



PUBLIC WORKS AND
ENGINEERING DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5390
desplaines.org

MEMORANDUM

Date: January 21, 2021

To: Michael G. Bartholomew, MCP, LEED-AP, City Manager

From: Jon Duddles, P.E., CFM, Assistant Director of Public Works and Engineering *ASD*

Cc: Timothy P. Oakley, P.E., CFM, Director of Public Works and Engineering

Subject: Des Plaines River Road Contract 60X13 and 62267 – Second Addendum Agreement - Revised

Issue: On May 5, 2014, the City Council approved an Agreement with the Illinois Department of Transportation (IDOT) for the improvement of Des Plaines River Road from Touhy Avenue to Algonquin Road (Contract 60X13) and from Algonquin Road to U. S. Route 12 (Contract 62267). The latter phase of the project exceeded the initial cost estimate requiring an addendum (First Addendum Agreement) which was approved by the City Council on July 17, 2017. The final construction costs have also increased requiring a Second Addendum Agreement with the State to final out the project.

Analysis: According to the Second Addendum Agreement, the State agrees to pay the City for construction and construction engineering costs associated with the subject improvements up to a maximum amount of \$31,810,000. This is an increase of \$4,000,000 to IDOT's share of the project cost. The City's cost share will increase by \$256,167.20 for construction engineering for a total of \$4,313,095.20. Previously, the City approved an initial second addendum agreement in 2019, R-133-19; however, IDOT did not act on the agreement and it needs to be rescinded.

Recommendation: We recommend rescinding Resolution R-133-19, the initial IDOT Des Plaines River Road Second Addendum Agreement. In addition, we recommend approval of the revised Second Addendum Agreement with the Illinois Department of Transportation for the reconstruction of Des Plaines River Road between Touhy Avenue and Rand Road.

Attachments:

Attachment 1 – First Addendum Agreement (R-130-17)
Resolution R-25-22
Exhibit A – Second Addendum Agreement

FAU Route 2710
Des Plaines River Road
State Sections: 1213 & 3222R and 1213R
Cook County
Job Nos. :C-91-016-14 and C-91-285-01
Contract Nos.: 60X13 and 62267
JN-114-544

ADDENDUM AGREEMENT

This Addendum Agreement entered into this 19 day of July, 2017
A.D., by and between the STATE OF ILLINOIS, acting by and through its
DEPARTMENT OF TRANSPORTATION hereinafter called the STATE, and the CITY
OF DES PLAINES of the State of Illinois, hereinafter called the CITY.

WITNESSETH:

WHEREAS, the STATE and the CITY entered into an agreement executed on
June 17th, 2014, for the improvement of Des Plaines River Road from Touhy Avenue
to Algonquin Road (State Section: 1213 & 3222R, Job No.: C-91-016-14, Contract
No.: 60X13) and from Algonquin Road to U.S. Route 12 (Rand Road) (State Section:
1213R, Job No.: C-91-285-01, Contract No.: 62267), hereinafter referred to as the
IMPROVEMENTS; and

WHEREAS, since the execution of the aforementioned Agreement, the STATE
has requested that the CITY coordinate construction activities with the Union Pacific
Railroad; and

WHEREAS, since the execution of the aforementioned Agreement, it has been determined that additional special waste mitigation is required for the IMPROVEMENTS; and

WHEREAS, since the execution of the aforementioned Agreement, that Traffic Signal maintenance and energy has been revised; and

WHEREAS, it is mutually agreed that the additional cost of the Railroad Coordination and the Special Waste Mitigation will be 100% STATE responsibility.

NOW THEREFORE BE IT AGREED that the aforementioned agreement is revised as follows as if fully incorporated therein:

1. Page 4, Item 4 of the agreement shall be revised to read as follows:
 4. The STATE agrees to pay the CITY for payable construction costs and construction engineering costs associated with the IMPROVEMENTS up to a maximum AMOUNT of \$27,810,000.00. Any increase in the STATE's financial participation must be requested in writing and approved prior to any expenditure.
2. Page 5, Item 6 of the agreement shall be revised to read as follows:
 6. It is mutually agreed by and between the parties hereto that the estimated cost and cost proration for this improvement is as shown on Revised Exhibit A.

3. Page 5, Item 6 of the agreement shall be revised to read as follows:

6. It is mutually agreed by and between the parties hereto that the estimated cost and cost proration for this improvement is as shown on Revised Exhibit A.

4. Page 8, Item 6 of the agreement shall be revised to read as follows:

18. Upon acceptance by the STATE of the traffic signal work included herein, the financial responsibility for the maintenance and electrical energy charges for the operation of the traffic signals shall be proportioned as shown in the attached EXHIBIT E.


