
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM UTILITY
DYNAMICS CORPORATION FOR LIGHTING FOUNDATIONS AND DIRECTIONAL
BORING PERTAINING TO THE ILLINOIS ROUTE 38 LIGHTING PROJECT**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
ROSAELIA ARTEAGA
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys
200 W. Adams, Ste. 2125, Chicago, IL 60606

ORDINANCE NO: _____
Date Passed: October 24, 2022

AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM UTILITY DYNAMICS CORPORATION FOR LIGHTING FOUNDATIONS AND DIRECTIONAL BORING PERTAINING TO THE ILLINOIS ROUTE 38 LIGHTING PROJECT

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle (“City”), Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, as part of the Lighthouse Pointe Tax Increment Financing (“Lighthouse Pointe TIF”) Redevelopment Plan, the City of Rochelle previously purchased Cyclone streetlights to comply with the terms of a 2010 development agreement with Wal-Mart; and

WHEREAS, the City needs to install said streetlights and requires a contractor to perform the horizontal directional boring, conduit installation and streetlight foundation installation (“the Project”); and

WHEREAS, the City issued a Request for Proposals for the Project (“the RFP”) and also published the RFP in the Rochelle News Leader on October 5, 2022, and

WHEREAS, in accordance with the RFP, on October 19, 2022 the City received and properly opened three (3) sealed proposals; and

WHEREAS, after analysis of the proposals submitted, the City’s staff and professional engineers has concluded that the proposal submitted by Utility Dynamics Corporation, in the amount of \$166,475.00 meets the City’s specifications pursuant to the RFP and is most advantageous to the City; and

WHEREAS, City Staff recommends additional spending authority in an amount not to exceed \$28,575.00 to negotiate further change order work; and

WHEREAS, the Mayor and City Council finds that it is in the best interest of the City and its residents to accept and approve the proposal of Utility Dynamics Corporation, in the amount of \$166,475.00 and authorize additional spending authority in an amount not to exceed \$28,575.00 to negotiate change order work for the Project; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Rochelle as follows:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: The Mayor and City Council hereby accept and approve the proposal of Utility Dynamics Corporation, in the amount of \$166,475.00 (attached hereto as Exhibit 1), authorizes additional spending authority in an amount not to exceed \$28,575.00 to negotiate change order work for the Project, and authorize the City Manager to execute any and all necessary agreements to memorialize the terms of said proposal (attached hereto as Exhibit 1) in a form to be reviewed by the City Attorney.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 24th day of October, 2022.

AYES:

NAYS:

ABSENT:

ATTEST:

City Clerk

Mayor

EXHIBIT 1



**Illinois Department
of Transportation**

Local Public Agency Formal Contract Proposal



COVER SHEET

Proposal Submitted By:			
Contractor's Name			
Utility Dynamics Corporation			
Contractor's Address		City	State Zip Code
23 Commerce Drive		Oswego	IL 60543

STATE OF ILLINOIS

Local Public Agency	County	Section Number
City of Rochelle	Ogle	
Route(s) (Street/Road Name)		Type of Funds
IL Route 38		Local Funds

☐ Proposal Only ☒ Proposal and Plans ☐ Proposal only, plans are separate

Submitted/Approved
For Local Public Agency:

For a County and Road District Project	
Submitted/Approved	
Highway Commissioner Signature	Date
Submitted/Approved	
County Engineer/Superintendent of Highways	Date

For a Municipal Project	
Submitted/Approved/Passed	
Signature	Date
	9/30/2022
Official Title	
CITY ENGINEER	

Department of Transportation	
Released for bid based on limited review	
Regional Engineer Signature	Date

Note: All proposal documents, including Proposal Guaranty Checks or Proposal Bid Bonds, should be stapled together to prevent loss when bids are processed.

