

RESOLUTION R-2022-50

**A RESOLUTION ABROGATING RESOLUTION R-2022-46 AND
AUTHORIZING EXECUTION OF AGREEMENT NO. 309 WITH R.W. DUNTEMAN COMPANY
FOR THE 2022 ROAD, SEWER, AND WATER REHABILITATION PROGRAM
FOR A TOTAL AMOUNT NOT TO EXCEED \$4,093,806.55**

WHEREAS, the City of Wheaton received bids for the City's 2022 Road, Sewer, and Water Rehabilitation Program ("2022 Road Program") and staff recommended that the City Council authorize the execution of City Agreement No. 306 with the lowest, responsive, responsible bidder, R.W. Dunteman Company, in a total amount not to exceed \$3,916,213.85 (the "Agreement Amount"); and

WHEREAS, the City budgeted funds in CY2022 in multiple accounts to fund the 2022 Road Program; and

WHEREAS, the City Council on June 6, 2022, adopted Resolution R-2022-46 which authorized execution of Wheaton Agreement No. 306 with R.W. Dunteman Company for the 2022 Road, Program in the Agreement Amount; and

WHEREAS, after the City Council adopted Resolution R-2022-46, staff determined that incorrect budget fund amounts from the Storm Sewer Fund and Water Fund were utilized to calculate the Agreement Amount and that the Agreement Amount approved by the City Council is less than what is required for the scope of work for the 2022 Road Program; and

WHEREAS, the Mayor has not executed, and the City Clerk has not attested to City Agreement No. 306; and

WHEREAS, the scope of work for the 2022 Road Program as presented to the City Council in a staff Memorandum to the City Council dated June 6, 2022, has not changed; and

WHEREAS, the correct amount of CY2022 budgeted funds for the 2022 Road Program is \$4,093,806.55; and

WHEREAS, R.W. Dunteman Company remains the low bidder for the 2022 Road Program; and

WHEREAS, staff recommends that the City Council authorize the execution of City of Wheaton Agreement No. 309 with R.W. Dunteman Company for the 2022 Road, Sewer, and Water Rehabilitation Program for a total amount not to exceed \$4,093,806.55.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, that:

Section 1: The foregoing recitals are incorporated herein as if fully set forth as substantive provisions.

Section 2: The authorization of the Mayor to execute, and the City Clerk to attest to City of Wheaton Agreement No. 306 with R.W. Duntelman Company for the 2022 Road, Sewer, and Water Rehabilitation Program for a Total Amount Not to Exceed \$3,916,213.85 is hereby fully abrogated; said Agreement No. 306 shall not be executed by the Mayor and attested to by the City Clerk.

Section 3: Resolution R-2022-46 is hereby abrogated in its entirety and shall have no legal effect.

Section 4: The Mayor is hereby authorized to execute, and the City Clerk is hereby directed to attest to City of Wheaton Agreement No. 309, with R.W. Duntelman Company located at 600 S. Lombard Road, Addison, Illinois, 60101, for the 2022 Road, Sewer, and Water Rehabilitation Program for a total amount not to exceed \$4,093,806.55; and that a copy of that certain City of Wheaton Agreement No. 309 is on file with the City Clerk's office as Exhibit A to this Resolution R-2022-50 and is hereby incorporated into this Resolution as if fully set forth herein.

ADOPTED this 20th day of June 2022.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

Councilman Barbier
Councilwoman Bray-Parker
Councilman Brown
Mayor Pro Tem Fitch
Councilwoman Robbins
Councilman Weller

Nays:

None

Absent:

Mayor Sueess

Motion Carried Unanimously