

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MARCH 5, 2013 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Intergovernmental Agreement with the Downers Grove Sanitary District for Improvements to Washington Street	✓ Resolution Ordinance Motion Discussion Only	Nan Newlon, P.E., Director of Public Works

SYNOPSIS

A resolution has been prepared authorizing an Intergovernmental Agreement (IGA) between the Village of Downers Grove and the Downers Grove Sanitary District for the construction of sanitary sewer improvements within Washington Street.

STRATEGIC PLAN ALIGNMENT

The Goals for 2011 to 2018 include *Top Quality Infrastructure*.

FISCAL IMPACT

The Downers Grove Sanitary District will reimburse the Village for the cost of the project.

RECOMMENDATION

Approval on March 5, 2013 consent agenda.

BACKGROUND

In conjunction with the Washington Street Improvements the Downers Grove Sanitary District requested that the Village replace five sanitary manholes that are located within the project area. This work was included as an alternate bid item and through this IGA, the District will reimburse the Village for the cost. Coordinating the work in this way minimizes disruption to motorists, eliminates future pavement damage, and provides the District with competitively bid pricing.

ATTACHMENTS

- Resolution
- Intergovernmental Agreement

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE DOWNERS GROVE
SANITARY DISTRICT AND THE VILLAGE OF DOWNERS GROVE TO
REPLACE SANITARY SEWER MANHOLES IN WASHINGTON STREET
FROM BURLINGTON AVENUE TO MAPLE AVENUE**

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

Section 1. That the form and substance of a certain Intergovernmental Agreement (the “Agreement”), between the Village of Downers Grove (the “Village”) and the Downers Grove Sanitary District (the “District”) for the replacement of sanitary sewer manholes in Washington Street from Burlington Avenue to Maple Avenue, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

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

Section 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 Agreement.

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

Section 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

AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
DOWNERS GROVE SANITARY DISTRICT AND THE VILLAGE OF DOWNERS GROVE
TO REPLACE SANITARY SEWER MANHOLES IN WASHINGTON STREET FROM
BURLINGTON AVENUE TO MAPLE AVENUE

THIS AGREEMENT is entered into by and between the DOWNERS GROVE SANITARY DISTRICT, ILLINOIS, a sanitary district created and existing under the laws of the State of Illinois, (hereinafter referred to as the “District”), and the VILLAGE OF DOWNERS GROVE, ILLINOIS, an Illinois municipal corporation, (hereinafter referred to as the “Village”), concerning the construction of certain public improvements as described herein.

WHEREAS, the 1970 Illinois Const. Art. VII, Sec. 10 and the Intergovernmental Cooperation Act (5 ICLS 220/1 et. seq.) authorize the District and the Village to cooperate in the performance of their responsibilities by contract and other agreements, and

WHEREAS, the District and the Village desire to cooperate in an effort to replace the sanitary sewer manholes in Washington Street from Burlington Avenue to Maple Avenue in Downers Grove in conjunction with the reconstruction of the street and other public improvements in this area by the Village,

NOW, THEREFORE, in consideration of the above stated preambles and the mutual covenants and promises hereinafter contained, the District and the Village formally covenant, agree, and bind themselves as follows to wit:

1. The District and the Village will cooperate and make every effort to cause replacement of the sanitary sewer manholes described herein.
2. The scope of the project, as it relates to the District, will include the replacement of five (5) sanitary sewer manholes along Washington Street, between Burlington Avenue and Maple Avenue, as depicted in Exhibit A. All construction will be in conformance with both District and Village requirements.
3. The Village has included specifications for the sanitary sewer manhole replacements as described above as part of their “Plans for Proposed Washington Street Improvements Burlington to Maple - Project ST-004(E), WA-033, SW-079.” The Village shall be responsible for the public advertisement for bids, awarding of a construction contract and proceeding to construct the sanitary sewer manhole replacements as part of the reconstruction of Washington Street within the project area by the Village. It is understood that, although the District will not be a party to the construction contract and

will have no obligation to any contractors, the District will be a designated beneficiary of a Maintenance Bond as required by the project specifications. In addition, all insurance policies required of the contractor shall also name the District, its agents, officers and employees, as additional insured. The forms of coverage carried by the contractor shall include, but is not necessarily limited to, workers compensation, automobile liability, and general liability.

