
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE ENGINEERING
SERVICES AGREEMENT WITH FEHR GRAHAM RELATED TO WELL 8
IMPROVEMENTS**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson and Murray, LLC, City Attorneys
1301 W. 22nd Street, Ste. 500 Oak Brook, Illinois 60523

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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, 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, the City provides utility services including electric, water, sewer, wastewater treatment, and advanced communications to the greater Rochelle Community through the Utility Department, which is commonly referred to as Rochelle Municipal Utilities (RMU); and

WHEREAS, the plans for construction improvements to Well 8 started in 2022; and

WHEREAS, on February 14, 2022, the City approved Resolution No. 22-07 authorizing an Engineering Services Agreement for improvements to Well 8 in the amount of \$430,000; and

WHEREAS, the original contract included limited construction management services but due to the timing of other large-scale projects starting at a similar time, Staff believes it would be prudent to add additional services over the course of the construction phase to alleviate potential problems; and

WHEREAS, Fehr-Graham has provided an amendment to the engineering agreement based on Staff’s requests of additional engineering services, a copy of which is attached herein as Exhibit A; and

WHEREAS, the amendment to the engineering agreement would be an increased cost of \$93,250; and

WHEREAS, the Mayor and City Council have found that it is in the best interest of the City to enter into an amended agreement with Fehr-Graham and authorize the additional engineering

services in the amount of \$93,250.

BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby approve the amendment to the engineering agreement with Fehr-Graham and approve the additional cost \$93,250 for engineering services (for a total cost of \$523,250). The City Manager or his designee are hereby authorized to execute the amendment to the engineering agreement, a copy of which is attached herein as Exhibit A.

SECTION THREE: If any provision of this Resolution 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 Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

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

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

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

APPROVED THIS 9th day of September 2024.

MAYOR

ATTEST:

CITY CLERK

E

Exhibit A

This is EXHIBIT K, consisting of 2 pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated February 16, 2022.

AMENDMENT TO ENGINEER-CONSULTANT AGREEMENT

Amendment No. 1

Background Data:

Effective Date of Owner-Engineer Agreement: February 16, 2022

Owner: City of Rochelle

Consultant: Fehr Graham

Project: Water Treatment Facility at Well 8

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- ☒ Additional Services to be performed by Consultant
- ☐ Modifications to services of Consultant
- ☐ Modifications to responsibilities of Engineer
- ☐ Modifications of payment to Consultant
- ☐ Modifications to time(s) for rendering services
- ☐ Modifications to other terms and conditions of the Agreement

Description of Modifications:

Fehr Graham to provide the following additional services:

- Additional 150 hours of construction observation added to the fee estimate in consideration of an estimated 18 month project (original scope estimated a 12 month project)
- Additional 150 hours of project management services to allow for more regular on-site coordination meetings with the contractor
- Additional administrative time to process pay estimates and certified payrolls for an estimated 18 month project
- Additional services related to EDA grant administration/support services provided to the City as part of the design engineering services
- Asbestos lead testing for EDA requirements.
- IEPA required signage for the project site.
- IEPA construction permit renewal.

Agreement Summary:

Original agreement amount:	<u>\$ 430,000</u>
Net change for prior amendments:	<u>\$</u>
This amendment amount:	<u>\$ 93,250</u>
Adjusted Agreement amount:	<u>\$ 523,250</u>

Change in time for services (days or date, as applicable): N/A

Engineer and Consultant hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is _____.

OWNER:

ENGINEER:

By: _____

By: _____

Title: _____

Title: _____

Date Signed: _____

Date Signed: _____

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 Resolution No. _____, “A RESOLUTION AUTHORIZING AN AMENDMENT TO THE ENGINEERING SERVICES AGREEMENT WITH FEHR GRAHAM RELATED TO WELL 8 IMPROVEMENTS” which was adopted by the Mayor and City Council of the City of Rochelle on September 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 9th day of September 2024.

CITY CLERK