

RESOLUTION NO. R2023-11**A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE LOCAL PUBLIC AGENCY AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION REGARDING FUNDING FOR THE DIEHL ROAD TURN LANE IMPROVEMENT PROJECT**

WHEREAS, the City is a home rule municipal corporation pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, on January 21, 2019, the City Council adopted Resolution No. 2019-01, approving a Local Public Agency Agreement ("**Agreement**") with the Illinois Department of Transportation ("**IDOT**") related to the award of Surface Transportation Program ("**STP**") funds for construction costs related to the Diehl Road turn lane improvement project at the Winfield Road intersection ("**Project**"); and

WHEREAS, pursuant to the Agreement, the City is responsible for 30 percent of the cost of construction and 100 percent of the cost of construction engineering for the Project (collectively, "**City Match**"), which was estimated to be approximately \$127,164.00; and

WHEREAS, on April 26, 2019, bids were opened for the Project and the total cost of the Project was higher than anticipated; and

WHEREAS, on May 13, 2019, the City concurred with the award of the project by IDOT to the lowest responsible bidder by letter; and

WHEREAS, in order to accurately reflect the increased cost, the Agreement must be amended to reflect the following divisions of cost ("**Amendment No. 1**"): the STP grant funding will provide up to 70 percent of the cost of construction for the Project ("**Federal Share**"), approximately \$268,723.00, and the City will be responsible for the City Match, now estimated to be approximately \$150,535.00; and

WHEREAS, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve Amendment No. 1 with IDOT and authorize the City Match in the amount needed for IDOT Section Number 16-00035-00-CH;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

SECTION 2: Approval of Amendment No. 1. Amendment No. 1 with IDOT is hereby approved in the form attached to this Resolution as **Exhibit A**, as reviewed by IDOT, and in a final form approved by the City Administrator.

SECTION 3: Execution of Amendment No. 1. The City Council hereby authorizes and directs the Mayor to execute, on behalf of the City, the final Amendment No. 1.

SECTION 4: Transmission of Resolution. The City Clerk, or her designee, is hereby directed to transmit five certified copies of this resolution to IDOT through the Division of Transportation.

SECTION 5: Effective Date. This Resolution shall be in full force and effect following its passage and approval in the manner provided by law.

PASSED THIS ____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS ____ day of _____, 2023.

MAYOR

ATTEST:

CITY CLERK

#62621775_v1

EXHIBIT A
AMENDMENT NO. 1



LOCAL PUBLIC AGENCY

Local Public Agency	County	Section Number
City of Warrenville	DuPage	16-00035-00-CH

Fund Type	ITEP, SRTS, HSIP Number(s)	MPO Name	MPO TIP Number
STU		CMAP	08-15-0011

Construction on State Letting Construction Local Letting Day Labor Local Administered Engineering Right-of-Way

Construction

Engineering

Right of Way

Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
C-91-195-17	5E9H(411)				

Reason for modification of original Agreement
 Increase in funding due to increase in construction cost at Letting.

This amended Agreement, hereinafter referred to as "**Amendment**" is made and entered to in between the above local public agency, hereinafter referred to as the "**LPA**" and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "**STATE**". The **LPA** and **STATE** agree to revise the original Agreement by execution of this **Amendment**.

LOCATION

Local Street/Road Name	Key Route	Length	Stationing	
			From	To
Diehl Road	FAU 1485	0.26	03.70	03.96

Location Termini
 East of Davis Parkway to Winfield Road

Current Jurisdiction	Existing Structure Number(s)	Add Location
DuPage County	N/A	Remove

LOCAL PUBLIC AGENCY APPROPRIATION

For Amendments Increasing the LPA share: By execution of this **Amendment**, the LPA attests that additional moneys have been appropriated or reserved by resolution or ordinance to fund the additional share of **LPA** project costs. A copy of the resolution or ordinance is attached as an addendum (**required for increases to state-let contracts only**).

ADDENDA

Additional information and/or stipulations are hereby attached and identified below as being a part of this **Amendment**.

