pump Station	\$7,437,000.00
8	DN Tank, Inc.	MGNWC Standpipe	\$8,292,500.00
9	IHC Construction Companies	Fiber Optic Cable	\$349,990.00
10	Bolder Contractors, Inc.	North Shore Channel Transmission Main Crossing, Water Transmission Main and Facility Improvements Project	\$1,789,534.50,*

\* plus an additional amount not to exceed the greater of \$200,000 or \$50,000 for each 24" valve which installation is delayed for circumstances beyond Contractor's control.

**WHEREAS**, it is reasonable to expect unforeseeable underground conditions as well as other conditions and events may require the approval of change orders to timely complete the construction of the Project; and

**WHEREAS**, time delays associated with formal approval by the MGNWC Board of necessary change orders to the contract may undesirably increase the cost of the Project, as well as the duration of the work and inconvenience to the public; and

**WHEREAS**, it is reasonable to expect the cost of additional measures could add up to three percent of the original contract amount; and

**WHEREAS**, the IEPA has approved contingencies of up to three percent of the contract amounts approved by the IEPA; and

**WHEREAS**, the MGNWC management team has recommended that the MGNWC Board authorize the approval of change orders for the construction contract for the Project without the formality of MGNWC Board approval for amounts not to exceed three percent (3%) of the original contracts, provided the MGNWC Superintendent, the Village Manager of Niles and the Village Administrator of Morton Grove unanimously approve the change order and agree that requiring the MGNWC Board to approve the change order will cause an unreasonable delay or will result in additional expense to the Project; and

**WHEREAS**, the Board of Commissioners of the Morton Grove-Niles Water Commission has the authority pursuant to Article VII, Section 10 of the 1970 Constitution of the State of Illinois, the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1, *et seq.*) and the Illinois Municipal Code (65 ILCS 5/1, *et seq.*, including 65 ILCS 5/11-135-1, *et seq.*) to approve this Resolution and find that approving this Resolution is in the best interests of MGNWC, the Village of Morton Grove and the Village of Niles.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE MORTON GROVE-NILES WATER COMMISSION, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** Each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

**SECTION 2:** The Board of Commissioners of the Morton Grove-Niles Water Commission ("MGNWC Board") authorize the chair of the MGNWC to execute change orders for the construction contracts for the Project up three percent (3%) of the original price of the respective construction contract provided the MGNWC Superintendent, the Village Manager of Niles and the Village Administrator of Morton Grove unanimously approve the change order and agree that requiring the MGNWC Board to approve the change order will cause an unreasonable delay or will result in additional expense to the Project.

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


**ADOPTED** this 27th day of April, pursuant to a roll call vote as follows:

**AYES:** John Pietron and Steven Vinezeano

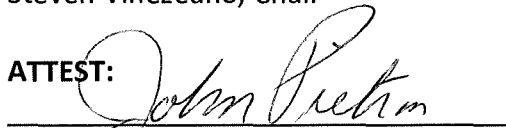
**NAYS:** None

**ABSENT:** None (Cook County Appointee not appointed yet)

**PASSED** by the Board of Commissioners of the Morton Grove-Niles Water Commission, Cook County, Illinois on a roll call vote at a Regular Meeting thereof held on the 27th day of April, and approved by the Chair, and attested by the Clerk on the same day.



Steven Vinezeano, Chair

**ATTEST:** 

John Pietron, Clerk

STATE OF ILLINOIS )

) SS

COUNTY OF COOK )

**CLERK'S CERTIFICATE**

I, John Pietron, Clerk of the Morton Grove-Niles Water Commission, Cook County, State of Illinois, certify that the annexed and foregoing is a true and correct copy of that certain Resolution now on file in my office, entitled:

**RESOLUTION 18-44**

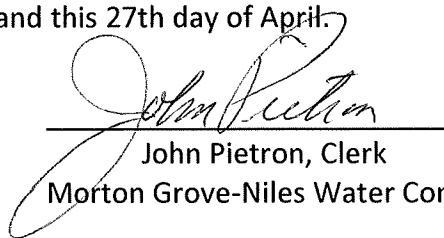
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which Resolution was passed by the Board of Commissioners of the Morton Grove-Niles Water Commission at a Regular Meeting on the 27th day of April, at which meeting a quorum was present. I further certify that the vote on the question of the passage of said Resolution by the Board of Commissioners of the Morton Grove-Niles Water Commission was taken by Ayes and Nays and recorded in the minutes of the Board of Commissioners of the Morton Grove-Niles Water Commission, and that the result of said vote was as follows, to-wit:

AYES: John Pietron and Steven Vinezeano  
NAYS: None  
ABSENT: None (Cook County Appointee not appointed yet)

I do further certify that the original Resolution, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of April.

  
John Pietron, Clerk  
Morton Grove-Niles Water Commission