Obligations of the STATE and the CITY will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.

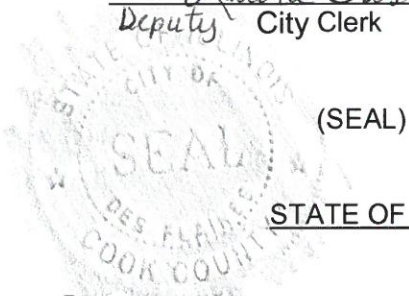
This agreement and the covenants contained herein shall be null and void in the event the contract covering the construction work contemplated herein is not awarded within the three years subsequent to execution of the agreement.

CITY OF DES PLAINES

By: 
(Signature)

Attest:


Deputy City Clerk



(SEAL)

By: Matthew Bogusz
(Print or Type)

Title: Mayor

Date: 7/19/2017

STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION

By: _____
Randall S. Blankenhorn
Secretary

Date: _____

By: _____
Priscilla A. Tobias, P.E.
Director, Office of Program Development

Date: _____

By: _____
Jeff Heck, Chief Fiscal Officer
Director of Finance and Administration

Date: _____

By: _____
William M. Barnes
Chief Counsel

Date: _____

Job Nos. :C-91-016-14 and C-91-285-01
Agreement No.: JN-114-544

**Contract 62267 REVISED EXHIBIT A
ESTIMATE OF COST & PARTICIPATION**

TYPE OF WORK	STATE		CITY		TOTAL
	COST	%	COST		
All roadway work excluding the following	\$8,410,000	100%		NA%	\$8,410,000
Construction Engineering (10%)	\$841,000	100%		NA%	\$841,000
TRAFFIC SIGNALS					
Des Plaines River Road at U.S. Route 14 (Miner Street)	\$240,000	100%		NA%	\$240,000
Construction Engineering (10%)	\$24,000	100%		NA%	\$24,000
Des Plaines River Road at Pearson Street	\$216,000	90%	\$24,000	10%	\$240,000
Construction Engineering (10%)	\$21,600	90%	\$2,400	10%	\$24,000
Des Plaines River Road at Perry Street	\$223,920	93.3%	\$16,080	6.7%	\$240,000
Construction Engineering (10%)	\$22,392	93.3%	\$1,608	6.7%	\$24,000
Des Plaines River Road at Elk Boulevard	\$240,000	100%		NA%	\$240,000
Construction Engineering (10%)	\$24,000	100%		NA%	\$24,000
Des Plaines River Road at Lee Street	\$240,000	100%		NA%	\$240,000
Construction Engineering (10%)	\$24,000	100%		NA%	\$24,000
Des Plaines River Road at U.S. Route 12 (Rand Road)	\$240,000	100%		NA%	\$240,000
Construction Engineering (10%)	\$24,000	100%		NA%	\$24,000
U.S. Route 14 (Miner Street) at Pearson	\$216,000	90%	\$24,000	10%	\$240,000
Construction Engineering (10%)	\$21,600	90%	\$2,400	10%	\$24,000
U.S. Route 14 (Demster Street) at Busse Road					
Construction Engineering (10%)					
Emergency Vehicle Preemption Equipment for all Traffic Signals		NA%	\$40,000	100%	\$40,000
Construction Engineering (10%)		NA%	\$4,000	100%	\$4,000
OTHER WORK					
City Requested Sidewalk	\$41,600	80%	\$10,400	20%	\$52,000
Construction Engineering (10%)	\$4,160	80%	\$1,040	20%	\$5,200
Roadway Lighting		NA%	\$1,010,000	100%	\$1,010,000
Construction Engineering (10%)		NA%	\$101,000	100%	\$101,000
City Watermain		NA%	\$2,400,000	100%	\$2,400,000
Construction Engineering (10%)		NA%	\$240,000	100%	\$240,000
City requested Curb and Gutter		NA%	\$180,000	100%	\$180,000
Special Waste Mitigation	\$1,600,000	100%			\$1,600,000
Construction Engineering (10%)	\$160,000	100%			\$160,000
Railroad Coordination	\$1,940,000	100%			\$1,940,000
TOTAL	\$14,774,272		\$4,056,928		\$18,831,200

NOTE: The cost participation shall be predicated upon the percentages shown above for the specified work. The actual cost participation shall be determined by multiplying the final quantities times contract unit prices, plus 10% for construction engineering unless otherwise noted.

EXHIBIT E

Following is the list of signalized intersections and locations with traffic control devices along State highways located within or near the City of Des Plaines that are subject to the provisions of the attached Master Agreement to which this list is an exhibit.

