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# **THE VILLAGE OF BLOOMINGDALE**

DUPAGE COUNTY, ILLINOIS

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## **RESOLUTION**

NUMBER 2023-R-37

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**A RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTION OF A CHANGE ORDER INCREASING THE  
ORIGINALLY APPROVED CONTRACT IN AN AMOUNT  
EXCEEDING TWENTY THOUSAND (\$20,000) FOR A CONTRACT  
ORIGINALLY APPROVED IN AN AMOUNT EXCEEDING ONE  
HUNDRED THOUSAND DOLLARS (\$100,000)**

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Franco A. Coladipietro, Mayor  
Pamela S. Hager, Village Clerk

Vincent Ackerman  
William Belmonte  
Bill Bolen  
Frank Bucaro  
Patrick Shannon  
Judi Von Huben

Village Board

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 12<sup>th</sup> day of June, 2023

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**RESOLUTION NO. 2023-R-37**

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A CHANGE ORDER INCREASING THE ORIGINALLY APPROVED CONTRACT IN AN AMOUNT EXCEEDING TWENTY THOUSAND (\$20,000) FOR A CONTRACT ORIGINALLY APPROVED IN AN AMOUNT EXCEEDING ONE HUNDRED THOUSAND DOLLARS (\$100,000)**

**WHEREAS**, the Village of Bloomingdale, DuPage County, Illinois (hereinafter referred to as the “Village”) is a home rule unit of local government, and as such may exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the 1970 Illinois Constitution; and

**WHEREAS**, a home rule unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

**WHEREAS**, the Village Engineer has presented documentation recommending approval of Change Order No. 1 (FINAL) to the contract between Neri Brothers Construction Co. and the Village for the 2022 Utility Improvement Project, which increases the original contract amount by \$64,365.90 to a revised amount of \$312,724.20 based on actual field measured quantities to complete the work. A copy of said Change Order is attached hereto as Exhibit “A”; and

**WHEREAS**, pursuant Illinois Compiled Statutes 720ILCS 5/33E-9 (Change Orders for Public Works Contracts), and Section 3-2-10: Change Orders For Public Works Contracts of the Village of Bloomingdale Code, the Village of Bloomingdale (the “Village”) is required to make specific findings and written determination prior to authorizing any change order which would increase or decrease the dollar amount of any contract by \$20,000.00 or more relative to any contract originally approved in an amount exceeding one hundred thousand dollars (\$100,000).

**NOW, THEREFORE, BE IT RESOLVED** by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois pursuant to the Village of Bloomingdale's "Home Rule Powers" as follows:

**Section One – Recitals:** That the Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Resolution are full, true and correct and do hereby, by reference, incorporate and make them part of this Resolution as legislative findings.

**Section Two – Written Determination:** That after reviewing the documentation provided by the Village Engineer, as to the necessity of and reasons for Change Order No. 1 (FINAL) to the 2022 Utility Improvement Project Contract, the Village Board makes the following findings as to said change order:

- A. That the circumstances which necessitated such change order were not reasonably foreseeable at the time the contracts were entered into.
- B. That the basis of such change order was not within the contemplation of such contracts when such contracts were signed.
- C. That it was in the best interests of the Village to approve said change order in the form recommended by Village Engineer.
- D. That to the extent that it may have been necessary to go to bid relative to the work contemplated by such change order, bidding is hereby specifically waived as to the change order work.

**Section Three – Execution of Necessary Paperwork:** That having made the findings set forth in Section One above, the Village Board hereby approves the subject Change Order No. 1 (FINAL) to the 2022 Utility Improvement Project Contract which change order is attached hereto as Exhibit "A", and hereby authorizes the Village President to execute said change order on behalf of the Village of Bloomingdale.

**Section Four – Acts of Village Officials:** That all past, present and future acts and doings of the officers, officials, employees and/or agents of the Village that are in conformity with the

purpose and intent of this Resolution, including the Village President's or his designee's pre-approval of the work that is the subject of this change order are hereby, in all respects, ratified, approved, authorized and confirmed.

**Section Five – Other Actions Authorized:** That the officers, employees and/or agents of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of this Resolution and otherwise to consummate the transactions contemplated herein, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

**Section Six – Conflict Clause:** That all Resolutions or parts of Resolutions in conflict with the terms of this Resolution shall be repealed to the extent of said conflict.

**Section Seven – Passage Clause:** That this Resolution shall take full force and effect from, and after its passage, approval and publication as provided by law.

**Section Eight – Saving Clause:** That if any section, paragraph, clause or provision of this Resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Resolution, which are hereby declared to be separable.

**Section Nine – Recording:** That this Resolution shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

**DECIDED** pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vincent Ackerman	X			
William Belmonte	X			
Bill Bolen			X	
Frank Bucaro	X			
Patrick Shannon			X	
Judi Von Huben	X			
Franco Coladipietro (if necessary)				
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>2</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 12<sup>th</sup> day of June, 2023.

  
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Franco A. Coladipietro, Village President

ATTEST:

  
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Pamela S. Hager, Village Clerk