4. The Village agrees to administer the project in the best interest of both parties and to consult with, and keep advised, officials of the District regarding the progress of the work only as it relates to the sanitary sewer manhole replacements and any problems encountered or changes recommended. No contract or change order which affects the total cost of the sanitary sewer manhole replacements shall be authorized without the prior written approval of the District, which approval shall not be unreasonably withheld. The Village will endeavor to complete the construction of the proposed sanitary sewer manhole replacements by June 15, 2013.
5. The District shall reimburse the Village one hundred percent (100%) of the total construction cost for the sanitary sewer manhole replacements, in the amount of \$43,400.00, as detailed in Exhibit B (Alternate Bid Sanitary System Improvements).
6. Upon the District's concurrence of the completion of the manholes in substantial conformance with the "Plans for Proposed Washington Street Improvements Burlington to Maple - Project ST-004(E), WA-033, SW-079" the Village shall invoice the District for the cost of the sanitary sewer manhole replacements. The District shall pay such invoice within forty-five (45) days of receipt.
7. In the event the District fails to make said payment in full as set forth in paragraph 6, then the Village shall have the right to withhold the monthly rental payment it makes to the District for the property at 5101 Walnut Street and apply said payment(s) to the cost for replacement of the sanitary sewer manholes until that amount has been paid in full.
8. Upon completion of the project the District shall continue to be responsible for the maintenance, upkeep and repair of the sanitary sewer manholes.
9. This document shall be a final embodiment of the Agreement by and between the District and the Village. No oral changes or modifications of this Agreement shall be permitted

or allowed. Changes or modifications to this Agreement shall be made only in writing and upon necessary and proper signature of the District and the Village.

10. In the event that any provisions of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereto.
11. This Agreement shall be binding upon and inure to the benefits of the parties hereto, their successors and assigns.

Dated at Downers Grove, Illinois, this _____ day of _____, 2013.