<input checked="" type="checkbox"/>	1.	Location Map
<input checked="" type="checkbox"/>	2.	Division of Cost
<input checked="" type="checkbox"/>	3.	LPA Appropriation Resolution

BE IT MUTUALLY AGREED that all remaining provisions of the original agreement not altered by the **Amendment** shall remain in full force and effect and the **Amendment** shall be binding upon the inure to the benefit of the parties hereto, their successor and assigns.

The **LPA** further agrees as a condition of payment, that it accepts and will comply with the application provisions set forth in this **Amendment** and all addenda indicated above.

APPROVED

Local Public Agency

Name of Official (Print or Type Name)

David Brummel

Title of Official

Mayor

Signature

Date

The above signature certifies the agency's TIN number is

362654207 conducting business as a Governmental Entity.

DUNS Number 026419122

UEI _____

APPROVED

State of Illinois
Department of Transportation

Omer Osman, P.E., Secretary of Transportation

Date

By:

George A. Tapas, P.E., S.E., Engineer of Local Roads & Streets

Date

Stephen M. Travia, P.E., Director of Highways PI/Chief Engineer

Date

Yangsung Kim, Chief Counsel

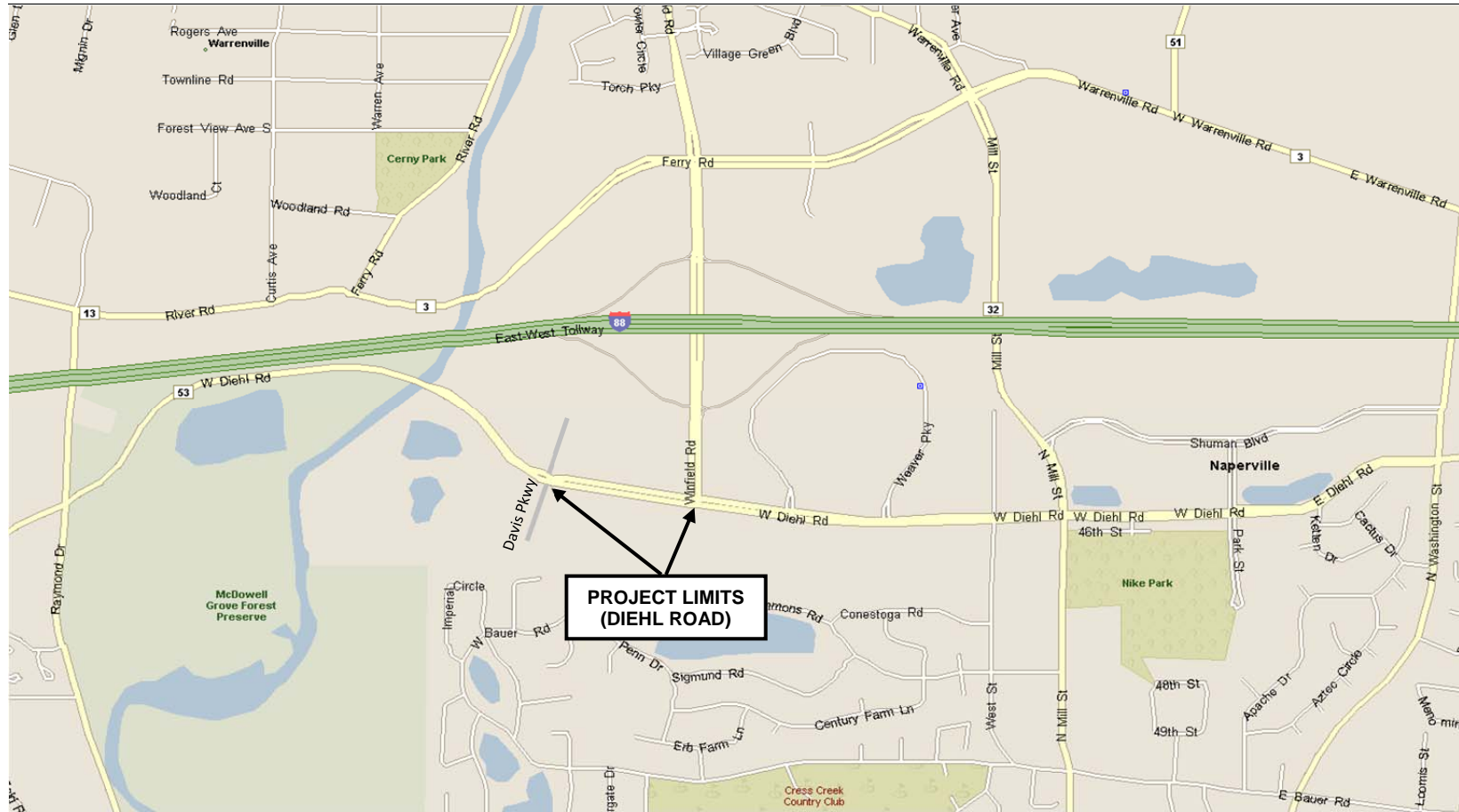
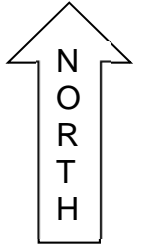
Date

