

## MEMORANDUM

**TO:** The Honorable Mayor and City Council  
**FROM:** Joseph E. Tebrugge, Director of Engineering  
**DATE:** August 27, 2021  
**SUBJECT:** **Agreement of Understanding for Maintenance and Construction**

### Request

Adopt resolution approving an Agreement of Understanding between the City of Wheaton and State of Illinois for the maintenance and construction of highways funded by State funds.

### Background

In 2009 the City of Wheaton successfully obtained an agreement of understanding for highway construction and maintenance work using MFT funds. This agreement allows for the preparation of plans and disbursement of MFT funds for highway construction and maintenance work without having to send plans into IDOT for review. Since the Agreement of Understanding expires when a Director of Engineering retires the City of Wheaton lost its previous agreement in March of 2020. The 2020 and 2021 Road, Sewer, and Water Program plans were hence required to be reviewed by IDOT creating significant delays in the bidding of those projects. Staff has successfully obtained authorization from IDOT to once again enter into an Agreement of Understanding which would eliminate future delays from IDOT reviews for our Road Program.

### Recommendation

City staff has reviewed the Agreement of Understanding and recommends approval of the Agreement. A resolution approving the Agreement of Understanding for Maintenance and Construction is attached for your consideration. City Staff recommends adoption of the resolution as submitted.



WHEATON MAYOR PHILIP J. SUESS

CITY MANAGER MICHAEL DZUGAN

CITY COUNCIL: MICHAEL BARBIER | ERICA BRAY-PARKER | SCOTT BROWN | SUZANNE FITCH | LYNN ROBBINS | SCOTT WELLER

**RESOLUTION R-2021 -**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN  
AGREEMENT OF UNDERSTANDING FOR MAINTENANCE AND CONSTRUCTION  
BETWEEN THE CITY OF WHEATON AND THE STATE OF ILLINOIS  
(MFT Project Funding)**

**WHEREAS**, the City of Wheaton, DuPage County, Illinois, ("City") is desirous of maintaining and/or constructing highways or sections thereof when such projects are financed in whole or in part with funds received from the State of Illinois, except Federal-aid funds, without approval and supervision of the Illinois Department of Transportation ("Department"); and

**WHEREAS**, the Department has satisfied itself that the City is adequately organized, staffed, equipped, and financed to discharge satisfactorily the duties and requirements of 605 ILCS 5/7-203.2; and

**WHEREAS**, it is necessary for the City and Department to enter into an Agreement of Understanding for the mutual covenants and agreements pertaining to the procedures set forth by the Department.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois that the Mayor is authorized to execute an Agreement of Understanding between the City of Wheaton and State of Illinois for the Maintenance and Construction of highways funded by State funds.

**ADOPTED** this 7th day of September 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Roll Call Vote

Ayes:  
Nays:  
Absent:

# CITY OF WHEATON

## **AGREEMENT OF UNDERSTANDING FOR MAINTENANCE AND CONSTRUCTION**

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This agreement, by and between the Department of Transportation, State of Illinois, hereinafter called the **DEPARTMENT**, and **CITY OF WHEATON**, of the State of Illinois, hereinafter called the **MUNICIPALITY**.

### WITNESSETH:

**WHEREAS**, the Illinois Highway Code provides that the **DEPARTMENT**, upon satisfying itself that the **MUNICIPALITY** is adequately organized, staffed, equipped and financed to discharge satisfactorily the duties and requirements of 605 ILCS 5/7-203.2, may grant a municipality permission to construct or maintain highways or sections thereof when such projects are financed in whole or in part with any funds received from the State except Federal-aid funds, without approval and supervision of the **DEPARTMENT**, providing the **MUNICIPALITY** will enter into an Agreement of Understanding with the **DEPARTMENT**, and;

**WHEREAS** the **MUNICIPALITY** has complied with the requirements of 605 ILCS 5/7-301, and,

**WHEREAS**, this agreement addresses the approval of Motor Fuel Tax, 80,000 Pound Truck Access Road, Economic Development, and any other road fund projects administered under Motor Fuel Tax policies and procedures, and;

