

**RESOLUTION NO. 04 - 2020**

**A RESOLUTION AUTHORIZING AND APPROVING PAYMENT TO M&J ASPHALT PAVING CO. FOR CERTAIN LABOR AND MATERIALS RELATED TO THE 2019 P.C.C. PAVEMENT IMPROVEMENT PROJECT FOR THE VILLAGE OF STICKNEY.**

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and resolutions and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, resolutions, rules and regulations; and

**WHEREAS**, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the general welfare of the Village and its residents; and

**WHEREAS**, the Corporate Authorities previously engaged the services of M&J Asphalt Paving Co. (the "Contractor") after competitive bidding for certain labor and materials related to the 2019 P.C.C. Pavement Improvements Project (the "Work"); and

**WHEREAS**, the Village Engineer, Novotny Engineering, (the "Engineer") provided the Village with a letter dated January 10, 2020, confirming that certain Work has been completed by the Contractor and that payment to Contractor in the amount of fifty-six thousand three hundred seventy five dollars & 14/00 (\$56,375.14) is due (See attached "Engineer's Payment Estimate", attached hereto and incorporated herein as "Exhibit A") and further advising that additional punch list work may be completed by the Contractor before the contract is finalized; and

**WHEREAS**, the Corporate Authorities hereby find that, based on the Engineer's Payment Estimate, payment (the "Payment") shall be made to the Contractor for the Work performed; and

**WHEREAS**, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village to approve the Payment as provided for in the Engineer's Payment Estimate; and

**WHEREAS**, the President is authorized to enter into and the Village Attorney (the "Attorney") is authorized to revise the Engineer's Payment Estimate and any related agreements for the Village making such insertions, omissions and changes as shall be approved by the President and the Attorney;

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**SECTION 1: RECITALS.** The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

**SECTION 2: PURPOSE.** The purpose of this Resolution is to authorize the President or his designee to approve and remit the Payment to the Contractor for the Work and to further authorize the President or his designee to take all steps necessary to carry out the terms and intent of this Resolution and to ratify any steps taken to effectuate those goals.

**SECTION 3: AUTHORIZATION.** The Board hereby authorizes and directs the President or his designee to authorize, enter into and approve the Engineer's Payment Estimate in accordance with its terms, or any modifications thereof, and to ratify any and all previous action taken to effectuate the intent of this Resolution. The Board further authorizes and directs the President or his designee to execute the Engineer's Payment Estimate with such insertions, omissions and changes as shall be approved by the President and the Attorney. The Village Clerk is hereby authorized and directed to attest to and countersign the Engineer's Payment Estimate and any other documentation as may be necessary to carry out and effectuate the purpose of this Resolution. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary. The officers, agents and/or employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the purpose of this Resolution and shall take all action necessary in conformity therewith. To the extent that any requirement of bidding would be applicable, the same is hereby waived.

**SECTION 4. HEADINGS.** The headings of the articles, sections, paragraphs and subparagraphs of this Resolution are inserted solely for the convenience of reference and form no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provision of this Resolution.

**SECTION 5. SEVERABILITY.** The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**SECTION 6. SUPERSEDER.** All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 7. PUBLICATION.** A full, true and complete copy of this Resolution shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 8. EFFECTIVE DATE.** This Resolution shall be effective and in full force immediately upon passage and approval as provided by law.

**(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)**

**PASSED** this 21<sup>st</sup> day of January, 2020.

**AYES:** Trustees Hrejsa, Kapolnek, Milenkovic, Torres and White

**NAYS:** None

**ABSENT:** Trustee Savopoulos

**ABSTENTION:** None

**APPROVED** by me this 21<sup>st</sup> day of January, 2020.

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**Jeff Walik, President**

**ATTESTED AND FILED** in my  
office this 21<sup>st</sup> day of  
January, 2020.

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**Audrey McAdams, Village Clerk**

**EXHIBIT A**