Page 1 of 3

LOCATION		% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGES RESPONSIBILITY			AGENCY PERFORMING MAINT.
		STATE	LOCAL	OTHER	STATE	LOCAL	OTHER	
US 12 (Elk Blvd) at Des Plaines River Rd	(S/M)	75	25	60X13 & 62267	75	25		STATE
US 12 (Rand Rd) at Elk Blvd	(S)	100				100	TS 370	STATE
US 12 (Rand Rd) at US 45 (Des Plaines River)	(S)	100			100			STATE
US 12 (Rand Rd) at IL 58 (Golf Rd)	(S)	100		TS 425		100		STATE
US 12 (Rand Rd) at Third Av	(S/M)	50	50	TS13085		100	Permit# 1-97-0390	STATE
US 12 (Rand Rd) at Wolf Rd	(S/M)	100		TS 425		100		STATE
US 12/45 (Graceland) at 12/45 (Jefferson/RR) US 14 (Miner St)	(S/M)	86	14		86	14		STATE
US 12/45 (Graceland) at Thacker St	(S/M)	50	50		50	50		STATE
US 12/45 (Graceland) at Prairie Av	(S/M)	50	50		50	50		STATE
US 12/45 (Lee St) at Algonquin Rd	(S/M)	50	50		50	50		STATE
US 12/45 (Lee St) at Oakton St	(S)	100				100	TS 1130	STATE
US 12/45 (Lee St) at Prairie Av	(S/M)	50	50		50	50		STATE
US 12/45 (Lee St) at Thacker St	(S/M)	50	50		50	50		STATE
US 12/45 (Lee St) at US 12/45 (Mannheim)	(S/M)	66 2/3	33 1/3		66 2/3	33 1/3		STATE
US 12/45 (Lee St) at US 14 (Miner)	(S)	75	25		75	25		STATE
US 12/45 (Lee St) at Perry St	(S/M)	50	50			100		STATE
US 12/45 (Mannheim Rd) at IL 72 (Higgins)	(S)	100			100		0 Rosemont/0 Chicago	STATE
US 12/45 (Mannheim Rd) at Prospect Av	(S/M)	50	50		50	50		STATE
US 12/45 (Mannheim Rd) at Touhy Av	(S)	100			100		0 Rosemont	STATE
US 14 (Dempster St) at Potter Rd	(ADT)	100			75		25 Park Ridge	STATE
US 14 (Dempster St) at Rand Rd	(S)	100			100			STATE
US 14 (Miner St) at Des Plaines River Rd	(S)	50	50	60X13 & 62267	50	50		STATE
US 14 (NW Hwy) at Mt. Prospect Rd	(S/CC)	100			100		0 Mt. Prospect	STATE
US 14 (NW Hwy) at Pearson St	(S/M)	50	50		50	50		STATE

(S) = State (M) = Municipality (CC) = Cook Co. (ADT) = Avg. Daily Traffic (TWP) = Township (PB) = Private Benefit

LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGES RESPONSIBILITY			AGENCY PERFORMING MAINT.
	STATE	LOCAL	OTHER	STATE	LOCAL	OTHER	
US 14 (NW Hwy) at State St	(S)	100		100			STATE
US 14 (NW Hwy) at Broadway St	(S)	100		100			STATE
US 45 (Des Plaines River) at US 45 (Lee)	(S)	100	To be removed soon	100		Recon of River Rd	STATE
US 45 (Des Plaines River) at Central Rd	(S)	100		100			STATE
US 45 (Des Plaines River) at IL 58	(S)	100		100			STATE
US 45 (Des Plaines River) at Nazareth/Holy Hosp	(S/M)		100		100		STATE
IL 58 (Golf) at 6th Av	(S/M)	50	50	50	50		STATE
IL 58 (Golf) at East River Rd	(S/CC)	100		100			STATE
IL 58 (Golf/Seegers) at Wolf Rd	(S)	100		100			STATE
IL 58 (Golf) at IL 83 (Elmhurst Rd)	(S)	100		100			STATE
IL 58 (Golf) at Mt Prospect Rd	(S/CC)	100		100		0 Mt. Prospect	STATE
IL 58 (Golf) at Oakton College	(S/M)		100 Oakton College			100 Oakton College	STATE
IL 58 (Golf) at Mariano Access Dr	(PB)		100		100		STATE
IL 62 (Algonquin) at IL 83 (Elmhurst)	(S)	100		100		0 Mt. Prospect	STATE
IL 72 (Higgins) at Devon Av	(S/M)	100	TS9085	100		0 Rosemont	STATE
IL 72 (Touhy) at Mt Prospect Rd	(S/TWP)	75	25	75	25		STATE
IL 72 (Higgins) at Lee St	(ADT)	100		75	25		STATE
IL 72 (Touhy) at Wolf Rd	(S)	100		100			STATE
Touhy Av at Maple St	(S/M)	50	50	50	50		STATE
IL 83 (Elmhurst) at IL 83 (Oakton)	(S)	100		100		0 Mt. Prospect	STATE
IL 83 at Dempster St/Thacker	(S/CC)	100		100		0 Mt. Prospect	STATE
Algonquin Rd at Seymour Av	(S/M)	50	50	50	50		STATE
Algonquin Rd at Mt Prospect Rd	(S/CC)	100		100			STATE
Ballard Rd at Potter Rd	(S/CC)	100		100			STATE
Ballard Rd at Bender Rd (relocated)	(S/CC)	100		100			STATE
Central Rd at Oakton College	(S/M)		100 Oakton College			100 Oakton College	STATE
Central Rd at Wolf Rd	(S/M)	50	25	25	100	TS 4765	STATE