**NOW THEREFORE**, for and in consideration of the covenants and agreements herein contained, the parties agree as follows:

**THE MUNICIPALITY AGREES:**

1. That it will maintain an adequate, fully staffed organization to the level this Agreement of Understanding was executed and will keep the **DEPARTMENT** currently advised of the organization and key staffing;
2. That it will affect a coordinated 12 month or 24 month maintenance program in accordance with the intent of the law;
3. That it will follow the procedure set forth in 605 ILCS 5/7-203 of the Illinois Highway Code for the construction and maintenance of any highway;
4. That it will supply the **DEPARTMENT**, for record purposes, documentation listed on Attachment A within the timeframe shown, or upon the request of the **DEPARTMENT**;
5. To obtain the **DEPARTMENT'S** approval of all bridge condition reports, preliminary bridge design and hydraulic reports, plans and specifications for all bridges and culverts required by policy contained in Chapter 10 of the Bureau of Local Roads and Streets Manual;
6. To provide Form BLR 10220 asbestos certification, on bridge projects and requesting load ratings from the **DEPARTMENT** for resurfacing, of structures greater than 20 feet long measured along the centerline of the roadway;
7. To obtain all necessary permits and environmental/cultural clearances in accordance with the Bureau of Local Roads and Streets Manual and other Department policy before advertising a project for letting or performing the project with its own forces;
8. That plans for highway construction and maintenance work will be designed in accordance with the latest edition of the Bureau of Local Roads and Streets Manual and design policies adopted by the **DEPARTMENT**. Modifications and design deviations proposed by the **MUNICIPALITY** must be approved using procedures outlined in Chapter 10 of said Manual;
9. That plans and specifications for maintenance or construction will be prepared as applicable by a licensed professional/structural engineer or under his or her direct supervision. Plans shall bear the engineer's professional/structural seal as applicable;

10. To obtain the **DEPARTMENT'S** approval of plans and specifications for improvement of State highways and appurtenances thereto prior to advertising for bids;
11. To obtain the **DEPARTMENT'S** approval of all connections to the State Highway System;
12. That all right-of-way will be secured prior to advertising a project for letting, unless prior approval by the **DEPARTMENT** has been secured;
13. To advertise for bids and let contracts for maintenance or construction to the lowest responsible bidder in accordance with **DEPARTMENT** policy, or with the concurrence of the **DEPARTMENT**, do the work itself through its officers, agents and employees;
14. That it will perform or cause to be performed all construction and material inspections required on its construction and maintenance projects using the Project Procedures Guide and other procedures acceptable to the **DEPARTMENT**. The **MUNICIPALITY** will document the inspections and make said documentation available to the **DEPARTMENT** at all times;
15. That it will provide Material Certification in accordance with the applicable portions of Section 800 of the Project Procedures Guide. The **MUNICIPALITY** will certify to the Deputy Director of Highways, Region One Engineer that the required material testing and sampling were done for all materials incorporated in the construction or maintenance work. The **MUNICIPALITY** will further certify that for all materials, the Method of Acceptance with the appropriate Evidence of Materials Inspection is available for the **DEPARTMENT** to review. A copy of the Material Certification Letter (Attachment B) will be included with each Engineer's Payment Estimate (BLR 13230, final version);
16. To withhold final payment to the contractor on construction projects involving State highways and appurtenances until written certification is received that the work has been performed in accordance with the plans and specifications and accepted by the **DEPARTMENT**. The **MUNICIPALITY** will notify the **DEPARTMENT** at least two (2) weeks prior to the final inspection on construction projects involving State highways

and appurtenances so arrangements can be made for a **DEPARTMENT**

representative to attend;

17. That it will provide the **DEPARTMENT** with the Local Public Agency General Maintenance – Estimate of Cost/Maintenance Expenditure Statement (BLR14222) within 3 months from the end of the maintenance period;
18. That it will provide the **DEPARTMENT** with the Final Report of Expenditures (BLR 13510 ) for project close-out, within one (1) year after the completion of the work;
19. That it will make all records available to personnel of the **DEPARTMENT** for review and/or audit for a minimum of three (3) years after project close-out and **DEPARTMENT** audit;
20. That it will submit an annual report to the **DEPARTMENT** by February 1 of each year, listing the projects undertaken, a description and limits of each project, the status of the projects, the amount and type of funds expended, and a map showing the locations of the various projects for the previous calendar year;
21. That if a State Route is part of the improvement, the Agreement of Understanding is no longer applicable.
22. That a MFT Scoping Checklist Form is required for all MFT Construction Section Projects.
23. That use of Motor Fuel Tax funds other than specified in this agreement will require approval by the **DEPARTMENT**.

