
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE ACCEPTING THE BASE BID FROM MARTIN & COMPANY
EXCAVATING AND REJECTING ALL OTHER BIDS FOR THE 2026 1ST AVENUE
AND 9TH STREET PAVEMENT IMPROVEMENTS**

JOHN BEARROWS, Mayor
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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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WHEREAS, Section 7 of Article VII of the Constitution of the State of Illinois provides that a municipality that is not a home rule unit may exercise only those powers granted by law; and

WHEREAS, the City of Rochelle, Ogle County, Illinois, is a non-home rule municipality and may exercise only those 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, the City of Rochelle has identified the 2026 1st Avenue and 9th Street Pavement Improvements Project (the “Project”) as a priority capital improvement project within the City’s 2026 Capital Improvement Program for the purpose of improving roadway infrastructure, replacing deteriorated and undersized storm sewer facilities, enhancing drainage capacity, and improving public safety; and

WHEREAS, the Project includes storm sewer, inlet, and manhole replacements, curb and gutter improvements, and hot-mix asphalt pavement construction along 1st Avenue from 9th Street to east of 2nd Street and along 9th Street from the Union Pacific Railroad crossing to Lincoln Avenue; and

WHEREAS, other City/RMU utility adjustments and/or improvements may be required as the project progresses; and

WHEREAS, the City duly advertised for bids for the Project in accordance with applicable law and publicly opened and read bids on September 23, 2026; and

WHEREAS, the City received bids from Martin & Company Excavating in the amount of Seven Hundred Forty-Three Thousand Forty-One Dollars and Eighty Cents (\$743,041.80); O’Brien Civil Works in the amount of Seven Hundred Seventy-Five Thousand Seven Hundred Fifty-Five Dollars and Fifty-Five Cents (\$775,755.55); and

Elliott and Wood Company in the amount of Eight Hundred Fifty-Four Thousand Five Hundred Dollars and No Cents (\$854,500.00); and

WHEREAS, the City Engineer has reviewed the bids received and determined that the bid submitted by Martin & Company Excavating is the lowest responsible bid and is in the best interests of the City; and

WHEREAS, due to favorable contract unit pricing, staff has recommended authorizing the additional negotiation of change order work in an amount not to exceed Ninety-Six Thousand Dollars (\$96,000.00) within the proposed contract to facilitate additional improvements within or adjacent to the Project area, or elsewhere within the City as may be agreed to, at the contract unit prices; and

WHEREAS, funding for the Project has been identified within the City's 2026 Capital Improvement Program and related infrastructure sales tax revenues, with sufficient funds available to award the contract and provide for potential additional improvements related to the Project; and

WHEREAS, the City Council finds that awarding the contract for the Project to Martin & Company Excavating and rejecting all other bids will promote the public health, safety, and welfare and further the City's goal of maintaining and improving critical public infrastructure; and

WHEREAS, the City Council further finds that authorizing the City Manager and/or City Engineer to negotiate and approve contract change orders or additional work related and germane to the Project, in an amount not to exceed Ninety-Six Thousand Dollars (\$96,000.00), is necessary and appropriate to facilitate additional roadway, drainage, and utility improvements that may be identified during construction.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

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 Base Bid submitted by Martin & Company Excavating in the amount of Seven Hundred Forty-Three Thousand Forty-One Dollars and Eighty Cents (\$743,041.80). The City Manager or his designee is hereby authorized to negotiate and approve a change order or additional work related and germane to the Project in an amount not to exceed Ninety-Six Thousand Dollars (\$96,000.00). The City Manager or his designee is further authorized to execute all documents necessary to carry out the intent of this Ordinance, subject to review and approval as to form 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.

APPROVED this 28th day of September 2026.

ATTEST:

City Clerk

Mayor

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Huéramo, 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 THE BASE BID FROM MARTIN & COMPANY EXCAVATING AND REJECTING ALL OTHER BIDS FOR THE 2026 1ST AVENUE AND 9TH STREET PAVEMENT IMPROVEMENTS," which was adopted by the Mayor and City Council of the City of Rochelle on September 28, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 28th day of September 2026.

CITY CLERK