

NOV 05 2007

ORDINANCE NO. 2599

**AN ORDINANCE TO AUTHORIZE A PUBLIC WORKS CONTRACT TO PAY THE INCREASED COST DIFFERENTIAL FOR THE ILLINOIS EXCAVATORS, INC. CONSTRUCTION CONTRACT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR THE PERFORMANCE OF PHASE 4 OF THE CITY'S RUECK ROAD RECONSTRUCTION PROJECT.**

  
City Clerk

WHEREAS, for performance of Phase 4 of the Rueck Road construction project in the City of Columbia, Illinois (the "City") the Illinois Department of Transportation (IDOT) employed Illinois Excavators, Inc. at a contract price of \$321,577.15 of which amount the City was required to pay \$122,821.04 and IDOT was required to pay \$198,750.11; and, due to significant delay in the contractor being able to commence its work as a result of difficulties the City encountered in obtaining Illinois Power Company relocation of overhead power transmission line poles and its subsequent delay to the start of the Phase 2 and 3 of the Rueck Road construction project, the contractor cannot and is no longer required to perform the work involved in its original contract for the original and agreed upon price;

WHEREAS, the IDOT is unable and/or unwilling to pay any additional sums whatsoever for the performance of the work involved and the contractor and the City have negotiated and agreed that the contractor shall complete the work involved in Phase 4 of the City's Rueck Road reconstruction and realignment project in accordance with its original contract and the City will make and enter into a Public Works Contract with the contractor the cost increase differential occasioned by the construction delay which was beyond the control of and not caused by the contractor or the City, in the total sum of \$57,124.17 under and pursuant to a separate Public Works Contract between the City and the contractor and in additional to the sum the City originally obligated to pay under the IDOT contract with the contractor (\$122,821.04); and,

WHEREAS, the City determined that it is in the welfare and best interest of the City to complete the construction of Phase 4 of the City's Rueck Road project with IDOT funding paying \$198,750.11 of the cost involved and therefore that the Public Works Contract with Illinois Excavating, Inc. and the City for the City to pay the cost differential aforesaid should be authorized and approved as is made and provided for by this ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** The Mayor is hereby authorized and directed to make and enter into a Public Works Contract to employ the Illinois Excavators, Inc. to perform the work involved in Phase 4 of the City's Rueck Road reconstruction and realignment project, in the form attached

hereto, which is hereby approved as to form and reference made part thereof; and, in at least three (3) counterparts; and, the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

**Section 3.** This Ordinance shall be in full force and effect, from and after its passage, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Row, and the roll call vote was as follows:

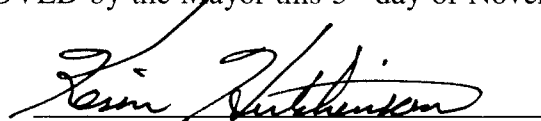
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 5<sup>th</sup> day of November, 2007.

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
\_\_\_\_\_  
WESLEY J. HOFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF MONROE        )

**CERTIFICATE OF TRUE COPY**

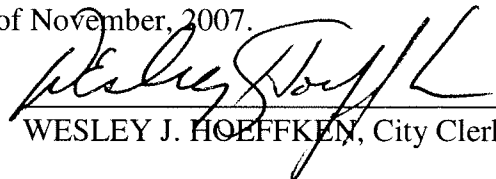
I, Wesley J. Hoeffken, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2599, entitled:

**“AN ORDINANCE TO AUTHORIZE A PUBLIC WORKS CONTRACT TO PAY THE INCREASED COST DIFFERENTIAL FOR THE ILLINOIS EXCAVATORS, INC. CONSTRUCTION CONTRACT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR THE PERFORMANCE OF PHASE 4 OF THE CITY’S RUECK ROAD RECONSTRUCTION PROJECT.”**

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois City Council held on the 5<sup>th</sup> day of November, 2007.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 5<sup>th</sup> day of November, 2007.

  
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WESLEY J. HOEFFKEN, City Clerk

(SEAL)