



Legislation Text

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**TO:** Mayor Richard C. Irvin

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

**DATE:** August 8, 2019

**SUBJECT:**

A Resolution Requesting Authorization for the Mayor to Execute the Local Public Agency Amendment #3 for Federal Participation with the State of Illinois for the East New York Street - Segment II (West of Welsh Drive to Asbury Drive) Project, Section 07-00210-01-PV.

**PURPOSE:**

To authorize the Mayor to execute the Local Public Agency Amendment in order to obtain additional Federal funding for the project.

**BACKGROUND:**

This Federally funded project was let on August 2, 2013, with construction substantially completed in the late fall of 2015. The original Local Agency agreement was presented to Finance Committee and ultimately approved by City Council on July 9, 2013 (R13-193). This included passage of a Motor Fuel Tax (MFT) resolution in the amount of \$4,000,000 to cover a large portion of the City's share of the project. At the time, the City's local share for Construction and Construction Engineering was estimated to be \$4,723,912.00

The current funding agreement (Local Agency Amendment #2 for Federal Participation) was executed by the Illinois Department of Transportation (IDOT) on January 12, 2016 and estimated the City's share of Construction and Construction Engineering to be \$2,967,968.00.

Project closeout has been delayed due to a Contract Claim by K-Five Construction Corporation. The IDOT approved claim amount of \$321,990.73 is mostly costs associated with projects delays (labor increases, additional supervision, material price increases, extended traffic control and additional overhead costs). The three causes of delay contributing to time extensions were a ComEd utility delay, a cement shortage, and quantity overages. The costs associated with this portion of the claim are \$302,146.12. The rest of the claim (\$19,844.61) was related to work with modifications to a retaining wall. City staff and IDOT District 1 only agreed that a claim of \$230,283.28 was justified, but IDOT Central Office approved the claim in the amount of \$321,990.73. Unfortunately since IDOT is the contracting agency on Federally funded projects, they have the final decision on matters such as this.

**DISCUSSION:**

Due to the unexpected claim on this project, staff explored options to receive additional funding. Also the project was never fully funded at an 80% Federal share, so there was an opportunity to obtain

additional funds for non-claim costs as well. Fortunately the Surface Transportation Program (STP) funding source has been in a freeze by the Chicago Metropolitan Agency for Planning (CMAP) and CMAP is able to obligate funds this Federal fiscal year before they were de-obligated. Accordingly the City was able to obtain an additional \$586,131.00 in Federal funding with the assistance from the Kane-Kendall Council of Mayors (KKCOM).

The attached BLR 05311 (Local Public Agency Amendment #3 for Federal Participation) is labeled as 'Exhibit A' and defines the Division of Cost for Construction and Engineering. When compared to the last signed agreement (Local Agency Amendment #2 for Federal Participation), the City's local share decreases by \$540,715.00.

Included as one of the addenda to the agreement is a form to extend the obligation end date for the project since it expires on September 9, 2019.

The project was budgeted in account no. 203-4460-431.79-51 and has funds accrued which are awaiting the final construction invoice from IDOT.

**IMPACT STATEMENT:**

No impact.

**RECOMMENDATIONS:**

Please forward this resolution to the Finance Committee for their review and recommendation for approval.

cc: Finance Committee



CITY OF AURORA, ILLINOIS

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

A Resolution Requesting Authorization for the Mayor to Execute the Local Public Agency Amendment #3 for Federal Participation with the State of Illinois for the East New York Street - Segment II (West of Welsh Drive to Asbury Drive) Project, Section 07-00210-01-PV.

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, there is a need for a Local Public Agency Amendment #3 for Federal Participation to be

signed to obtain additional Federal funds for the project, a copy of which is attached hereto and incorporated herein as Exhibit 'A'.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: that the Mayor is hereby authorized to execute the Local Public Agency Amendment #3 for Federal Participation and addenda as set forth in Exhibit 'A' which may be amended by IDOT.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized any other such documents related to advancement and completion of the said project.