



## Legislation Details (With Text)

**File #:** 23-0945      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Passed  
**File created:** 11/15/2023      **In control:** City Council  
**On agenda:** 12/5/2023      **Final action:** 12/5/2023  
**Title:** A Resolution authorizing the execution of a Joint Funding Agreement with the State of Illinois, the execution of a Phase 3 Construction Engineering Services Agreement with Chastain & Associates LLC in the not to exceed amount of \$100,179.00, and the appropriation of \$660,000.00 of MFT Funds for the Illinois Avenue Resurfacing Project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 'A' - Draft Funding Agreement BLR 05310C, 2. Exhibit 'B' - Draft Engineering Agreement BLR 05530, 3. Exhibit 'C' - Draft Resolution BLR 09110, 4. Exhibit 'D' - QBS Results

Date	Ver.	Action By	Action	Result
12/5/2023	1	Committee of the Whole	(PLACED ON CONSENT AGENDA)	
12/5/2023	1	City Council	approved on the Consent Agenda	
11/30/2023	1	Finance Committee	recommended for approval	Pass

**TO:** Mayor Richard C. Irvin and City Council

**FROM:** Tim Weidner, P.E., Engineering Coordinator

**DATE:** November 30, 2023

**SUBJECT:**

A Resolution authorizing the execution of a Joint Funding Agreement with the State of Illinois, the execution of a Phase 3 Construction Engineering Services Agreement with Chastain & Associates LLC in the not to exceed amount of \$100,179.00, and the appropriation of \$660,000.00 of MFT Funds for the Illinois Avenue Resurfacing Project.

**PURPOSE:**

To execute the Joint Funding Agreement for State-Let Construction Work there by reserving sufficient funds to cover the local agency share of the project cost by resolution, to approve the Phase 3 Construction Engineering Services Agreement with Chastain & Associates LLC and to appropriate Motor Fuel Tax (MFT) Funds by Illinois Department of Transportation (IDOT) Resolution.

**BACKGROUND:**

The City applied for federal funding in the March 2022 Kane-Kendall Council of Mayors (KKCOM) Call for Projects and secured funding for 9 different projects, with 5 additional projects placed in the contingency program. This project was selected to be in KKCOM's 5-year program.

The project will resurface Illinois Avenue from Highland Ave to the Fox River Bridge with an omission

at Lake St (IL 31) where the State recently resurfaced. The funding ratio for this project is 75/25 (75% federal / 25% local) for Construction and Construction Engineering, up to a maximum amount of \$500,000 of federal funding. KKCOM has indicated that additional federal funds should be available for this project after the letting. Resurfacing projects like this help reduce the burden of funding the City's yearly resurfacing program with local and MFT funding sources.

The City has been performing Phase 1 and Phase 2 Engineering fully in-house. Phase 1 design approval has been received. The Phase 2 plans are 99% complete and the Initial Final Plans, Specifications, and Estimates (PS&E) were submitted to IDOT on November 27, 2023. The project is targeting a March 2024 IDOT letting.

### **DISCUSSION:**

Due to the complex nature of the project construction and documentation requirements by the Illinois Department of Transportation (IDOT) for federally funded projects, the City is required to hire a consultant for the Phase 3 Construction Engineering Services.

The City published a Qualification Based Selection (QBS) for Phase 3 Engineering Services on October 25, 2023. Eleven (11) firms submitted their qualifications. Staff reviewed the qualifications submitted and determined that Chastain & Associates LLC (Chastain) was the most qualified with the top 3 firm's scores attached as Exhibit 'D'. Exhibit 'D' also has a breakdown of the selection criteria and weighting and the score breakdowns in each category. Chastain's team has successfully completed Phase 3 Construction Engineering Services for many federally funded projects. The attached Phase 3 Engineering Agreement (BLR 05530) from Chastain in the amount of \$100,179.00 noted as Exhibit 'B' will provide full time construction and material inspection for this project.

This followed the Request for Qualifications process and is not subject to the local preference policy. The funding source, federal and MFT Funds, are not subject to the local preference policy.

IDOT requires the City to execute the Joint Funding Agreement for State-Let Construction Work by setting aside the local matching funds for the project. IDOT will front fund the Construction cost and invoice the City of Aurora for its share of the construction cost. The Joint Funding Agreement (BLR 05310C) is attached for execution as Exhibit 'A'. The estimated total cost of the Construction (C) on the form is \$1,000,000. This amount is slightly higher than the Engineer's Final Construction cost to allow for some additional contingency with final IDOT plan review and unknowns before the bidding process in March 2024. The City's portion of construction costs would be approximately \$550,000. The City will have to front fund the Construction Engineering (CE) cost and up to 75% of this cost will be reimbursed by IDOT, at a later date. The estimated total cost of CE is \$100,179.00. The City's portion of the CE cost would be approximately \$50,179.00. The approximate total cost of C&CE (City's Share) would be \$600,179. KKCOM has indicated there may be additional Redistribution Funds available for this project, and they will be pursued as available.

