

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
DECEMBER 9, 2008 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Contract Amendment: WIIP Projects: St. Joseph, North Branch Subwatersheds C (SW-033 - Sterling North) & E (SW-042 - Washington Park)	✓ Resolution Ordinance Motion Discussion Only	Robin A. Weaver Interim Director of Public Works

SYNOPSIS

A resolution has been prepared to authorize an amendment to the contract with Christopher B. Burke Engineering, Ltd. (CBBEL) in the aggregate amount of \$86,780 for additional design and contaminated soil remediation services relative to Watershed Infrastructure Improvement Program (WIIP) projects: St. Joseph, North Branch Subwatersheds C (SW-033 - Sterling North) & E (SW-042 - Washington Park).

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identified *Top Quality Village Infrastructure and Facilities*. A top priority policy action for this goal is *Watershed Infrastructure Improvement Plan: Funding and Implementation*.

FISCAL IMPACT

The FY08 budget includes \$300,000 for professional services for these projects in the Stormwater Improvements Fund. The existing contract value is \$299,948.26. If approved, this amendment would increase the total contract to \$386,728.26. The total amount of all design services in the Stormwater Improvement Fund for the original ten WIIP contracts approved in January was \$841,971 against a budget of \$884,000 leaving \$42,029 unallocated. Applying this balance against the requested amendment leaves \$44,751 to be drawn from other savings realized in construction contracts such as the Dunham Place project (SW-032) which was more than \$475,000 under budget.

RECOMMENDATION

Approval on the December 16, 2008 consent agenda.

BACKGROUND

On January 22, 2008, the Village entered into a contract with CBBEL for the design of the stormwater improvements to Washington Park and Sterling North Park. At the time the Village entered into this contract, the Village anticipated that it would be designing only stormwater improvements for these projects. On September 2, 2008, the Village entered into Intergovernmental Agreements (IGA's) with the Downers Grove Park District regarding improvements to Washington Park and Sterling North Park. The IGA's state that the Village is responsible for the design and construction of certain recreational improvements with an estimated cost of \$2,050,000 (\$1,300,000 for Washington Park and \$750,000 for Sterling North Park) in addition to the planned stormwater improvements. To meet the obligations of the IGA's, the original contract with CBBEL would have to be amended to require CBBEL to design the recreational improvements. The increased cost for the design of the recreational improvements is \$72,780 which represents approximately 3.6% of the estimated construction value of the recreational improvements, well below the industry standard of 8-10% if these items were to be designed as a stand-alone project.

Another component of the proposed amendment is a maximum of \$14,000 for additional soil remediation effort in Sterling North. During the design phase, staff became aware of additional soil contamination. Per the IGA's, the Village is responsible for the cost of environmental remediation. The proposed amendment would require CBBEL to address the environmental remediation.

Approval of this amendment would allow for the timely completion of the design phase of these projects. Staff expects that the Washington Park design will be completed by the end of the year and that the Sterling North plans would be ready for DuPage County review in January 2009.

ATTACHMENTS

Resolution

Amendment

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT
TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE
AND CHRISTOPHER B. BURKE ENGINEERING, LTD.**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois,
as follows:

1. That the form and substance of certain First Amendment (the “Amendment”), to an Agreement between the Village of Downers Grove (the “Village”) and Christopher B. Burke Engineering Ltd. (the “Consultant”), for additional design and contaminated soil remediation services relative to Watershed Infrastructure Improvement Program (WIIP) projects: St. Joseph, North Branch Subwatersheds C (SW-033 - Sterling North) & E (SW-042 - Washington Park)., as set forth in the form of the Agreements submitted to this meeting with the recommendation of the Village Manager, are hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Amendment, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Amendment.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL ENGINEERING
SERVICES

The Agreement dated January 22, 2008 by and between Christopher B. Burke engineering, Ltd ("Consultant") and the Village of Downers Grove ("Village") is hereby amended as follows:

1. The Scope of Services shall be amended as reflected on the Summary of Out of Scope Terms dated November 12, 2008 and revised November 20, 2008 attached hereto and herein incorporated as Exhibit A to First Amendment to Agreement for Professional Engineering Services.
2. The not to exceed amount set forth in Section III A shall be increased from \$299,948.26 to \$386,728.26.
3. References to "Sterling North Park" in the attached Exhibit A shall mean the same as "St. Joseph Creek North, Subwatershed C".
4. References to "Washington Park" in the attached Exhibit A shall mean the same as "St. Joseph Creek North Subwatershed E".

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date indicated above.

CHRISTOPHER B. BURKE
ENGINEERING, LTD

VILLAGE OF DOWNERS GROVE

BY: _____

By: _____

TITLE: Christopher B. Burke - President VILLAGE MANAGER

DATE: _____

DATE: _____