Local Public Agency	County	Section Number	Route(s) (Street/Road Name)
City of Rochelle	Ogle		IL Route 38

NOTICE TO BIDDERS

Sealed proposals for the project described below will be received at the office of City Clerk,
420 N. 6th Street, Rochelle, IL 61068 until 10:00 AM on 10/19/22
 Address Time Date

Sealed proposals will be opened and read publicly at the office of City Clerk,
420 N. 6th Street, Rochelle, IL 61068 at 10:00 AM on 10/19/22
 Address Time Date

DESCRIPTION OF WORK

Location	Project Length
IL Rte 38 between Caron Road and approximately 500' east of North Pointe Drive	2,065'

Proposed Improvement

The project consists of the installation of underground conduit, cables, concrete foundations, traffic control, and landscaping restoration as part of a lighting improvement project. Furnishing and Installation of luminaries will be performed by Rochelle Municipal Utilities.

1. Plans and proposal forms will be available in the office of

The Contract Documents can be downloaded in PDF format from the WHA website (www.WillettHofmann.com) by depositing Fifteen Dollars (\$15.00) by credit card. The eBidDoc # is 8301830. Contractors can also obtain the Contract Documents in PDF format on a DVD by depositing Fifty Dollars (\$50.00) with Willett, Hofmann & Associates, Inc., 809 East 2nd Street, Dixon, Illinois. All said deposits are non-refundable.

2. ☐ Prequalification

If checked, the 2 apparent as read low bidders must file within 24 hours after the letting an "Affidavit of Availability" (Form BC 57) in triplicate, showing all uncompleted contracts awarded to them and all low bids pending award for Federal, State, County, Municipal and private work. One original shall be filed with the Awarding Authority and two originals with the IDOT District Office.

3. The Awarding Authority reserves the right to waive technicalities and to reject any or all proposals as provided in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals.

4. The following BLR Forms shall be returned by the bidder to the Awarding Authority:

- Local Public Agency Formal Contract Proposal (BLR 12200)
- Schedule of Prices (BLR 12201)
- Proposal Bid Bond (BLR 12230) (if applicable)
- ~~Apprenticeship or Training Program Certification (BLR 12325) (do not use for project with Federal funds.)~~
- ~~Affidavit of Illinois Business Office (BLR 12326) (do not use for project with Federal funds.)~~

5. The quantities appearing in the bid schedule are approximate and are prepared for the comparison of bids. Payment to the Contractor will be made only for the actual quantities of work performed and accepted or materials furnished according to the contract. The scheduled quantities of work to be done and materials to be furnished may be increased, decreased or omitted as hereinafter provided.

6. Submission of a bid shall be conclusive assurance and warranty the bidder has examined the plans and understands all requirements for the performance of work. The bidder will be responsible for all errors in the proposal resulting from failure or neglect to conduct an in depth examination. The Awarding Authority will, in no case, be responsible for any costs, expenses, losses or changes in anticipated profits resulting from such failure or neglect of the bidder.

7. The bidder shall take no advantage of any error or omission in the proposal and advertised contract.

8. If a special envelope is supplied by the Awarding Authority, each proposal should be submitted in that envelope furnished by the Awarding Agency and the blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Awarding Authority is used, it shall be marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Awarding Authority at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time specified will be returned to the bidder unopened.

9. Permission will be given to a bidder to withdraw a proposal if the bidder makes the request in writing or in person before the time for

opening proposals.

Local Public Agency	County	Section Number	Route(s) (Street/Road Name)
City of Rochelle	Ogle		IL Route 38