Vicki Wilson, Chief Fiscal Officer

Date

NOTE: if the LPA signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.

**DIEHL ROAD TURN LANE IMPROVEMENTS
750 FEET w/o WINFIELD ROAD TO WINFIELD ROAD
SECTION NO. 16-00035-00-CH
WARRENVILLE, ILLINOIS**



ADDENDUM 1 - PROJECT LOCATION MAP



JAMES J. BENES & ASSOCIATES, INC.
950 Warrenville Road, Suite 101, Lisle, Illinois 60532
Tel. (630) 719-7570 • Fax (630) 719-7589

ADDENDA NUMBER 2

Local Public Agency City of Warrenville	County DuPage	Section Number 16-00035-00-CH
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Construction	Engineering	Right of Way
Job Number C-91-195-17	Project Number 5E9H(411)	Job Number
	Project Number 	Project Number

ORIGINAL DIVISION OF COST (ODC)

Type of Work	Federal Funds			State Funds			Local Public Agency Funds			Totals
	Fund Type	Amount	%	Fund Type	Amount	%	Fund Type	Amount	%	
Participating Construction	STU	\$214,193.00	*				Local	\$91,797.00	BAL	\$305,990.00
Construction Engineering							Local	\$35,367.00	100%	\$35,367.00
ODC Federal Funds		\$214,193.00		ODC State Funds			ODC LPA Funds		Total	\$341,357.00

AMENDMENT # 1

Type of Work	Federal Funds			State Funds			Local Public Agency Funds			Work Totals
	Fund Type	Amount	%	Fund Type	Amount	%	Fund Type	Amount	%	
Participating Construction	STU	\$54,530.00	*				Local	\$23,371.00	BAL	\$77,901.00
Federal Funds Amendment # 1		\$54,530.00		State Funds Amendment # 1			LPA Funds Amendment # 1		Total	\$77,901.00
Add Amendment	Remove Amendment									

Total Federal Funds	\$268,723.00	Total State Funds		Total LPA Funds	\$150,535.00	TOTAL	\$419,258.00
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CUMULATIVE DIVISION OF COST (CDC)

Type of Work	Federal Funds			State Funds			Local Public Agency Funds			Totals
	Fund Type	Amount	%	Fund Type	Amount	%	Fund Type	Amount	%	
Participating Construction	STU	\$268,723.00	*				Local	\$115,168.00	BAL	\$383,891.00
Construction Engineering							Local	\$35,367.00	100%	\$35,367.00
CDC Federal Funds		\$268,723.00		CDC State Funds			CDC LPA Funds		Total	\$419,258.00

If funding is not a percentage of the total place an asterisk (*) in the space provided for the percentage and explain below:

*Maximum FHWA (STU) Participation 70% NTE \$268,723.00

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final LPA share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.