

**RESOLUTION R-2018-34**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #2 TO AGREEMENT  
#C 36860 WITH DENLER, INC., FOR CONTRACTED SERVICES:  
CRACK SEALING AND SEAL COATING**

**WHEREAS**, the City of Wheaton, DuPage County, Illinois and Denler, Inc., entered into an Agreement dated April 18, 2016 to provide labor, and/or materials and/or equipment to perform Contracted Services: Crack Sealing and Seal Coating (City Agreement #C 36860, herein after "Agreement"); and

**WHEREAS**, the City and Denler, Inc. amended this Agreement on May 1, 2017 to extend services through April 30, 2018; and

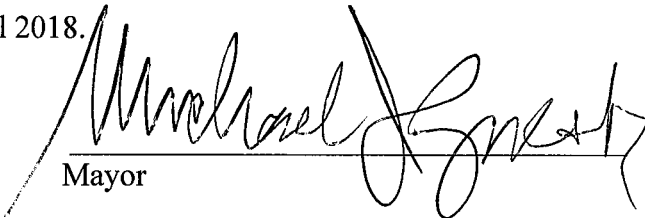
**WHEREAS**, the City has a continued need for crack sealing and seal coating work; and

**WHEREAS**, it is determined by the City that the Denler, Inc., request to provide continued labor, and/or materials and/or equipment to perform crack sealing and seal coating work through April 30, 2019 meets the City's needs; and

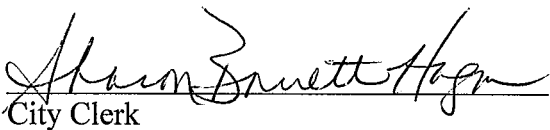
**WHEREAS**, it is necessary for the City to enter into a second amendment to the Agreement #C 36860 with Denler, Inc., for the purpose of providing continued labor, and/or materials and/or equipment to perform crack sealing and seal coating work.

**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 Amendment #2 to Agreement #C 36860 between the City of Wheaton and Denler, Inc. for Contracted Services: Crack Sealing and Seal Coating.

ADOPTED this 16<sup>th</sup> day of April 2018.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote:

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

Nays: None  
Absent: None

Motion Carried Unanimously



**AMENDMENT #2 OF AGREEMENT #C 36860**  
**Agreement between the CITY of WHEATON, ILLINOIS**  
**And DENLER, INC.,**  
**for CONTRACTED SERVICES: CRACK SEALING AND SEAL COATING**

This second amendment to City Agreement #C 36860, a copy of which is attached hereto and incorporated herein as if fully set forth as Exhibit A-Amendment #2, is entered into as of this 16<sup>th</sup> day of April 2018 by and between the CITY OF WHEATON, an Illinois municipal corporation ("City"), 303 West Wesley Street, Wheaton, IL 60187, and DENLER, INC., ("Contractor"), 19148 S. 104<sup>th</sup> Avenue, Mokena, IL 60448.

**WHEREAS**, the City and the Contractor entered into City Agreement #C 36860, dated April 18, 2016 to provide labor, and/or materials and/or equipment to perform Contracted Services: Crack Sealing and Seal Coating (hereinafter the "Work") as more fully recited in the Invitation to Bid issued March 2016, which was incorporated as Exhibit A of the initial contract; and

**WHEREAS**, the City and the Contractor amended this Agreement on May 1, 2017 for continued services through April 30, 2018, and

**WHEREAS**, the city has a continued need for labor, and/or materials and/or equipment to perform crack sealing and seal coating work; and

**WHEREAS**, the City received a request for contract renewal dated April 10, 2018, a copy of which is attached hereto and incorporated herein as if fully set forth as Exhibit B-Amendment #2, from Denler, Inc., for continued labor, and/or materials and/or equipment to perform crack sealing and seal coating work through April 30, 2019.

**NOW, THEREFORE**, in consideration of the agreements contained in this instrument and such other sufficient considerations, the parties agree as follows:

1. The recitals set forth above, including Exhibit A-Amendment #2 and Exhibit B-Amendment #2, are incorporated herein as substantive terms and conditions of this Amendment #2 of Contract #C 36860 and represent the intent of the parties.
2. The term of this Amendment #2 to City Agreement #C 36860 shall commence on May 1, 2018 and shall terminate on April 30, 2019.
3. The City retains the Contractor to provide, and the Contractor agrees to provide labor, and/or materials and/or equipment for Crack Sealing and Seal Coating described in Exhibit A-Amendment #2 and as amended by Exhibit B-Amendment #2.
4. Contractor shall provide the City with current Certificate(s) of Insurance together with Insurance Endorsements and Waiver of Subrogation all in compliance with the Initial Contract terms upon executing this Amendment #2.
5. All other provisions of Agreement #C 36860, except as modified herein, are hereby ratified and reaffirmed.

CITY OF WHEATON

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: 4/17/18

Attest:

Shawn Bennett-Horn

Date: 4/17/18

Title: City Clerk

**GLOBE CONSTRUCTION, INC.**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Attest:

\_\_\_\_\_

Title: \_\_\_\_\_