

**CITY OF BATAVIA**  
100 N. Island Avenue, Batavia, IL 60510  
(630) 454-2000 <http://cityofbatavia.net>

**Committee of the Whole Agenda**  
Tuesday, June 9, 2020  
7:00 PM Remote Access

To attend the live meeting use the GoToWebinar link below to register for the event

<https://attendee.gotowebinar.com/register/2149441186071171853>

You will need to provide your name and email address

Residents can listen by phone to the Committee of the Whole Meeting

By dialing (415) 655-0060, PIN 121-783-307

Dial in callers are unable to ask questions during the meeting.

Questions and comments can be submitted prior to the meeting by  
emailing [publiccomment@cityofbatavia.net](mailto:publiccomment@cityofbatavia.net)

or by phone prior to 5 PM on the day of the meeting at (630) 454-2053.

1. Roll Call
2. Reminder: Please Speak Directly Into Microphone For BATV Recording
3. Items Removed/Added/Changed
4. Matters From The Public (For Items NOT On Agenda)
5. Resolution 20-081-R: Authorizing Final Balancing Change Order To The Contract With Performance Construction & Engineering, Llc, Of Plano, Illinois, For The Area 3 Storm Sewer Separation – Phase 2 In The Amount Of \$12,377.79 (AMP 6/04/20) CS

Documents:

[RES 20-081-R AREA 3 PHASE 2 FINAL CHANGE ORDER.PDF](#)

6. Project Status - Amending Executive Order 20-01 To Include Cocktails To Go (LN)
7. Other

## 8. Adjournment

TO: Committee of the Whole – City Services 6/9

FROM: Andrea Podraza, CFM, P.E., Assistant City Engineer

DATE: June 4, 2020

RE: Resolution 20-081-R: Authorizing final balancing change order to the Contract with Performance Construction & Engineering LLC for the Area 3 Phase 2 Storm Sewer Separation in the amount of \$12,377.79

**Final Balancing Change Order**

Through Resolution 19-067-R, The City Council awarded the Area 3 Storm Sewer Separation – Phase 2 project to Performance Construction in the amount not to exceed \$1,990,753.80. Typically, staff has been recommending and City Council has been awarding these types of projects with a 10 percent contingency amount due to the unknown underground utility conflicts in Area 3. However, the awarded amount for this project included only a 5% contingency. This was due to the fact that the engineering plans had not been completed prior to planning for the 2019 budget. Once the plans were complete it became evident that insufficient funds had been included in the 2019 budget to provide for a 10 percent contingency. In addition, the project was shut down through winter months and started back up in Spring 2020. The Contractor finished the work at the end of May 2020. After completing the project, the Contractor has provided the final invoice in the amount of \$2,003,131.59, which is 5.65% more than the bid amount and \$12,377.79 more than the amount approved by City Council. Staff did not budget this 0.65% overage amount in 2020 as the project was still on-going during budget preparations and a final amount was yet to be determined. Staff is confident that this \$12,377.79 amount will be covered by savings from other projects in the 2020 budget, such as Main Street Reconstruction project. Time is of the essence for this project since the City needs to submit the final payout amounts to the IEPA for our loan closeout by the end of the June.

**Recommended Committee/Council Action**

Staff recommends for the City Services Committee approve the following:

1. Authorizing final balancing change order to the contract with Performance Construction & Engineering LLC in the amount 12,377.79 and Resolution 20-081-R.

**CITY OF BATAVIA, ILLINOIS  
RESOLUTION 20-081-R**

**A RESOLUTION AUTHORIZING FINAL BALANCING CHANGE  
ORDER TO THE CONTRACT WITH  
PERFORMANCE CONSTRUCTION & ENGINEERING, LLC, OF  
PLANO, ILLINOIS,  
FOR THE AREA 3 STORM SEWER SEPARATION – PHASE 2  
IN THE AMOUNT OF \$12,377.79**

**WHEREAS**, the City of Batavia has identified the need for separating storm sewer from the sanitary sewer in Area 3 of the combined sewer area, requested bids on the project and reviewed the submitted bids; and

**WHEREAS**, Performance Construction & Engineering, LLC submitted a bid and was the lowest responsible bidder for the project; and

**WHEREAS**, the total cost of said construction services was authorized in Resolution 19-067-R in the amount not to exceed \$1,990,753.80; and

**WHEREAS**, after completion of the project, the City has received the final invoice in the amount of \$2,003,131.59; and

**WHEREAS**, staff agrees that final invoice amount is correct and represents the work completed through this project; and

**WHEREAS**, the difference is \$12,377.79 from the authorized amount and final invoice is requested to be paid to the contractor; and

**WHEREAS**, sufficient funds are available through the savings from other Capital improvement Projects in 2020; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1.** That the Mayor and City Council is authorizing final balancing change order attached hereto as Exhibit 1 in the amount of \$2,003,131.59

CITY OF BATAVIA, ILLINOIS RESOLUTION 20-081-R

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**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 15<sup>th</sup> day of June, 2020.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 15<sup>th</sup> day of June, 2020.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

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Ellen Posledni, City Clerk



June 3, 2020

Ms. Andrea Podraza, P.E., CFM  
Assistant City Engineer  
City of Batavia  
200 North Raddant Road  
Batavia, Illinois 60510

**RECOMMENDATION FOR FINAL PAYMENT**

**RE: City of Batavia – Area 3 Phase 2 Storm Sewer Separation | Pay Estimate No. 8**

Dear Ms. Podraza,

This is to certify that Performance Construction & Engineering, LLC. Is entitled to a final payment in the amount of **\$464,304.18** for work completed in relation to the subject project.

The Contractors Invoice (*Pay #8*), "*Waivers*", "*Contractor's Affidavit*," and "*Certified Payroll*" are enclosed and appear to be satisfactory. Therefore, the above payment to the contractor is recommended.

Work Completed to Date	\$2,003,131.59
<u>Less Previous Payments</u>	<u>\$1,538,827.41</u>
<b>Amount Due Payment No.8</b>	<b>\$464,304.18</b>

If you have any questions regarding the above, please feel free to contact me.

Sincerely,  
V3 Companies

A handwritten signature in blue ink that reads "Richard Kipp".

Richard Kipp, P.E.  
Project Manager, Construction Engineering Division



Performance Construction & Engineering, LLC  
 217 W. John Street  
 Plano, IL 60545  
 (630) 273-2693

# Invoice

Date	Invoice #
5/28/2020	Pay #8

P.O. No.	Project
19011	2019 Area 3 STSW

<b>Bill To</b>
City of Batavia 100 N. Island Avenue Batavia, IL 60510

Phone #	Fax #	E-mail
6309181237	(630) 866-1301	cparnellpce@gmail.com

Quantity	Description	U/M	Rate	Amount
	Total Value of Completed Work		2,003,131.59	2,003,131.59
	Pay #1		-186,828.37	-186,828.37
	Pay #2		-271,613.85	-271,613.85
	Pay #3		-281,931.16	-281,931.16
	Pay #4		-174,020.63	-174,020.63
	Pay #5		-283,792.91	-283,792.91
	Pay #6		-29,087.31	-29,087.31
	Pay #7		-311,553.18	-311,553.18

REMIT PAYMENT TO: Performance Construction & Engineering, LLC., 217 W. John Street, Plano, IL 60545

**Total** \$464,304.18

Web Site	www.pceillinois.com
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Payment Due	6/12/2020
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