Downers Grove Sanitary District

By: _____
General Manager

Attest: _____
Assistant Clerk

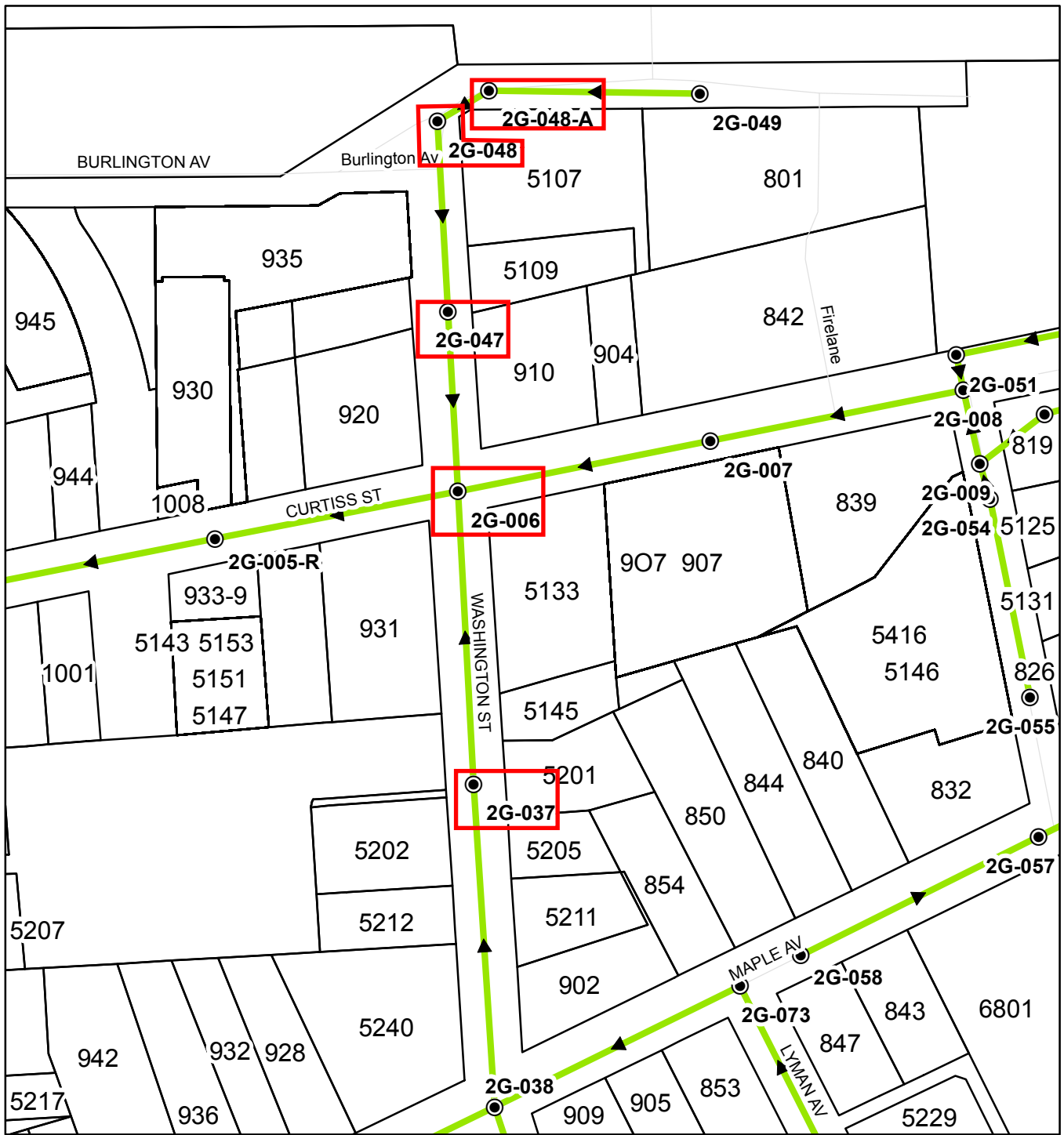
Dated at Downers Grove, Illinois, this _____ day of _____, 2013.

Village of Downers Grove

By: _____

Attest: _____

Exhibit A Sanitary Sewer Manhole Replacements



Legend

- Sanitary Manhole Replacements

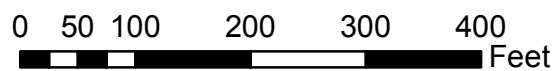


EXHIBIT B

Village of Downers Grove

ALTERNATE BID

SANITARY SYSTEM IMPROVEMENTS

#	ITEM	QNTY	UNIT	UNIT COST	TOTAL COST
SP-55	MANHOLES, SANITARY, 4'-DIAMETER, TYPE 1 FRAME, CLOSED LID	5	EACH	\$ 6,500.00	\$32,500.00
40603080	HOT-MIX ASPHALT BINDER COURSE, IL-19.0, N50	45.0	TON	\$ 150.00	\$6,750.00
44000100	FULL DEPTH PAVEMENT REMOVAL	75.0	SY YD	\$ 22.00	\$1,650.00
SP-6	TRAFFIC CONTROL, MAINTENANCE OF TRAFFIC, DETOURS	1.0	LSUM	\$ 2,500.00	\$2,500.00

TOTAL ALTERNATE BID \$43,400.00

TOTAL BID \$941,849.15 *cm*

(TOTAL BASE BID + TOTAL ALTERNATE BID)