

RESOLUTION NO. 21-09

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO, ILLINOIS,  
TO AUTHORIZE THE VILLAGE MAYOR TO ENTER INTO A NOTICE TO PROCEED UNDER THE  
ENGINEERING SERVICES AGREEMENT SUPPLEMENT #4 WITH BURNS & McDONNELL  
ENGINEERING, INC. FOR PRELIMINARY ENGINEERING SUPPLEMENTAL SERVICES FOR  
I-255 INTERCHANGE NEAR DAVIS STREET FERRY ROAD: BMcD Project #116796**

**WHEREAS**, the Village of Dupo, Illinois desires to use Federal-aid funds through the State of Illinois to assist in developing and constructing a new I-255 Interchange near Davis Street Ferry Road, Dupo, St. Clair County, Illinois;

**WHEREAS**, it is necessary and required by the State of Illinois, through the Illinois Department of Transportation, to conduct certain Preliminary Engineering Supplemental Services for Phase II Engineering and Land Acquisition Services of the aforementioned Interchange;

**WHEREAS**, the Illinois Department of Transportation ("IDOT") desires the Village of Dupo, Illinois to enter into an Amended Preliminary Engineering Services Agreement with Burns & McDonnell Engineering, Inc. for the performance of certain Preliminary Engineering Supplemental Services for Phase II Engineering and Land Acquisition Services pertaining to the aforementioned Interchange, which has been accomplished as the Village awaits IDOT's approval of the Engineering Services Agreement Supplement #4;

**WHEREAS**, the Village of Dupo, Illinois desires to serve a Notice to Proceed with Burns & McDonnell Engineering, Inc. to provide Preliminary Engineering Supplemental Services for Phase II Engineering and Land Acquisition Services pertaining to the aforementioned Interchange prior to IDOT's approval of Supplement #4;

**WHEREAS**, it is necessary that the Village of Dupo serve a Notice to Proceed under the Local Public Agency Engineering Services Agreement in order to receive said supplemental services and funds; specifically, Preliminary Engineering Supplemental Agreement #4 of Phase II Engineering and Land Acquisition Services for I-255 Interchange near Davis Ferry Road; and

**WHEREAS**, the Village of Dupo recognizes that IDOT has not yet provided a letter fully approving Supplement #4; and therefore, a risk that IDOT might not approve all of the associated costs with the Supplement.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the recitals set forth above in the preamble of this Resolution are hereby incorporated into this Resolution as recommendations of the Village Board of

Trustees of the Village of Dupo, Illinois.

2. The Village Board of Trustees hereby approves the Mayor serving the Notice to Proceed with the Preliminary Engineering Supplemental Agreement #4 for Federal Participation in substantially the form attached to this Resolution as **Exhibit A**.
3. The Village Board of Trustees hereby authorizes and directs the Mayor to execute, and serve the Notice to Proceed for the Amended Preliminary Engineering Supplemental Agreement #4.
4. The Village Board of Trustees hereby authorizes the Mayor to take such additional actions as may be required or necessary to accomplish the aforementioned Preliminary Engineering Supplemental Agreement #4 for State or Federal Participation.
5. This Resolution shall be in full force and effect from and after its passage, as provided by law.

**PASSED** this 2nd day of August, 2021 by the Village Mayor and the Village Board of Trustees of the Village of Dupo, St. Clair County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

| <u>Trustees</u> | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> | <u>Abstain</u> |
|-----------------|------------|------------|---------------|----------------|
| Ron Dell        | <u>X</u>   | ___        | _____         | _____          |
| Dawn Keys       | <u>X</u>   | ___        | _____         | _____          |
| Tammy Taylor    | <u>X</u>   | ___        | _____         | _____          |
| Joe Basinski    | <u>X</u>   | ___        | _____         | _____          |
| Ken Phillips    | <u>X</u>   | ___        | _____         | _____          |
| Kerry Foster    | <u>X</u>   | ___        | _____         | _____          |

**[This space intentionally left blank.]**

APPROVED AND PASSED by the Mayor of the Village of Dupo, Illinois this 2nd day of August, 2021.



