
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL OF MARTIN
AND COMPANY EXCAVATING, PURSUANT TO THE REQUEST FOR BIDS FOR
THE 2025 STEWARD ROAD MULTI USE PATH**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd. – City Attorneys
1804 North Naper Boulevard, Suite 350, Naperville, Illinois 60563

ORDINANCE NO: _____

AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL OF MARTIN AND COMPANY EXCAVATING, PURSUANT TO THE REQUEST FOR BIDS FOR THE 2025 STEWARD ROAD MULTI USE PATH

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 ILApp. 3d 1058, 1060 (1997)); and

WHEREAS, the Steward Road Multi Use Path (“MUP”) (“The Project”) was programmed in the 2025 Capital Improvement Plan for completion as part of a development agreement for property along and adjacent to the proposed path extension. (The Project is depicted in the attached Exhibit B); and

WHEREAS, the project will consist of a newly constructed hot mix asphalt path from Caron Court to the existing MUP at Ritchie/Steward Rd intersection. Tree and landscaping removal and replacement, along with new culverts under the path and grading and shaping of ditches will be part of the project as well; and

WHEREAS, in anticipation of the project, plans and specifications were developed by the City Engineering Department and advertised on the City website and in the Rochelle News-Leader on March 17 and

WHEREAS, in accordance with the request for bids, on April 3, 2025, the City properly opened the five (5) bids it received; a summary of the bids is attached as Exhibit A; and

WHEREAS, the lowest bid was from Bruns Construction, Inc., in the amount of \$196,509.20, but was later withdrawn; and

WHEREAS, the second lowest bid was Martin and Company Excavating, in the amount of \$219,815.50; and

WHEREAS, staff recommends the City accept the bid from Martin and Company Excavating, as it is the lowest remaining bid, is only two percent (2%) higher than the Engineer's Cost Estimate, and it meets all the City's specifications for the project; and

WHEREAS, given the favorable contract unit prices for the construction work, staff is also requesting the authority to negotiate a change order for work within the proposed contract to facilitate other improvements and upgrades to City drainage systems, pedestrian paths and/or streets adjacent to this project not to exceed \$16,000, and

WHEREAS, the Mayor and City Council find that it is in the best interest of the City and its residents to accept and approve the proposal from Martin and Company Excavating, in the amount of \$219,815.50 for the 2025 Steward Road multi use path, and to authorize a change order not to exceed \$16,000.

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 proposal of Martin and Company Excavating, in the amount of \$219,815.50 for the 2025 Steward Road multi use path. The City Manager or his designee is authorized to negotiate a change order subject to the proposal in an amount not to exceed \$16,000. The City Manager or his designee is authorized to execute documents necessary to carry out the intent of this Ordinance subject to review as to substance and 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 April 2025.

ATTEST:

City Clerk

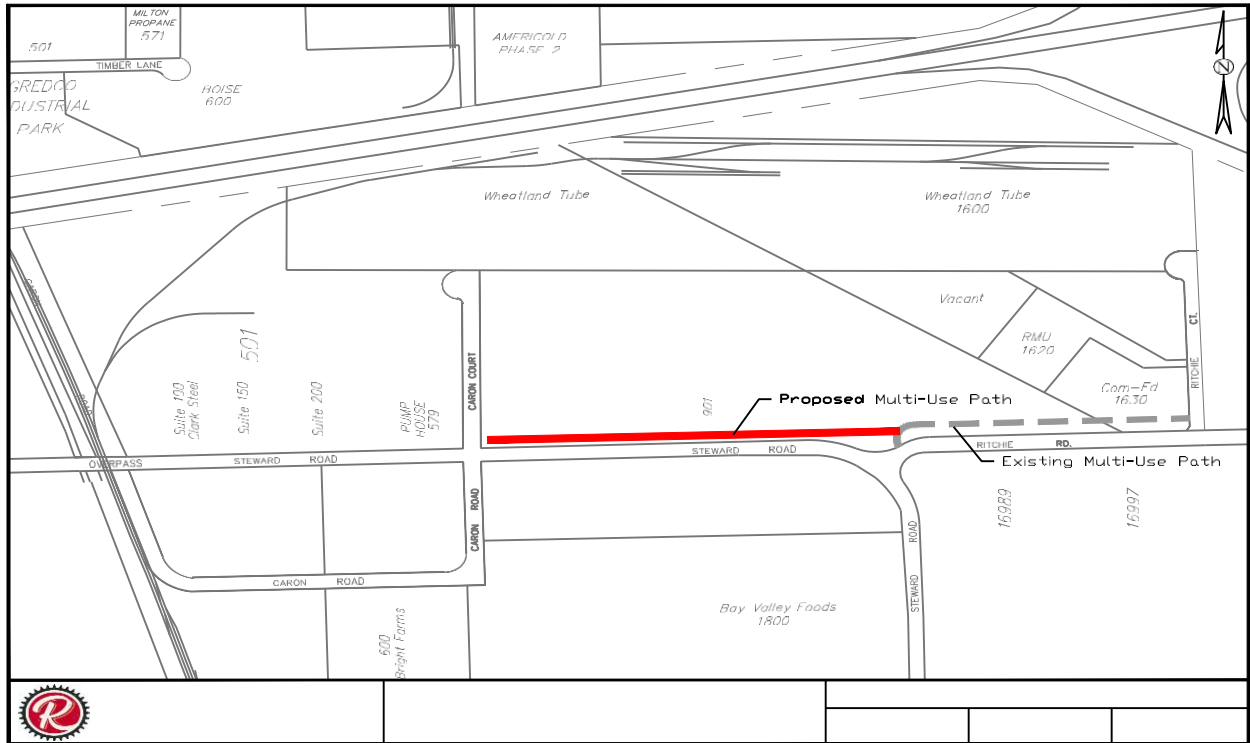
Mayor

EXHIBIT A

City of Rochelle
2025 Steward Rd Multi-Use Path
Bid Opening Checklist
Bid Opening: April 3, 2025 11:30am

Name	Hold Harmless Agreement	Affidavit of Non-Collusion	Bid Bond	Bid Proposal	Addendum No. 1	Total Cost of Improvement
Bruns Construction Rochelle, IL	X	X	X	X	X	\$196,509.20
Martin & Company Excavating Oregon, IL	X	X	X	X	X	\$219,815.50
M2 Service Company Byron, IL	X	X	X	X	X	\$286,391.98
Porter Brothers Rock Falls, IL	X	X	X	X	X	\$371,464.00
Elliott & Wood DeKalb, IL	X	X	X	X	X	\$405,000.00
DPI Construction Pecatonica, IL						No Bid
Curran Contracting DeKalb, IL						No Bid
N-Trak Group Loves Park, IL						No Bid
Helm Civil Freeport, IL						No Bid
Northern Illinois Service Co Rockford, IL						No Bid
Stenstrom Excavation & Blacktop Rockford, IL						No Bid

EXHIBIT B



STATE OF ILLINOIS)
) SS.
COUNTY OF OGLE)

CERTIFICATE

I, Rose Hueramo, 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 OF MARTIN AND
COMPANY EXCAVATING, PURSUANT TO THE REQUEST FOR BIDS FOR THE 2025
STEWARD ROAD MULTI USE PATH” which was adopted by the Mayor and City Council of
the City of Rochelle on April 28, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 28th day of April 2025.

CITY CLERK