PROPOSAL

1. Proposal of _____
Contractor's Name _____
Contractor's Address _____
2. The plans for the proposed work are those prepared by Willett, Hofmann & Associates
and approved by the Department of Transportation on Jul 22, 2022
3. The specifications referred to herein are those prepared by the Department of Transportation and designated as "Standard Specifications for Road and Bridge Construction" and the "Supplemental Specifications and Recurring Special Provisions" thereto, adopted and in effect on the date of invitation for bids.
4. The undersigned agrees to accept, as part of the contract, the applicable Special Provisions indicated on the "Check Sheet for Recurring Special Provisions" contained in this proposal.
5. The undersigned agrees to complete the work within _____ working days or by 12/31/22 unless additional time is granted in accordance with the specifications.
6. The successful bidder at the time of execution of the contract will be required to deposit a contract bond for the full amount of the award. When a contract bond is not required, the proposal guaranty check will be held in lieu thereof. If this proposal is accepted and the undersigned fails to execute a contract and contract bond as required, it is hereby agreed that the Bid Bond of check shall be forfeited to the Awarding Authority.
7. Each pay item should have a unit price and a total price. If no total price is shown or if there is a discrepancy between the products of the unit price multiplied by the quantity, the unit price shall govern. If a unit price is omitted, the total price will be divided by the quantity in order to establish a unit price. A bid may be declared unacceptable if neither a unit price nor a total price is shown.
8. The undersigned submits herewith the schedule of prices on BLR 12201 covering the work to be performed under this contract.
9. The undersigned further agrees that if awarded the contract for the sections contained in the combinations on BLR 12201, the work shall be in accordance with the requirements of each individual proposal for the multiple bid specified in the Schedule for Multiple Bids below.
10. A proposal guaranty in the proper amount, as specified in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals, will be required. Bid Bonds will be allowed as a proposal guaranty. Accompanying this proposal is either a bid bond, if allowed, on Department form BLR 12230 or a proposal guaranty check, complying with the specifications, made payable to: City Treasurer of City of Rochelle.
The amount of the check is 5% of amount bid (_____).

Attach Cashier's Check or Certified Check Here

In the event that one proposal guaranty check is intended to cover two or more bid proposals, the amount must be equal to the sum of the proposal guaranties which would be required for each individual bid proposal. If the proposal guaranty check is placed in another bid proposal, state below where it may be found.

The proposal guaranty check will be found in the bid proposal for: Section Number _____.

Local Public Agency	County	Section Number	Route(s) (Street/Road Name)
City of Rochelle	Ogle		IL Route 38

CONTRACTOR CERTIFICATIONS

The certifications hereinafter made by the bidder are each a material representation of fact upon which reliance is placed should the Department enter into the contract with the bidder.

1. **Debt Delinquency.** The bidder or contractor or subcontractor, respectively, certifies that it is not delinquent in the payment of any tax administered by the Department of Revenue unless the individual or other entity is contesting, in accordance with the procedure established by the appropriate Revenue Act, its liability for the tax or the amount of the tax. Making a false statement voids the contract and allows the Department to recover all amounts paid to the individual or entity under the contract in a civil action.
2. **Bid-Rigging or Bid Rotating.** The bidder or contractor or subcontractor, respectively, certifies that it is not barred from contracting with the Department by reason of a violation of either 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4.

A violation of section 33E-3 would be represented by a conviction of the crime of bid-rigging which, in addition to Class 3 felony sentencing, provides that any person convicted of this offense, or any similar offense of any state or the United States which contains the same elements as this offense shall be barred for 5 years from the date of conviction from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation: (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent on behalf of the corporation.

A violation of Section 33E-4 would be represented by a conviction of the crime of bid-rotating which, in addition to Class 2 felony sentencing, provides that any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be permanently barred from contracting with any unit of State or Local government. No corporation shall be barred from contracting with any unit of State or Local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and: (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent on behalf of the corporation.

3. **Bribery.** The bidder or contractor or subcontractor, respectively, certifies that, it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois or any unit of local government, nor has the firm made an admission of guilt of such conduct which is a matter of record, nor has an official, agent, or employee of the firm committed bribery or attempted bribery on behalf of the firm and pursuant to the direction or authorization of a responsible official of the firm.
4. **Interim Suspension or Suspension.** The bidder or contractor or subcontractor, respectively, certifies that it is not currently under a suspension as defined in Subpart I of Title 44 Subtitle A Chapter III Part 6 of the Illinois Administrative code. Furthermore, if suspended prior to completion of this work, the contract or contracts executed for the completion of this work may be canceled.