Jerry Wilson, Mayor  
Village of Dupo, Illinois

ATTEST:



Mark Nadler, Village Clerk

(SEAL)

TRUSTEES

RON DELL  
DAWN KEYS  
TAMMY TAYLOR  
JOE BASINSKI  
KEN PHILLIPS  
KERRY FOSTER

# VILLAGE OF DUPO

JERRY WILSON, MAYOR  
MARK NADLER, CLERK  
DARILYN HOLZHAUER, TREASURER

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PHONE (618) 286-3280 FAX (618) 286-5505  
107 NO. 2ND STREET, DUPO, ILLINOIS 62239

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August 3, 2021

Ms. Kimberly Restoff, PE, PTOE  
Burns & McDonnell Engineering  
1075 Eastgate Drive, Suite 1  
O'Fallon, IL 62269

Re: Notice to Proceed - Supplement 4  
I-255 Interchange near Davis Street Ferry Road  
Village of Dupo  
Section 05-00019-00-PV  
FHWA Project No. HPP-0026(003)  
Job No. P-98-308-7

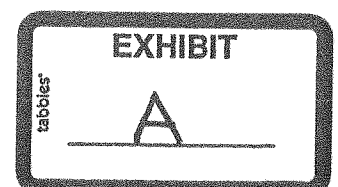
Dear Kimberly,

Please consider this letter as written Notice to Proceed with supplemental engineering and land acquisition services associated with the above referenced project as described in the Local Public Agency Engineering Services Agreement – Supplement 4 (IDOT BLR Form 05530). Supplement 4 is an amendment to the Preliminary Engineering Services Agreement executed March 2017 and approved by the Illinois Department of Transportation by letter dated April 23, 2018. Although Supplement 4 was signed by Burns & McDonnell and the Village of Dupo in April 2021, it is under IDOT review for full approval. Supplement 4 scope of services are listed below and described in Exhibit A of the referenced document. The fee associated with Supplement 4 is \$425,761 as summarized in Exhibit E of the referenced document.

Supplement 4 – Scope of Services

1. Update architectural resources survey
2. Field survey/staking and support for archaeological surveys
3. Bluffview Drive (South) from Imbs Station Road to Davis Street Ferry Road
4. Evaluate alternative detention basin locations and address compensatory storage
5. Additional project management and coordination services
6. Additional land acquisition services for coordination and closing support
7. Updated and new title commitments

As indicated in your letter dated June 28, because IDOT has not yet provided a letter fully approving Supplement 4 there is risk that IDOT may not approve all costs associated with the supplement. With this written notice to proceed, the Village of Dupo agrees to compensate Burns & McDonnell and its subconsultants for all services performed in association with Supplement 4 in the event IDOT does not ultimately approve the costs associated with those services.



Ms. Kimberly Restoff  
Notice to Proceed – Supplement 4  
August 3, 2021  
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Additionally, as indicated your letter dated June 28, it is understood that IDOT will not reimburse the Village of Dupo for paid invoices associated with Supplement 4 until the supplement has been approved and the Funding Agreement Amendment is fully executed. The Village understands that this period of time could be 12 months or longer. The Village agrees to pay Burns & McDonnell for all monthly invoices (including those associated with Supplement 4) within 30 days of receipt, regardless of any delays in approvals or reimbursements by IDOT.

If the delay in reimbursements results in cash flow concerns, or for any other reason, the Village of Dupo or Burns & McDonnell may suspend or terminate work associated with Supplement 4 upon giving notice in writing to the other party. The Village of Dupo will be responsible for compensation of all expenses incurred up to the date of the written notice of suspension or termination.

If you have any questions, please contact me at (618) 286-3280.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerald Wilson', written over a horizontal line.

Jerald Wilson  
Mayor, Village of Dupo

Enclosures

cc: Trustee Joe Basinski – Village of Dupo  
Josh Hensley – Illinois Department of Transportation  
Norman Etling – St. Clair County Highway Department  
Randy Georgen – St. Clair County Highway Department