

**ORDINANCE NO. CO-2023-05**

**AN ORDINANCE APPROVING CHANGE ORDER NUMBER 2  
TO THE CONSTRUCTION CONTRACT WITH TRIGGI CONSTRUCTION, INC.  
FOR THE 2021 ALLEY, WATERMAIN AND ROADWAY IMPROVEMENTS PROJECT,  
AND AUTHORIZING THE EXPENDITURE OF MADISON STREET / FIFTH AVENUE TIF DISTRICT FUNDS,  
WATER SYSTEM AND GARBAGE ENTERPRISE FUNDS,  
AND GENERAL CORPORATE FUNDS TO PAY FOR SUCH CHANGE ORDER WORK  
(Change Order Dollar Amount: \$196,436.15)**

**WHEREAS**, the President and Board of Trustees of the Village of Maywood (the "Corporate Authorities"), operating as a home rule municipality, have all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, in 2021, the Corporate Authorities approved a Construction Contract with low-bidder Triggs Construction, Inc. (the "Contractor") for the 2021 Alley, Watermain and Roadway Improvements Project ("Project") ("Project Contract"). The original Project Contract amount was \$2,072,926.00 (the "Contract Price"). In 2021, the Corporate Authorities approved Change Order No. 1 in the amount of \$103,000.56 for the Project. Copies of the Project Contract and Change Order No. 1 are incorporated herein by reference and made a part hereof; and

**WHEREAS**, a change order is necessary because the Contractor was required to perform additional construction activities that were not contemplated in the original Project Contract. The cost of the additional construction activities equals \$196,436.15 as set forth in Change Order Number 2 to the Project Contract, and is payable to the Contractor. A copy of Change Order Number 2 is attached hereto as **Exhibit "A"**. Upon approval of Change Order Number 2, the original Contract Price for the Project shall be increased to \$2,363,404.35 (the "Amended Project Contract Price"); and

**WHEREAS**, the Corporate Authorities of the Village agree to authorize and approve the additional Project costs by approving Change Order Number 2 for the Project. The sources of funding and the funding allocation for the Project are as follows: the Madison Street / Fifth Avenue TIF District Funds (73.1%), the Village's Water System and Garbage Enterprise Fund (20.3%), and the General Fund (6.6%); and

**WHEREAS**, based on the recommendation of the Village Engineer, the Corporate Authorities make the following findings and determinations (see bolded text) in accordance with 720 ILCS 5/33E-9 (Criminal Code; Change Order Statute) regarding changes to the Construction Contract:

1. The change order (or series of change orders) recommended in **Exhibit "A"**, which is attached hereto and made a part hereof, increases or decreases the contract sum by \$10,000.00 or more **[YES]**; OR
2. The change order increases or decreases the contract time by thirty (30) days or more **[NO]**; OR

3. The change order (or series of change orders): (a) is (are) made necessary by circumstances not foreseeable at the time the Construction Contract was signed; (b) is (are) germane to the Construction Contract as originally signed; and (c) is (are) in the best interests of the Village [YES for a, b and c].

In addition, the Corporate Authorities make the following finding and determination pursuant to Section 5 of the Public Works Contract Change Order Act (50 ILCS 525/5): the amount of the Change Order (or series of change orders) does not increase the original contract price by 50% or more of the original contract price and thus the Village is not obligated to re-bid the additional work proposed under the Change Order.

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1: Incorporation.** Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

**SECTION 2: Approval of Change Order.** The Corporate Authorities of the Village of Maywood approve Change Order Number 2 to the Project Contract in the amount of \$196,436.15 payable to Contractor Triggs Construction, Inc. in accordance with Change Order Number 2, a copy of which is attached hereto as **Exhibit "A"**. The Corporate Authorities also authorize the expenditure and allocation of Madison Street / Fifth Avenue TIF District Funds (73.1%), the Village's Water System and Garbage Enterprise Funds (20.3%), and the General Funds (6.6%) to pay for the Change Order No. 2 work; and

**SECTION 3: Execution and Delivery of Change Order and Other Related Documents.** The Corporate Authorities of the Village of Maywood authorize and direct the Village President, the Village Clerk, the Village Treasurer, the Village Manager and the Village Engineer, or their designees, to execute, process and deliver the necessary checks, wire transactions, change order documents and such other instruments necessary to comply with the authorization and direction set forth in this Ordinance.

**SECTION 4: Severability.** Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 5: Effective Date.** This Ordinance shall be in full force and effect from and after its adoption, approval and publication in the manner provided by law.

**ADOPTED** this 7th day of February, 2023 pursuant to a roll call vote as follows:

**AYES:** Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones,  
A. Peppers and I. Brandon

**NAYS:** None

**ABSENT:** Trustee M. Lightford

**APPROVED** by me as Village President, and attested by the Village Clerk, on the 7th day of February, 2023.

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Nathaniel George Booker, Village President

**ATTEST:**

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Gwaine Dianne Williams, Village Clerk

This Ordinance was published by me in pamphlet form on the 8<sup>th</sup> day of February, 2023.