Local Public Agency	County	Section Number	Route(s) (Street/Road Name)
City of Rochelle	Ogle		IL Route 38

SIGNATURES

(If an individual)

Signature of Bidder		Date
Business Address		
City	State	Zip Code

(If a partnership)

Firm Name		
Signature		Date
Title		
Business Address		
City	State	Zip Code

Insert the Names and Addresses of all Partners

--

(If a corporation)

Corporate Name		
Utility Dynamics Corporation		
Signature		Date
		10/19/2022
Title		
President		
Business Address		
23 Commerce Drive		
City	State	Zip Code
Oswego	IL	60543

Insert Names of Officers

President
Joseph B. Spencer

Attest:

Christie Maday
Secretary

Secretary

Christie Maday

Treasurer

June Goggin



A bid will be declared unacceptable if neither a unit price nor total price is shown.

Route 38

Combination Letter	Sections Included in Combinations	Total

Bidder's Proposal for making Entire Improvements	\$166,475.00
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****PLEASE SEE ATTACHED****
Local Public Agency
Proposal Bid Bond



Local Public Agency	County	Section Number
City of Rochelle	Ogle	

WE, _____ as PRINCIPAL, and _____ as SURETY, are held jointly,

severally and firmly bound unto the above Local Public Agency (hereafter referred to as "LPA") in the penal sum of 5% of the total bid price, or for the amount specified in the proposal documents in effect on the date of invitation for bids, whichever is the lesser sum. We bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly pay to the LPA this sum under the conditions of this instrument.

WHEREAS THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that, the said PRINCIPAL is submitting a written proposal to the LPA acting through its awarding authority for the construction of the work designated as the above section.

THEREFORE if the proposal is accepted and a contract awarded to the PRINCIPAL by the LPA for the above designated section and the PRINCIPAL shall within fifteen (15) days after award enter into a formal contract, furnish surety guaranteeing the faithful performance of the work, and furnish evidence of the required insurance coverage, all as provided in the "Standard Specifications for Road and Bridge Construction" and applicable Supplemental Specifications, then this obligation shall become void; otherwise it shall remain in full force and effect.

IN THE EVENT the LPA determines the PRINCIPAL has failed to enter into a formal contract in compliance with any requirements set forth in the preceding paragraph, then the LPA acting through its awarding authority shall immediately be entitled to recover the full penal sum set out above, together with all court costs, all attorney fees, and any other expense of recovery.

IN TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective officers this _____ of _____ Day _____ Month and Year

Principal

Company Name	
Signature	Date
By: _____	_____
Title	

Company Name	
Signature	Date
By: _____	_____
Title	

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

Surety

Name of Surety

Signature of Attorney-in-Fact	Date
By: _____	_____

STATE OF IL
COUNTY OF

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

(Insert names of individuals signing on behalf of PRINCIPAL & SURETY)

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

Given under my hand and notarial seal this _____ day of _____ Month and Year

(SEAL)

Notary Public Signature

Date commission expires _____

Local Public Agency	County	Section Number
City of Rochelle	Ogle	

ELECTRONIC BID BOND

☐ **Electronic bid bond is allowed (box must be checked by LPA if electronic bid bond is allowed)**

The Principal may submit an electronic bid bond, in lieu of completing the above section of the Proposal Bid Bond Form. By providing an electronic bid bond ID code and signing below, the Principal is ensuring the identified electronic bid bond has been executed and the Principal and Surety are firmly bound unto the LPA under the conditions of the bid bond as shown above. (If PRINCIPAL is a joint venture of two or more contractors, an electronic bid bond ID code, company/Bidder name title and date must be affixed for each contractor in the venture.)