Currently, both Exhibit 'A' and Exhibit 'B' are drafts that are under review by IDOT. IDOT has issued guidance that these forms must be locally executed and submitted by January 31, 2024 in order to stay on schedule for the March 2024 state letting. If the forms are amended by IDOT, the Mayor and City Clerk will execute the most current forms. IDOT review of these forms may change the specific values indicated in the memo and resolution.

IDOT requires a Resolution to Appropriate the MFT Funds prior to their expenditure for approved projects. The Resolution for Improvement - BLR 09110 (Exhibit 'C') appropriating MFT Funds in the

amount of \$660,000.00 is attached. The resolution amount is higher than the anticipated City's share in order to cover front funding the Construction Engineering cost.

Due to the nature of the federal funding on this project, IDOT requires that the City agree to pass a supplemental MFT resolution if necessary, to appropriate additional funds for completion of the project. City staff will review the low bids and concur with IDOT on the award of the project to the low bidder if the bids are within a reasonable approximate of the Engineer's Final Cost Estimate and bidding the project is in the City's best interest.

It is possible that the Mayor and Clerk need to execute additional forms on the project including a Local Public Agency Amendment (BLR 05311) or revised/supplemental BLR 05530. Generally, execution of the BLR 05311 would be to receive additional federal funds or to move federal funds between Construction and Construction Engineering. As mentioned in the resolution we are requesting that the Mayor and Clerk have the ability to execute these documents if they are required to carry the purposes of this resolution into execution, without any additional City Council action. If additional MFT funds are needed for the project, then the Supplemental Resolution (BLR 09110) will be presented before the City Council.

The 2024 City Budget is anticipated to provide for sufficient funds in Account 203-4060-431.79-99 (GB147, Illinois Ave - Highland to Fox River).

**IMPACT STATEMENT:**

Roadway traffic will be reduced to one lane with a flagger at various times during construction.

**RECOMMENDATIONS:**

Please forward this to Finance Committee for approval.

cc: Finance Committee



CITY OF AURORA, ILLINOIS

RESOLUTION NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

A Resolution authorizing the execution of a Joint Funding Agreement with the State of Illinois, the execution of a Phase 3 Construction Engineering Services Agreement with Chastain & Associates LLC in the not to exceed amount of \$100,179.00, and the appropriation of \$660,000.00 of MFT Funds for the Illinois Avenue Resurfacing Project.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals,

and welfare; and

WHEREAS, the City seeks to resurface Illinois Avenue from Highland Ave to the Fox River Bridge. The project has a State Job Number: C-91-193-23, Federal Project Number: QMI8(876) and MFT Section Number: 23-00362-00-RS; and

WHEREAS, the Illinois Avenue Resurfacing Project has been awarded Surface Transportation Program - Local (STU) federal funding in the amount not to exceed \$500,000.00 for Construction and Construction Engineering, which will necessitate the use of funding provided through the Illinois Department of Transportation (IDOT); and

WHEREAS, the use of federal and State funds requires the City to execute the Joint Funding Agreement for State-Let Construction Work with IDOT by way of appropriating the funds in the amount of \$550,000.00 (local match for Construction) of which the agreement is attached; and

WHEREAS, the use of federal funds requires the City to execute the Phase 3 Construction Engineering Agreement with Chastain & Associates LLC, by way of appropriating funds in the not to exceed amount of \$100,179.00 (front funding Construction Engineering) of which the agreement is attached; and

WHEREAS, there is a need to appropriate MFT Funds (MFT Section # 23-00362-00-RS) funds for this project in the amount of \$660,000.00, a copy of which resolution is attached for approval; and

WHEREAS, depending on the low bid prices and final construction costs there may be a need to appropriate additional MFT funds for this project; and

WHEREAS, City staff has the authority to coordinate with IDOT in the award and execution of the contract; and

WHEREAS, the 2024 City Budget is anticipated to provide for sufficient funds in Account 203-4060-431.79-99 (GB147, Illinois Ave - Highland to Fox River) for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: that the Joint Funding Agreement for State-Let Construction Work with the State of Illinois in substantially the same form as attached to this Resolution as Exhibit 'A' shall be and hereby is approved; and further

BE IT RESOLVED, that Phase 3 Construction Engineering Agreement with Chastain & Associates LLC in substantially the same form as attached to this Resolution as Exhibit 'B' in the amount of one hundred thousand one hundred seventy-nine dollars (\$100,179.00), or a higher amount if determined by IDOT during their review, shall be and hereby is approved; and further

BE IT RESOLVED, that six hundred sixty thousand dollars (\$660,000.00), or as much as may be needed to match the required funding to completed the proposed improvement, of available MFT Funds, Motor Fuel Tax Section Number 23-00362-00-RS shall be and hereby is appropriated for the purposes set forth in this resolution; and further

BE IT RESOLVED, that the City agrees to pass a supplemental MFT resolution if necessary, to appropriate additional funds for completion of the project; and further

BE IT RESOLVED, that the Mayor and the Clerk respectively, shall be and hereby are directed to execute all the aforementioned documents on behalf of the City and any other documents required to carry the purposes of this resolution into execution, including, but not limited to additional Joint Funding Agreements/Amendments, revised Engineering Agreements, and the document entitled "Resolution for Improvement Under the Illinois Highway Code, Form (BLR 09110)" attached to this Resolution as Exhibit 'C.