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Gwaine Dianne Williams, Village Clerk

**Exhibit "A"**

**Change Order Number 2**

(attached)

**CHANGE ORDER**

**Change Order No. 2**  
**Date : January 27, 2023**

**Name of Project:** Village of Maywood  
2021 Alley, Roadway, and Water Main Improvements

**Owner:** The President and Board of Trustees  
Village of Maywood, Illinois

**Contractor:** Triggi Construction, Inc.  
1975 Powis Road  
West Chicago, IL 60185

The following change in work is authorized by the President and Board of Trustees of the Village of Maywood to the above contract as follows:

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	ADDITION	DEDUCTION
1	See Attachment "A" for associated contract items and unit prices.	(Attached)	(Attached)	\$196,436.15	
	TOTALS			\$196,436.15	
	NET CHANGE			\$196,436.15	

Location and reasons for the change: Emergency water repairs and water system shut downs, additional spoils removals and cleanup, additional full depth pavement removal and patching, additional exploratory work, and additional requirements due to Cook County Permitting regulations. See attached memo dated January 27, 2023 for more information.

The above changes are additional work added to the contract and fulfill the original intent of the contract.

Original CONTRACT PRICE \$2,072,926.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$ 2,166,968.20

The CONTRACT PRICE due to this CHANGE ORDER will be (increased)(decreased) by: \$196,436.15

The CHANGE ORDER will result in a net:

(increase)(decrease) to Original CONTRACT PRICE of 14.01% to date.

(increase)(decrease) to Current CONTRACT PRICE of 9.07%.

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 2,363,404.35

The CONTRACT TIME will be (increased)(decreased) by 0 calendar days.

The date for completion of all work will be December 22, 2022.

The undersigned has determined that the change is germane to the original contract as signed, that

circumstances which necessitate this change were not reasonably foreseeable at the time the contract was signed, and work of this type was included in the original contract, and the additional efforts of this work are within the intent of the contract and Village policy, and that this change is in the best interest of the Village of Maywood and is authorized by law.

OWNER: Village of Maywood  
40 Madison Street  
Maywood, Illinois 60153

(SEAL)

By \_\_\_\_\_

Nathaniel George Booker, Mayor

Attested by: \_\_\_\_\_

Gwiane Diane Williams, Clerk



A4	Force Removal and Replacement on S. Maywood Drive	L.S.	0	1	1	-	1	7,825.00	\$	7,825.00	\$	-
A5	Required Unmarked Water Service on 3rd Avenue	D	1	1	-	2	1,772.84	\$	1,772.84	\$	-	
A6	Downtime for Water Main Shutdown on S. Maywood Drive	L.S.	0	1	1	-	1	4,740.32	\$	4,740.32	\$	-
A7	Downtime While Village Attempted to Shut Off Water at 8th and Bataan	L.S.	0	1	1	-	1	4,839.35	\$	4,839.35	\$	-
A8	30" of 24" Ductile Iron Casing Pipe with Spacers and End Seals on Bataan Drive	L.S.	0	1	1	-	1	6,650.00	\$	6,650.00	\$	-
A9	Additional Work for Water Main Connection at 13th Avenue and Bataan Drive	L.S.	1	1	-	1	4,384.12	\$	4,384.12	\$	-	
A10	Additional Cost for Using #6 Wire to Match Existing Wire along Bataan Drive	Foot	608	608	-	608	1.75	\$	1,064.00	\$	-	
A11	Replace Damaged/Marked Unit Duct at 12th Avenue and Bataan Drive	L.S.	0	1	1	-	1	3,819.06	\$	3,819.06	\$	-
A12	Additional Lighting Maintenance Transfer at 17th Avenue and Bataan Drive	L.S.	0	1	1	-	1	804.52	\$	804.52	\$	-
A13	Additional Pavement Accessories on 3rd Avenue and S. Maywood Drive	D	1	1	-	3	12,500.00	\$	12,500.00	\$	-	
A14	Furnished Installation on Parkway along 3rd Avenue	CY	0	98	98	-	98	50.05	\$	4,905.00	\$	-
A15	Clear-Up of Village lot along 3rd Avenue	E.K.	0	1	1	-	1	16,335.12	\$	16,335.12	\$	-
A16	Temporary Hot-Air Asphalt Surface Course on Bataan Drive	Ton	63	63	-	65	250.00	\$	16,250.00	\$	-	
A17	Repair Curbside at 13th Avenue and Bataan Drive	L.S.	0	1	1	-	1	4,421.82	\$	4,421.82	\$	-

Total

\$ 392,252.65 \$ 185,819.50

Net Increase 186,436.15



STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

**CLERK'S CERTIFICATE**

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**ORDINANCE NO. CO-2023-05**

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TO THE CONSTRUCTION CONTRACT WITH TRIGGI CONSTRUCTION, INC.  
FOR THE 2021 ALLEY, WATERMAIN AND ROADWAY IMPROVEMENTS PROJECT,  
AND AUTHORIZING THE EXPENDITURE OF MADISON STREET / FIFTH AVENUE TIF DISTRICT FUNDS,  
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(Change Order Dollar Amount: \$196,436.15)**

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 7th day of February, 2023, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 7th day of February, 2023.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones,  
A. Peppers and I. Brandon

NAYS: None

ABSENT: Trustee M. Lightford

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 8<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Gwaine Dianne Williams, Village Clerk

[SEAL]