(S) = State (M) = Municipality (CC) = Cook Co. (ADT) = Avg. Daily Traffic (TWP) = Township (PB) = Private Benefit

City of Des Plaines

LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGES RESPONSIBILITY			AGENCY PERFORMING MAINT.
	STATE	LOCAL	OTHER	STATE	LOCAL	OTHER	
Des Plaines River Rd at Pearson/River St		100	60X13 & 62267		100		STATE
Des Plaines River Rd at Perry St		100	60X13 & 62267		100		STATE
Des Plaines River Rd at Touhy Av	50	50	60X13 & 62267	50	50		STATE
Lee St at Touhy Av	100			100			STATE
Oakton St at Webster Ln	50	50		50	50		STATE
Oakton St at Mt Prospect Rd	100			100			STATE
Rand Rd at Ballard Rd	100				100	TS 370	STATE
Wolf Rd at Algonquin Rd	75	25		75	25		STATE
Wolf Rd at Howard St	50	50		50	50		STATE
Wolf Rd at Oakton St	100			100			STATE
Wolf Rd at Thacker St/Dempster	75	25		75	25		STATE
Des Plaines River Rd at Oakton St	25	75	60X13 & 62267	25	75		STATE
Elmhurst Rd at I-90 Diverg Diamond Intrchg	<i>To be included per City/Tollway proj. Waiting for agreement.</i>						
US 12 (Rand) at Central Rd	75		25 Mt. Prospect	75		25 Mt. Prospect	Mt Prospect
Des Plaines River Rd at River Casino		100	JT		100		LOCAL
Des Plaines River Rd at Devon Av	25	25	50 Rosmont		25	75 Rosemont	Rosemont
Des Plaines River Rd at Algonquin Rd		100	60X13 & 62267		100		LOCAL
Oakton St at White St		100	TS1130		100		LOCAL

- (S) = State
- (M) = Municipality
- (CC) = Cook Co.
- (ADT) = Avg. Daily Traffic
- (TWP) = Township

CITY OF DES PLAINES

RESOLUTION R - 25 - 22

A RESOLUTION RESCINDING RESOLUTION R-133-19 AND APPROVING A REVISED SECOND ADDENDUM TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION AGREEMENT FOR IMPROVEMENT OF DES PLAINES RIVER ROAD.

WHEREAS, on May 5, 2014, the City Council adopted Resolution R-78-14 approving an agreement with the Illinois Department of Transportation ("**IDOT**") for the improvement of Des Plaines River Road from Touhy Avenue to Algonquin Road and from Algonquin Road to U.S. Route 12 ("**Project**"), which agreement was entered into on June 17, 2014 ("**Agreement**"); and

WHEREAS, in 2017, it was determined that the Project would exceed the initial cost estimate stated in the Agreement, and, in order to continue the Project, IDOT required the City enter into an addendum to the Agreement ("**First Addendum**"); and

WHEREAS, in August 2019, it was determined that the Project would exceed the increased cost estimate stated in the First Addendum, and, in order to continue the Project, IDOT required that the City enter into a second addendum to the Agreement ("**Second Addendum**"); and

WHEREAS, on August 5, 2019, the City Council adopted Resolution No. R-133-19 approving the Second Addendum; and

WHEREAS, IDOT did not execute the Second Addendum and has since sent a revised Second Addendum to the Agreement ("**Revised Second Addendum**"); and

WHEREAS, pursuant to the Revised Second Addendum, the City's share of the cost of the Project will increase by \$256,167.20 for construction engineering for a new total amount of \$4,313,095.20; and

WHEREAS, the City Council has determined that it is in the best interest of the City to rescind Resolution R-133-19 and enter into the Revised Second Addendum to the Agreement with IDOT;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the City Council.