**THE DEPARTMENT AGREES:**

1. That it reserves the right to request information on any Motor Fuel Tax or General Maintenance project for review and inspection:
2. That in view of the foregoing covenants, its approval and supervision of any activities related to construction and maintenance projects and expenditures funded by Motor Fuel Tax and/or any other road funds received from the State and administered under

Motor Fuel Tax policies and procedures will not be required except as hereinabove specified;

2. That it will provide off-site material inspections and testing at sources normally visited by state inspectors. The **DEPARTMENT** may perform certain construction and material inspections as agreed to by the **DEPARTMENT'S** Region One, District One Office and the **MUNICIPALITY**. If **DEPARTMENT** personnel are not available to perform these material inspections, the **MUNICIPALITY** will be responsible for providing the required inspection and documentation.

**IT IS MUTUALLY AGREED:**

1. That executed joint agreements between the **MUNICIPALITY** and **DEPARTMENT** will be required for all projects being funded with one or more of the following state funds;
  - A. 80,000 Pound Truck Access Road Funds.
  - B. Economic Development Funds.
  - C. Any other state funded programs being administered under Motor Fuel Tax policies and procedures.
2. That the provisions of this agreement shall not apply to any federally-funded projects and/or state funded projects not administered under Motor Fuel Tax policies and procedures;
3. The **DEPARTMENT** may make periodic inspections of the jobsite and project file documentation, if it deems necessary, to satisfy itself that the work is being done in compliance with the plans, specifications and departmental procedures;
4. This agreement shall remain in full force and effect unless terminated by either party upon 30 days written notification, or when the undersigned municipal engineer terminates employment under such title/position with the **MUNICIPALITY**.

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Executed by the **MUNICIPALITY** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

Joseph E. Tebrugge, P.E.  
Municipal Engineer (Print or Type)

Philip J. Sues  
Mayor/Village President (Print or Type)

By \_\_\_\_\_  
Municipal Engineer

By \_\_\_\_\_  
Mayor/Village President

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Accepted:

By \_\_\_\_\_ Date: \_\_\_\_\_  
District Local Roads Engineer

By \_\_\_\_\_ Date: \_\_\_\_\_  
Regional Engineer

Executed by the **DEPARTMENT** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

STATE OF ILLINOIS, DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_  
Engineer of Local Roads and Street



**ATTACHMENT A**  
**Agreements of Understanding Document Submittal Requirements**

February 1<sup>st</sup> of each year submit a listing of construction projects, undertaken, a description of each project, the status of projects, the amount and type of funds expended and a map showing the locations of the various projects for the previous calendar year.

To supply the Department, for record purposes, documentation listed below within the time frame shown.

<b>General Maintenance Projects</b>			
<b>Title</b>	<b>BLR Form #</b>	<b>#Originals to Submit</b>	<b>Comments</b>
Local Public Agency General Maintenance Estimate of Cost/Maintenance Expenditure Statement	BLR 14222	1	A revised or supplemental estimate of cost must be submitted if items being added requiring bidding.
Resolution for Maintenance Under the Illinois Highway Code	BLR 14220	1	If expenditures will exceed resolution, a supplemental resolution must be submitted.
Equipment Rental Schedule	BLR 12110	1	
Contractor's Bulletin Request for Advertisement	BLR 12310	1	When emailing this form, it should be submitted via the Local Roads General Email for the district. <a href="mailto:DOT.D4LocalRoads@Illinois.gov">DOT.D4LocalRoads@Illinois.gov</a>
<b>All above documents must be received prior to advertisement. MFT funds will be authorized upon the Local Public Agency's request based on IDOT's calculations of available funds, available funds. Authorizations will be based on these estimates including engineering.</b>			
Acceptance of Proposal to Furnish Materials Approval of Award	BLR 12330	1	Submit within two weeks after the material proposal is executed.
Material Quotations	BLR 12250	1	Submit within two weeks of acceptance of bids.
Tabulation of Bids	BLR 12315	1	Submit with BLR 12330 or Contract Documents, whichever applies.
(Construction) Estimate of Cost	BLR 11510	1	Submit within two weeks after the contract is executed.
Contract and Contract Bond	BLR 12320 BLR 12321	1	Submit within two weeks after the contract is executed.
Local Public Agency General Maintenance Estimate of Cost/Maintenance Expenditure Statement	BLR 14222	1	Submit the Maintenance Expenditure version within three months after the end of the maintenance period. MFT will be balanced using this form.