Electronic Bid Bond ID Code

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Company/Bidder Name

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Signature

Date

--	--

Title

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RETURN WITH BID

**GENERAL CONTRACTOR OR SUBCONTRACTOR
HOLD HARMLESS AGREEMENT**

"The Contractor shall indemnify and hold harmless the municipality and its' agents and its' employees from and against all claims against the City of Rochelle, its' agents or servants, arising out of the Illinois Structural Work Act, and all losses and expenses, including attorney fees that may be incurred by the City defending such claims, arising out of or resulting from the performance of the work and caused in whole or in part by any negligent act or omission of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. In any and all claims against the City or any of its agents or servants by an employee of a Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph shall not be limited in anyway by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or subcontractor under Workers' Compensation Acts, Disability Acts, or their Employee Benefit Acts."

Agreed By:

Bidder/Contractor (Print Name and Sign)
Joseph B. Spencer, President Utility Dynamics Corporation

Date: 10/19/2022

Subscribed and sworn to before me this 19th day of October, 2022.

Deanne Green

Notary Public

My Commission Expires:



RETURN WITH BID

AFFIDAVIT OF NON-COLLUSION

STATE OF ILLINOIS

COUNTY OF KENDALL

Joseph B. Spencer
(printed name)

being first duly sworn, deposes and says that he is the
President

(sole owner, member, Partner, President, Secretary, etc.) of
Utility Dynamics Corporation

(the party making the foregoing proposal or bid)
and that such bid is genuine and not collusive or a sham; that
said Bidder has not colluded, conspired, connived, or agreed,
directly or indirectly with any Bidder or person, to put in a sham
bid, or that such other person shall refrain from bidding, and has
not in any manner, directly or indirectly sought by agreement or
collusion or communication or conference, with any person, to fix
the bid price of affiant or any other Bidder, or to fix any
overhead, profit, or cost element of said Bid price, or of that of
any other Bidder, or to secure any advantage against the Owner, or
any person interested in the proposed Contract; and that all
statements contained in said proposal or bid are true; and
further, that such Bidder has not, directly or indirectly
submitted this Bid, or the contents thereof, or divulged
information or data relative thereto to any association or to any
member or agent thereof.

Affiant signature and print name
Joseph B. Spencer, President

Subscribed and sworn to before me this 19th day of October,
2022.

Deanne Green Notary Public

My Commission Expires:



**CITY OF ROCHELLE, ILLINOIS
RTE 38 LIGHTING IMPROVEMENTS
WHA #1248D21**

**ADDENDUM NO. 1
October 7, 2022**

This Addendum is issued to modify, clarify, or correct the Project Manual and Drawings, and is hereby made a part of the Contract Documents. Attach this Addendum to the Project Booklet in your possession. Review all changes with all portions of the Work, as changes to one portion may affect the Work of another. Be sure to note receipt and acknowledgment of this addendum on the Bid Form. Failure to do so may render your bid irregular and be cause for rejection. This addendum consists of one (1) page plus one (1) attachment for a total of two (2) pages.

PROPOSAL REVISIONS AND ADDITIONS:

Schedule of Prices (1 sheet)

Added bid item for RESTORATION

END OF ADDENDUM NO. 1

100



A bid will be declared unacceptable if neither a unit price nor total price is shown.

Route 38

Schedule for Multiple Exams		
Combination Letter	Sections Included in Combinations	Total

Bidder's Proposal for making Entire Improvements

[illegible]



Illinois Department
of Transportation

Local Public Agency
Proposal Bid Bond



Local Public Agency City of Rochelle	County Ogle	Section Number
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WE, Utility Dynamics Corporation, 23 Commerce Drive, Oswego, IL 60543 as PRINCIPAL, and Western Surety Company 801 Warrenville Road Lisle, IL 60532 as SURETY, are held jointly, severally and firmly bound unto the above Local Public Agency (hereafter referred to as "LPA") in the penal sum of 5% of the total bid price, or for the amount specified in the proposal documents in effect on the date of invitation for bids, whichever is the lesser sum. We bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly pay to the LPA this sum under the conditions of this instrument.