SECTION 2: APPROVAL OF REVISED SECOND ADDENDUM. The City Council hereby approves the Revised Second Addendum in the form attached to this Resolution as **Exhibit A**, and in a final form acceptable to the City's General Counsel.

SECTION 3: AUTHORIZATION TO EXECUTE REVISED SECOND ADDENDUM. The City Council hereby authorizes and directs the Mayor and the City Clerk to execute and seal, on behalf of the City, the Revised Second Addendum.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

PASSED this ____ day of _____, 2022.

APPROVED this ____ day of _____, 2022.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

DP-Resolution Approving Revised Second Addendum Agreement with IDOT for River Road Reconstruction

FAU Route 2710
Des Plaines River Road
State Sections: 1213 & 3222R and 1213R
Cook County
Job Nos.: C-91-016-14 and C-91-285-01
Contract Nos.: 60X13 and 62267
JN-114-544

SECOND ADDENDUM AGREEMENT

This Addendum Agreement entered into this ____ day of _____, 2022,
by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT
OF TRANSPORTATION hereinafter called the STATE, and the CITY OF DES
PLAINES of the State of Illinois, hereinafter called the CITY.

WITNESSETH:

WHEREAS, the STATE and the CITY entered into an agreement executed on
June 17th, 2014 and an ADDENDUM AGREEMENT executed on the 17th day of
August, 2017 A.D., for the improvement of Des Plaines River Road from Touhy
Avenue to Algonquin Road (State Section: 1213 & 3222R, Job No.: C-91-016-14,
Contract No.: 60X13) and from Algonquin Road to U.S. Route 12 (Rand Road) (State
Section: 1213R, Job No.: C-91-285-01, Contract No.: 62267), hereinafter referred to
as the IMPROVEMENTS; and

WHEREAS, since the execution of the aforementioned Agreement and
Addendum Agreement, the CITY has let and awarded contract 62267; and

WHEREAS, the actual construction costs for the IMPROVEMENTS have increased from the ADDENDUM AGREEMENT estimate.

NOW THEREFORE BE IT AGREED that the aforementioned agreement is further revised as follows as if fully incorporated therein:

1. Page 4, Item 4 of the agreement shall be revised to read as follows:
 4. The STATE agrees to pay the CITY for payable construction costs and construction engineering costs associated with the IMPROVEMENTS up to a maximum AMOUNT of \$31,810,000.00. Any increase in the STATE's financial participation must be requested in writing and approved prior to any expenditure.

2. Page 5, Item 6 of the agreement shall be revised to read as follows:
 6. It is mutually agreed by and between the parties hereto that the final cost and cost proration for the IMPROVEMENTS is as shown on Exhibit A Revised 01/12/22 attached hereto and made a part hereof.

Obligations of the STATE and the CITY will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.

NOW THEREFORE BE IT FURTHER AGREED that all terms and conditions stated in this SECOND ADDENDUM AGREEMENT be made a part of the ORIGINAL AGREEMENT executed on the 17th day of June, 2014 A.D. and the ADDENDUM AGREEMENT executed on 23rd day of August 2017 A.D. and that all other terms and conditions not in conflict with this SECOND ADDENDUM AGREEMENT as enumerated in that ORIGINAL AGREEMENT and the ADDENDUM AGREEMENT remain applicable.

CITY OF DES PLAINES

Attest:

Clerk

(SEAL)

By: _____
(Signature)

By: _____
(Print or Type)

Title: _____

Date: _____

STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION

By: _____
Omer Osman P.E.
Secretary

Date: _____

By: _____
Joanne Woodworth
Chief Fiscal Officer

Date: _____

By: _____
Stephen A. Travia, P.E.
Director of Highway Project Implementation

Date: _____

By: _____
Yangsu Kim
Chief Counsel

Date: _____

Job Nos.: C-91-016-14 and C-91-285-01
Agreement No.: JN-114-544 Second Addendum

Exhibit A Revised 01/12/22

			Proposed City Final Invoice		FY 2022- IDOT Budget		City Cost Share
IDOT Construction Cost	\$	18,637,983.69	\$	3,707,983.69	\$	1,591,000.00	\$ -
Construction Engineering Cost	\$	2,256,167.20	\$	2,000,000.00	\$	2,000,000.00	\$ 256,167.20
Railroad Costs	\$	1,044,119.00	\$	654,257.58	\$	655,000.00	\$ -
Total	\$	21,938,269.89	\$	6,362,241.27			\$ 256,167.20