

**CITY OF ELMHURST**

**ORDINANCE NO. O - 24 - 2021**

**An Ordinance Waiving Bid and Authorizing  
the Execution of a Design Build Agreement With  
Baxter & Woodman, Inc. & Boller Construction Company, LLC. Joint Venture  
for the Water Reclamation Facility Influent Flow Meter Improvements Project**

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**WHEREAS**, in the opinion of a majority of the corporate authorities of the City of Elmhurst (the “City”), it is advisable, necessary and in the public interest that the City enter into a design build agreement with Baxter & Woodman, Inc. & Boller Construction Company, LLC. Joint Venture (the “Design-Builder”) for the Water Reclamation Facility Influent Flow Meter Improvements (the “Project”); and

**WHEREAS**, the Design-Builder submitted a proposal to the City for the design build for the Project including: design, construction, and start-up for the installation of three (3) shrouds for the influent pumps; replacement of two (2) twenty-four (24”) inch influent flowmeters, the installation of four (4) isolation plug valves, and electrical, SCADA, and CMS integration in the total amount not to exceed Three Hundred Twenty-Nine Thousand Nine Hundred Ninety-Four (\$329,994.00) Dollars; and

**WHEREAS**, pursuant to Section 3.20(a)(1), entitled “Bidding and contract procedures,” of the City’s Municipal Code, the corporate authorities of the City have authority to waive competitive bidding prior to or at the time of the purchase or entry into a contract if authorized by a vote of two-thirds (2/3) of all alderman then holding office; and

**WHEREAS**, the Mayor and City Council have determined that it is in the best interest of the City to waive competitive bidding and authorize the execution of the design build agreement for the Project.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Elmhurst Illinois, DuPage and Cook Counties, Illinois, as follows:

**Section 1.** The facts and statements contained in the preamble clauses to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** It is hereby determined that it is advisable, necessary, and in the public interest that the City waive the procedure prescribed for competitive bidding and enter into the design build agreement with the Design-Builders in a total amount not to exceed Three Hundred Twenty-Nine Thousand Nine Hundred Ninety-Four (\$329,994.00) Dollars.

**Section 3.** The Mayor is hereby authorized to execute and the City Clerk is hereby authorized to attest the design build agreement with the Design-Builder, in substantially the same form as the copy attached hereto as Exhibit "A" and made a part hereof.

**Section 4.** This Ordinance shall take effect upon its passage and approval in accordance with law.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSTENTION:** \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Steven M. Morley, Mayor of the City of Elmhurst,  
DuPage and Cook Counties, Illinois

**ATTESTED** and filed in my office,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jackie Haddad-Tamer, Clerk of the City of  
Elmhurst, DuPage and Cook Counties, Illinois

**EXHIBIT "A"**  
**DESIGN BUILD AGREEMENT**

## **COUNCIL ACTION SUMMARY**

**SUBJECT:** Ordinance Waiving Bid and Authorizing the Execution of a Design Build Agreement with Baxter & Woodman, Inc. & Boller Construction Company, LLD Joint Venture (the “Design-Builder”) for the Water Reclamation Facility Influent Flow meter Improvements (the “Project”).

**ORIGINATOR:** City Attorney

### **DESCRIPTION OF SUBJECT MATTER:**

Pursuant to the recommendation of the Public Works and Buildings Committee, the City Attorney prepared an ordinance waiving bid and accepting the proposal of the Design-Builder for the design build of the Project. The Design Build Agreement for the Project shall not exceed the total amount of Three Hundred Twenty-Nine Thousand Nine Hundred Ninety-Four (\$329,994.00) Dollars.