

ORDINANCE NO. O-2020-09

**AN ORDINANCE APPROVING A CHANGE ORDER FOR PHASE 3  
CONSTRUCTION OF DOWNTOWN STREETSCAPE PROGRAM**

WHEREAS, on January 21, 2020, the corporate authorities of the City of Wheaton approved resolution R-2 2020-06 authorizing the execution of agreement No. 109 with Copenhaver Construction, Inc., for Phase 3 construction for the downtown streetscape improvements in a total amount not to exceed \$3,734,000 (the "Contract"); and

WHEREAS, a portion of the approval involved making a determination of which improvements would be included in the streetscape extension between Wesley Street and Seminary Avenue (most Northerly Boundary) which, have been described as Option 1 and 1b and Option 2 and 2b; and

WHEREAS, Option 1 included partial streetscape amenities and no trees on the east side of the most Northerly Boundary at the estimated cost of \$598,631; and

WHEREAS, Option 2 included full streetscape amenities between Wesley Street and Seminary, including trees on both sides of the street, brick pavers, trash cans, benches, street lights, etc; and

WHEREAS, on February 3, 2020, the Council, after significant deliberation, approved a motion accepting Option 2; and

WHEREAS, the Council's motion directed staff to bring back the Option 2 with final estimates for the work; and

WHEREAS, the original estimate for the work was (\$3,734,000); and

WHEREAS, the bid came back at a total amount of (\$4,786,629.14); and

WHEREAS, a portion of the difference, \$237,969.14, between the estimated bid and the actual bid was a result of the City's cost estimator's initial failure to include all of the work described for Option 2 in the estimate; and

WHEREAS, the other portion of the cost increase including Change Order 1 is the result of an amendment to the Contract changing the date of Final Completion due to accelerated construction with corollary terms and conditions; and

WHEREAS, the Council has determined that it is in the overall best interest of the City to approve Option 2: including the additional costs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule authority that:

- 1) Change Order No. 1 for the 2020 Downtown Streetscape Phase 3 construction project, the portion of which includes full streetscape amenities (trees, brick pavers, trash cans, benches, street lights on both sides of Main Street from Wesley to Seminary and which is attached hereto and incorporated herein as Exhibit No. 1 is hereby approved;
- 2) Any ordinances, resolutions or motions in conflict with this Ordinance are repealed and rescinded to the extent of such inconsistency.
- 3) This Ordinance shall become effective on the date of passage, approval and publication as required by law.



Philip J. Suess  
Mayor

ATTEST:



Alan Bennett Hagen  
City Clerk

Roll Call Vote:

Ayes:	Councilwoman Bray-Parker Mayor Suess Councilman Rutledge Councilman Zaruba
Nays:	Councilman Barbier Councilwoman Fitch Councilwoman Robbins
Absent:	None <u>Motion Carried</u>

Passed: March 2, 2020

Published: March 3, 2020

## Exhibit 1

Agreement #:109

Agreement Between the City of Wheaton, IL and Copenhaver Construction, Inc.

**Project Name: 2020 Downtown Streetscape Phase 3 Construction**

**CHANGE ORDER #1**

This document is incorporated into the above Agreement as an amendment to the Agreement between the City and the Contractor/Professional Service Provider commencing on the date the last party signs this document. Any change to the character, form, quality, extent, or cost of the Service/Project shall be in writing and approved on this form.

**Change Order required due to:**

- Changed/Unforeseen Condition
- Change in Scope
- Errors and Omissions
- Other: \_\_\_\_\_

■ Fixed Cost of \$ 1,052,629.14

- Time & Materials, not to exceed: \$ \_\_\_\_\_
- Emergency Change, not to exceed \$ \_\_\_\_\_
- Extension of Completion Date

**Type of Change Order:**

Attached Is:  Contractor's Proposal

Adjusted Unit Price

**Description of Change:**

**Full Streetscape amenities (trees, brick pavers, trash cans, benches, streetlights, etc.) on both sides of Main Street from Wesley Street to Seminary Avenue.**

## Cost and Schedule Control Summary

Original Agreement Amount:	\$3,734,000.00
Previous COs Adds/Deducts:	\$0
This CO Adds/Deducts:	\$1,052,629.14
Revised Agreement Amount:	\$4,786,629.14

Original Substantial Completion Date:	August 1, 2020
Previous COs Add/Deducts:	0 days
This CO Adds/Deducts:	55 days
Revised Agreement Duration:	208 days
Revised Substantial Completion Date:	September 25, 2020

All parties hereby acknowledge and agree this Change Order is inclusive of all known changes to scope, compensation and work schedule on behalf of the undersigned and Contractor's supplier, subcontractor, consultant, and agent necessary to complete the Project/Service. All parties hereby acknowledge that this Change Order is incorporated into the previously executed Agreement by the signature of the parties below.

All terms and Conditions of the original Agreement apply to this Change Order and remain the same and in full force and effect.

Project Manager: Jean Langwee

Date: 2/28/2020

Department Head: \_\_\_\_\_

Date:

Procurement Officer: Sara Whittle

Date: 2/28/2020

Rating

Contractor: Copenhagen Construction, Inc. Ken Copenhagen, President

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