

VILLAGE OF BRADLEY

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RESOLUTION NO. B-5-201

A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE CONSTRUCTION  
CONTRACT BETWEEN THE VILLAGE OF BRADLEY AND MIDAS MIDWEST, LLC

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 11<sup>th</sup> DAY OF May, 2020

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Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,  
Kankakee County, Illinois this 11<sup>th</sup> day of May, 2020

RESOLUTION NO. R-5-20-1

**A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE CONSTRUCTION CONTRACT BETWEEN THE VILLAGE OF BRADLEY AND MIDAS MIDWEST, LLC**

**WHEREAS**, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt resolutions and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, on September 23, 2019, the Corporate Authorities approved a construction contract (the “Contract”) between the Village of Bradley and Midas Midwest, LLC (the “Contractor”); and

**WHEREAS**, the Contract concerns the Village’s ongoing 2019 Sanitary Manhole Rehabilitation Project (Basin #3 and Basin #5) (the “Project”); and

**WHEREAS**, pursuant to the terms of the Contract, the Contractor was supposed to reach substantial completion under the contract on or before November 29, 2019, and final completion on or December 28, 2019, with all paving work being completed no later than November 16, 2019; and

**WHEREAS**, on November 11, 2019, the Contractor requested an one-hundred and eighty (180) day extension of the time in which to complete the work of the Contract (*i.e.* until April 11, 2020) on account of unfavorable weather conditions; and

**WHEREAS**, on November 13, 2019, the Village granted the Contractor’s request and extended the deadline for final completion of the work until April 11, 2020; and

**WHEREAS**, as of the date of this Resolution, the Contractor has not reached final completion because of (i) unfavorable weather conditions and (ii) travel and business restrictions imposed by local, state, and federal governments during the COVID-19 pandemic; and

**WHEREAS**, the Contractor has requested an extension of the final completion date until June 30, 2020, to allow it to complete the work of the Contract; and

**WHEREAS**, the Contractor and the Village have negotiated a proposed change order, a copy of which is attached hereto as Exhibit A and fully incorporated herein (the “Change Order”), that extends the Contractor’s deadline for final completion of the Contract work to June 30, 2020; and

**WHEREAS**, the Corporate Authorities of the Village have determined that it is in the best interests of the Village and its citizens to execute the Change Order between the Village and the Contractor.

**NOW THEREFORE, BE IT RESOLVED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Resolution are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2.** The Corporate Authorities of the Village hereby determine and declare that the terms and provisions of the Change Order, a copy of which is attached hereto as Exhibit A and fully incorporated herein, are reasonable, acceptable to the Village, and hereby approved in form and substance. The Acting Village President, Michael Watson, is hereby authorized and directed to sign, and the Village Clerk is directed to attest, said Change Order and to further take any other action, including signing any document, that is necessary, in his opinion, to fully execute and effectuate the Change Order as between the Village and the Contractor.

**SECTION 3.** In the event that any provision or provisions, portion or portions, or clause or clauses of this Resolution shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Resolution that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 4.** All ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Resolution, are hereby repealed to the extent of the conflict.

**SECTION 5.** The Village Clerk is hereby directed to publish this Resolution in pamphlet form.

**SECTION 6.** This Resolution shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED** by the Board of Trustees on a roll call vote on the 11<sup>th</sup> day of May, 2020.

**TRUSTEES:**

ROBERT REDMOND	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
MICHAEL WATSON	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

**ACTING VILLAGE PRESIDENT:**

MICHAEL WATSON      Non-Voting -

**TOTALS:**              Aye - 6      Nay - 0      Absent - 0

ATTEST:

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 11<sup>th</sup> day of May, 2020.

  
\_\_\_\_\_  
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

ATTEST:

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

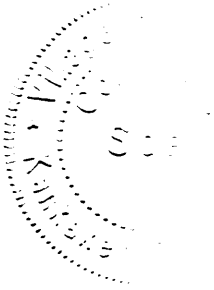
STATE OF ILLINOIS            )  
  )       §§  
COUNTY OF KANKAKEE    )

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Resolution number R5-20-1, "A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE CONSTRUCTION CONTRACT BETWEEN THE VILLAGE OF BRADLEY AND MIDAS MIDWEST, LLC," which was adopted by the Village Corporate Authorities at a meeting held on the 11<sup>th</sup> day of May, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 11<sup>th</sup> day of May, 2020.

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

(SEAL)

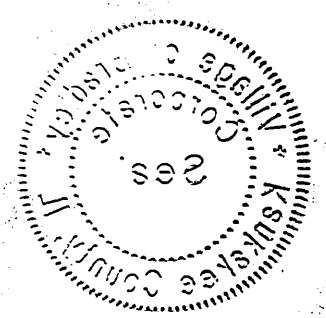


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# **EXHIBIT A**

## Village of Bradley, Kankakee County, Illinois Change Order

OWNER: Village of Bradley  
147 S. Michigan Avenue  
Bradley, Illinois 60915

MANAGER: RJN Group, Inc  
801 Adlai Stevenson Drive  
Springfield, Illinois 62703

CONTRACTOR: Midas Midwest, LLC  
5 Industrial Park Drive  
Winchester, Indiana 47394

PROJECT: Village of Bradley 2019 Sanitary  
Manhole Rehabilitation (Basins ## 3 & 5)

CHANGE ORDER NUMBER: 2

CONTRACT DATE: September 23, 2019

CHANGE ORDER DATE: May 8, 2020

**THE CONTRACT IS CHANGED AS FOLLOWS:**

*(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)*

The deadline for final completion of all work under the contract is hereby extended to June 30, 2020. This Change Order No. 2 is not intended and shall not be construed as modifying (increasing or decreasing) the amount of the contract sum in any way.

The original (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) was	\$ <u>361,240.00</u>
The net change by previously authorized Change Orders	\$ <u>0.00</u>
The (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) prior to this Change Order was	\$ <u>361,240.00</u>
The (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) will be ( <del>increased</del> )( <del>decreased</del> ) (unchanged) by this Change Order in the amount of	\$ <u>0.00</u>
The new (Contract Sum) ( <del>Guaranteed Maximum Price</del> ), including this Change Order, will be	\$ <u>361,240.00</u>

The Contract Time will be (~~increased~~)(~~decreased~~)(unchanged) as necessary to make June 30, 2020, the date of final completion.

The new date of Final Completion will be June 30, 2020.

*NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.*

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

RJN Group, Inc  
MANAGER (Firm name)

Midas Midwest, LLC  
CONTRACTOR (Firm name)

The Village of Bradley  
OWNER (Firm name)

Joseph Sullivan  
SIGNATURE

Doreen M. Culy  
SIGNATURE

Michael Watson  
SIGNATURE

Joseph Sullivan, Sr. Project Manager  
PRINTED NAME AND TITLE

Doreen M. Culy, Vice-President  
PRINTED NAME AND TITLE

Michael Watson, Village President  
PRINTED NAME AND TITLE

5-8-2020  
DATE

5-8-2020  
DATE

05/11/2020  
DATE