

RESOLUTION R-2024-111

A RESOLUTION RATIFYING THE CITY MANAGER'S CHANGE ORDERS AND AUTHORIZING THE EXECUTION OF CHANGE ORDER #4 TO AGREEMENT NO. 428 WITH JOHN NERI CONSTRUCTION CO., INC. FOR CADILLAC & WAKEMAN FLOOD IMPROVEMENTS FOR A TOTAL AMOUNT NOT TO EXCEED \$330,478.42

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois Home Rule Municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on December 4, 2023, the City Council approved Resolution No. R-2023-104 authorizing the City to enter into Agreement No. 428 with John Neri Construction Co., Inc. ("JNC") for the Cadillac & Wakeman Flood Improvements project in the amount of \$3,737,142 and a 3% contingency; and

WHEREAS, the Cadillac & Wakeman Flood Improvements project was undertaken under a very tight timeline due to a \$500,000 DuPage County ARPA Grant with a firm deadline; and

WHEREAS, during construction, City staff encountered unforeseen challenges that increased project costs; and

WHEREAS, there have been three previous change orders on Agreement No. 428, which totaled \$44,450.00; and

WHEREAS, JNC is requesting Change Order #4 in the amount of \$330,478.42, bringing the total final agreement amount to \$4,112,070.42; and

WHEREAS, given the urgency of the construction timeline and that the changes were due to unforeseen conditions rather than an increase in project scope, the City Manager approved the necessary change orders; and

WHEREAS, the City's Procurement Policy requires ratification of the City Manager's approval of the change orders which incurred additional costs; and

WHEREAS, the City budgeted funds in the Capital Projects Fund in an amount of \$3,800,000 for Cadillac & Wakeman Flood Improvements project; and

WHEREAS, the project has been funded using City American Rescue Plan Act (ARPA) grant funds in the amount of \$1,903,389.21, and DuPage County ARPA grant funds for \$500,000, while the remaining amount of \$1,708,681.21 is funded in the Capital Projects Fund; and

WHEREAS, the total final cost for the project is \$4,112,070.42, which is \$312,070.42 over budget. Reserves are available in the Capital Projects Fund to accommodate the additional costs for the Cadillac & Wakeman Flood Improvements project; and

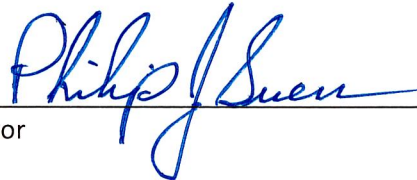
WHEREAS, the corporate authorities of the City of Wheaton, DuPage County, Illinois find it reasonable and appropriate to ratify the City Manager's approval of the change orders and to enter into

Change Order #4 to Agreement No. 428 with John Neri Construction Co., Inc. at 770 Factory Road, Addison, Illinois 60101 for Additional Work for the Cadillac & Wakeman Flood Improvements project for a total amount not to exceed \$330,478.42.

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

The approval by the City Manager of the previous change orders is hereby approved, ratified and confirmed; and that the Mayor is hereby authorized to execute, and the City Clerk is hereby directed to attest to City of Wheaton Change Order #4 to Agreement No. 428 with John Neri Construction Co., Inc. for Additional Work for the Cadillac & Wakeman Flood Improvements project; and that a copy of that certain City of Wheaton Change Order #4 to Agreement No. 428 is on file in the City Clerk's Office and is incorporated herein as if fully set forth as Exhibit A.

ADOPTED this 16th day of December 2024.



Mayor

ATTEST:



City Clerk

Roll Call Vote:
Ayes: Councilwoman Robbins
Councilman Weller
Councilwoman Bray-Parker
Councilman Brown
Mayor Suess
Councilman Clousing

Nays: None
Absent: Councilman Barbier
Motion Carried Unanimously