

RESOLUTION R-2018-25

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH R. W. DUNTEMAN COMPANY FOR 2018 ROAD, SEWER, AND WATER REHABILITATION

WHEREAS, the City of Wheaton, DuPage County, Illinois is desirous to enter into an agreement for 2018 road, sewer, and water rehabilitation; and

WHEREAS, the City conducted a request for bid process and received and reviewed three submittals for 2018 road, sewer, and water rehabilitation; and

WHEREAS, it is determined by the City that the proposal received from R. W. Dunteman Company meets the City's needs; and

WHEREAS, it is necessary for the City to contract with R. W. Dunteman Company, for the purpose of providing 2018 road, sewer, and water rehabilitation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois that the Mayor is hereby authorized to execute and the City Clerk is hereby directed to attest to a Local Public Agency Formal Contract and Contract Bond between the City of Wheaton and R. W. Dunteman Company, Addison, IL, for 2018 road, sewer, and water rehabilitation.

ADOPTED this 2nd day of April 2018.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

Ayes: Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays: None
Absent: None

Motion Carried Unanimously





PROPOSAL SUBMITTED BY		
R. W. Dunteman Co.		
Contractor's Name		
600 S. Lombard Road		1129
Street		P.O. Box
Addison	IL	60101
City	State	Zip Code

STATE OF ILLINOIS

COUNTY DuPage
City of Wheaton
 (Name of City, Village, Town or Road District)

FOR THE IMPROVEMENT OF
 STREET NAME OR ROUTE Various Routes
 SECTION NO. 18-00117-00-FP
 TYPES OF FUNDS MFT and Local Funds

SPECIFICATIONS (required)

PLANS (required)

CONTRACT BOND (when required)

For Municipal Projects
 Submitted/Approved/Passed

Mayor President of Board of Trustees Municipal Official

Date

Department of Transportation
 Concurrence in approval of award

Regional Engineer

Date

For County and Road District Projects
 Submitted/Approved

Highway Commissioner

Date

Submitted/Approved

County Engineer/Superintendent of Highways

Date

County DuPage
Local Public Agency City of Wheaton
Section Number 18-00117-00-FP
Route Various Routes

1. THIS AGREEMENT, made and concluded the 3rd day of April, 2018,
Month and Year
between the City of Wheaton
acting by and through its Mayor and Council known as the party of the first part, and
R. W. Dunteman Co. his/their executors, administrators, successors or assigns,
known as the party of the second part.
2. Witnesseth: That for and in consideration of the payments and agreements mentioned in the Proposal hereto attached, to be made and performed by the party of the first part, and according to the terms expressed in the Bond referring to these presents, the party of the second part agrees with said party of the first part at his/their own proper cost and expense to do all the work, furnish all materials and all labor necessary to complete the work in accordance with the plans and specifications hereinafter described, and in full compliance with all of the terms of this agreement and the requirements of the Engineer under it.
3. And it is also understood and agreed that the LPA Formal Contract Proposal, Special Provisions, Affidavit of Illinois Business Office, Apprenticeship or Training Program Certification, and Contract Bond hereto attached, and the Plans for Section 18-00117-00-FP, in the City of Wheaton, approved by the Illinois Department of Transportation on April 3, 2018,
Date
are essential documents of this contract and are a part hereof.
4. IN WITNESS WHEREOF, The said parties have executed these presents on the date above mentioned.

Attest:

Clerk
(Seal)

The City of Wheaton
By _____
Party of the First Part
(If a Corporation)

Corporate Name _____
By _____
President Party of the Second Part
(If a Co-Partnership)

Attest:

Secretary

Partners doing Business under the firm name of

Party of the Second Part
(If an individual)

Party of the Second Part



Route	<u>Various Streets</u>
County	<u>DuPage</u>
Local Agency	<u>City of Wheaton</u>
Section	<u>18-00117-00 FP</u>

We, R. W. Dunteman Co.

600 S. Lombard Road, Addison, IL. 60101

a/an) Individual Co-partnership Corporation organized under the laws of the State of Illinois,

as PRINCIPAL, and _____

_____ as SURETY,

are held and firmly bound unto the above Local Agency (hereafter referred to as "LA") in the penal sum of THREE MILLION, THREE HUNDRED THIRTY-SIX THOUSAND EIGHTEEN AND 42/100

_____ Dollars (\$3,336,018.42), lawful money of the United States, well and truly to be paid unto said LA, for the payment of which we bind ourselves, our heirs, executors, administrators, successors, jointly to pay to the LA this sum under the conditions of this instrument.

WHEREAS THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that, the said Principal has entered into a written contract with the LA acting through its awarding authority for the construction of work on the above section, which contract is hereby referred to and made a part hereof, as if written herein at length, and whereby the said Principal has promised and agreed to perform said work in accordance with the terms of said contract, and has promised to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery furnished to such Principal for the purpose of performing such work and has further agreed to pay all direct and indirect damages to any person, firm, company or corporation suffered or sustained on account of the performance of such work during the time thereof and until such work is completed and accepted; and has further agreed that this bond shall inure to the benefit of any person, firm, company or corporation to whom any money may be due from the Principal, subcontractor or otherwise for any such labor, materials, apparatus, fixtures or machinery so furnished and that suit may be maintained on such bond by any such person, firm, company or corporation for the recovery of any such money.

NOW THEREFORE, if the said Principal shall well and truly perform said work in accordance with the terms of said contract, and shall pay all sums of money due or to become due for any labor, materials, apparatus, fixtures or machinery furnished to him for the purpose of constructing such work, and shall commence and complete the work within the time prescribed in said contract, and shall pay and discharge all damages, direct and indirect, that may be suffered or sustained on account of such work during the time of the performance thereof and until the said work shall have been accepted, and shall hold the LA and its awarding authority harmless on account of any such damages and shall in all respects fully and faithfully comply with all the provisions, conditions and requirements of said contract, then this obligation to be void; otherwise to remain in full force and effect.

IN TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective officers this _____ day of _____ A.D. _____

PRINCIPAL

(Company Name) _____
By: _____
(Signature & Title)
Attest: _____
(Signature & Title)

(If PRINCIPAL is a joint venture of two or more contractors, the company names and authorized signature of each contractor must be affixed.)

STATE OF ILLINOIS,
COUNTY OF _____

I, _____, a Notary Public in and for said county, do hereby certify that

(Insert names of individuals signing on behalf or PRINCIPAL)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of PRINCIPAL, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____ A.D. _____

My commission expires _____ Notary Public (SEAL)

SURETY

(Name of Surety) _____
By: _____
(Signature of Attorney-in-Fact)

STATE OF ILLINOIS. (SEAL)
COUNTY OF _____

I, _____, a Notary Public in and for said county, do hereby certify that

(Insert names of individuals signing on behalf or SURETY)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of SURETY, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____ A.D. _____

My commission expires _____ Notary Public (SEAL)

Approved this _____ day of _____, A.D. _____

Attest: _____

(Awarding Authority)

Clerk _____
(Chairman/Mayor/President)