<b>Construction Projects</b>			
<b>Title</b>	<b>BLR Form #</b>	<b># of Originals to Submit</b>	<b>Comments</b>
Preliminary Bridge Design & Hydraulic Report	BLR 10210	5	
Environmental Survey Request			Submittal is accomplished through PMA system
Local Public Agency Engineering Services Agreement	BLR 05530	1	
Resolution for Improvement under the Illinois Highway Code	BLR 09110	1	
Plans for structural adequacy		2	For structures funded with MFT funds. For structures funded with local funds this must be submitted for structures over 30'.
Contractor's Bulletin Request for Advertisement	BLR 12310	1	If emailing this form, it should be submitted via the Local Roads General Email: <a href="mailto:DOT.D4LocalRoads@Illinois.gov">DOT.D4LocalRoads@Illinois.gov</a>
<b>All above documents must be received prior to advertisement. MFT funds will be authorized upon the Local Public Agency's request, and based on IDOT's calculations of available funds.</b>			
Contract Estimate of Cost	BLR 11510	1	Submit within two weeks after Contract is executed.
Contract Plans, Specifications, Contract, Contract Bond	Various BLR 12320 BLR 12321	2	Submit within two weeks after Contract is executed. Authorization of MFT funds will be based on the signed contract including engineering.
Tabulation of Bids	BLR 12315	1	Submit with BLR 12330 or Contract Documents, which ever applies. To be submitted within two weeks of execution of documents.
Acceptance of Proposal to Furnish Materials & Approval of Award	BLR 12330	1	Submit within two weeks after the material proposal is executed. Authorization will be based on the executed material proposal.
Request for Approval of Change in Plans	BLR 13210	1	If applicable, submit agreed price letter(s) and/or Force Account Bill(s).
Engineer's Payment Estimate	BLR 13230	1	To be submitted within 1 year of completion of work.
Commitment List		1	In accordance with Chapter 10 of the BLRS Manual,
Material Certification Letter		1	See Attachment B
Final Report of Expenditures	BLR 13510	2	To be submitted within 1 year of final inspection.

**If the Local Public Agency wishes to have a copy returned after being stamped by the Department, then add one more original to the required number of originals to be submitted and request one set of the documents be returned.**

ATTACHMENT B

\_\_\_\_\_ MUNICIPAL AGREEMENT OF UNDERSTANDING  
FOR MAINTENANCE AND CONSTRUCTION  
MATERIAL CERTIFICATION LETTER

Date: \_\_\_\_\_

Regional Engineer  
(District Address)

RE: Agency \_\_\_\_\_

Section \_\_\_\_\_

Route \_\_\_\_\_

Contractor \_\_\_\_\_

Dear Sir/Madam:

This letter is to certify:

The results of the tests on acceptance samples indicate the materials incorporated in the construction work, and the construction operations controlled by sampling and testing were in close conformity with the approved plans and specifications.

The Method of Acceptance with the appropriate Evidence of Materials Inspection for the materials incorporated in the construction work have been retained in the project records and are available for the Department to review.

Exceptions to the plans and specifications are explained on the attached sheet.

-OR-

There are no Exceptions.

(Check the appropriate statement)

Sincerely,

\_\_\_\_\_  
By Municipal Engineer