WHEREAS THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that, the said PRINCIPAL is submitting a written proposal to the LPA acting through its awarding authority for the construction of the work designated as the above section.

THEREFORE if the proposal is accepted and a contract awarded to the PRINCIPAL by the LPA for the above designated section and the PRINCIPAL shall within fifteen (15) days after award enter into a formal contract, furnish surety guaranteeing the faithful performance of the work, and furnish evidence of the required insurance coverage, all as provided in the "Standard Specifications for Road and Bridge Construction" and applicable Supplemental Specifications, then this obligation shall become void; otherwise it shall remain in full force and effect.

IN THE EVENT the LPA determines the PRINCIPAL has failed to enter into a formal contract in compliance with any requirements set forth in the preceding paragraph, then the LPA acting through its awarding authority shall immediately be entitled to recover the full penal sum set out above, together with all court costs, all attorney fees, and any other expense of recovery.

IN TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective officers this 19th of October, 2022
Day Month and Year

Principal		Surety	
Company Name <u>Utility Dynamics Corporation</u>	Company Name <u>N/A</u>	Signature <u>[Signature]</u>	Signature <u>[Signature]</u>
Date <u>10/19/2022</u>	Date <u>10/19/2022</u>	Title <u>Joseph B. Spencer, President</u>	Title <u></u>

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

Name of Surety <u>Western Surety Company</u>	Signature of Attorney-in-Fact <u>[Signature]</u>	Date <u>10/19/2022</u>
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STATE OF IL
COUNTY OF

I, Jennifer J. McComb, a Notary Public in and for said county do hereby certify that

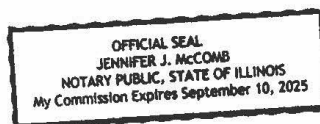
Joseph B. Spencer and James I. Moore

(Insert names of individuals signing on behalf of PRINCIPAL & SURETY)

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

Given under my hand and notarial seal this 19th day of October, 2022
Day Month and Year

(SEAL)



Notary Public Signature
[Signature]
Date commission expires September 10, 2025

Local Public Agency	County	Section Number
City of Rochelle	Ogle	

ELECTRONIC BID BOND

☐ **Electronic bid bond is allowed (box must be checked by LPA if electronic bid bond is allowed)**

The Principal may submit an electronic bid bond, in lieu of completing the above section of the Proposal Bid Bond Form. By providing an electronic bid bond ID code and signing below, the Principal is ensuring the identified electronic bid bond has been executed and the Principal and Surety are firmly bound unto the LPA under the conditions of the bid bond as shown above. (If PRINCIPAL is a joint venture of two or more contractors, an electronic bid bond ID code, company/Bidder name title and date must be affixed for each contractor in the venture.)

Electronic Bid Bond ID Code

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Company/Bidder Name

--

Signature

--

Date

--

Title

--

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

James I Moore, Stephen T Kazmer, Dawn L Morgan, Kelly A Gardner, Melissa Schmidt, Jennifer J Mc Comb, Tariese M Pisciotto, Amy Wickett, Diane M Rubright, Individually

of Downers Grove, IL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 25th day of March, 2020.



WESTERN SURETY COMPANY

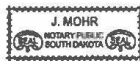
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 25th day of March, 2020, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 19th day of October, 2022.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Form F4280-7-2012

Go to www.cnasurety.com > Owner / Obligor Services > Validate Bond Coverage, if you want to verify bond authenticity.

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

STATE OF ILLINOIS)
) SS.
COUNTY OF OGLE)

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM UTILITY DYNAMICS CORPORATION FOR LIGHTING FOUNDATIONS AND DIRECTIONAL BORING PERTAINING TO THE ILLINOIS ROUTE 38 LIGHTING PROJECT” which was adopted by the Mayor and City Council of the City of Rochelle on October 24, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24th day of October, 2022.

CITY CLERK