



### AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Change Order #3 for East State Street Phase II Engineering Services		
Presenter & Title:	Richard Babica, Director of Public Works		
Date:	February 5, 2024		
<b>Please Check Appropriate Box:</b>			
<input type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input checked="" type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: EMS-II			
Estimated Cost: \$55,110	Budgeted?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If "Other Funding," please explain how the item will be funded: Accommodated within existing budgets (IFCP, TIF #2, TIF #3)</i>			
<b>Executive Summary:</b>			
<p>Resolution 2013-03 authorized a Professional Engineering Agreement with Bollinger, Lach &amp; Associates, Inc. (BLA) to provide design services for the Phase II portion of the East State Street Construction Project in the amount not to exceed \$909,252.52. Resolution 2020-54 authorized Change Order #1 with BLA to conduct land acquisition services increasing the contract value to \$1,348,300.52. Resolution 2021-61 authorized Change Order #2 to conduct a public information meeting required by IDOT to re-certify the project's design report, which increased the contract value to \$1,361,538.52.</p> <p>During the land acquisition phase, one parcel was identified as two independent parcels, three parcels have changed ownership, and another parcel required a plat revision. Each of these changes required fresh appraisals and new negotiations per IDOT Land Acquisition Practices. For the City Council's consideration is Change Order #3 to support these additions in the amount of \$55,110.00</p>			
<b>Attachments:</b> <i>(please list)</i>			
<ul style="list-style-type: none"> <li>• Resolution</li> </ul>			
<b>Voting Requirements:</b>			
<i>This motion requires a simple majority of affirmative votes for passage. (City Council Only)</i>			
<i>The Mayor may vote on three occasions: (a) when the vote of the alderpersons has resulted in a tie; (b) when one half of the alderpersons elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i>			
<b>Recommendation / Suggested Action:</b> <i>(how the item should be listed on agenda)</i>			
Recommend Approval of Resolution Authorizing Change Order #3 with Bollinger, Lach, and Associates in the amount of \$55,110 for East State Street Phase II Engineering Services.			

**RESOLUTION NO. 2024-20**

**RESOLUTION AUTHORIZING EXECUTION OF  
CHANGE ORDER NUMBER THREE FOR THE  
EAST STATE STREET PHASE II  
PROFFESIONAL ENGINEERING SERVICES AGREEMENT**

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**WHEREAS**, the City Council of the City of Geneva, Kane County, Illinois passed Resolution 2013-03 authorizing a contract with Bollinger, Lach, & Associates, Inc. of Itasca, Illinois, (the "Contractor") for the Phase II Design Services for East State Street at a cost not to exceed of \$909,252.52; and

**WHEREAS**, Resolution 2020-54 authorized Change Order #1 increasing the contract value to \$1,348,300.52; and

**WHEREAS**, Resolution 2021-61 authorized Change Order #2 increasing the contract value to \$1,361,538.52; and

**WHEREAS**, the Agreement as approved by the City Council and the scope of services to be provided by the Contractor needs to be increased, necessitating a contract modification in the Agreement; and

**WHEREAS**, the Contractor is to make the changes requested by the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Geneva, Kane County, Illinois as follows:

**SECTION 1:** Pursuant to 720 ILCS 5/33E-9, Change Orders, the City Council finds (1) the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the Contract was entered; and (2) the change is germane to the original Contract as signed, and (3) the change order is in the best interest of the City.

**SECTION 2:** that the City Administrator is hereby authorized to execute Change Order #3 as outlined at Exhibit A, increasing the total contract amount to \$1,416,648.52.

**SECTION 3:** That this resolution shall become effective from and after its passage as in accordance with law.

**PASSED** by the City Council of the City of Geneva, Kane County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2024

**AYES: \_\_ NAYS: \_\_ ABSENT: \_\_ ABSTAINING: \_\_ HOLDING OFFICE: \_\_**

**Approved** by me this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



January 11, 2024

VIA EMAIL

City of Geneva  
Mr. Rich Babica, Director of Public Works, and  
Mr. Brian Davids, City Engineer  
1800 South Street  
Geneva, IL 60134

Re: Professional Services Proposal – Addendum #3  
East State Street – Phase II Engineering Services

Dear Mr. Babica and Mr. Davids,

Please see the attached contract package requesting additional funds to support the ongoing land acquisition activities being led by Santacruz Land Acquisitions in the amount of **\$55,110.00**.

A summary of this request is as follows:

- Addendum #1 to the original contract between BLA and the City of Geneva was based on fifty-two (52) parcels identified in the Plat of Highways and Legal Descriptions as prepared by the Illinois Department of Transportation. Due to title research and changes to ownership along the corridor since the original Plats were prepared in 2016, the total parcel count is now fifty-four (54) parcels.
- This additional compensation includes Appraisals, Review Appraisals, Negotiations, and Direct Costs associated with the acquisition of these two (2) additional parcels.
- Other changes consist of land division and ownership changes for parcels 1LF0026, 1LF0015, and 1LF0104.

The Supplemental Proposal document included with this package as prepared by Santacruz Land Acquisitions elaborates in greater detail the need for these additional funds.

Of note, the cost of acquiring the land and the negotiations is federally eligible for reimbursement at an 80/20 [%] split (federal/local) per the CMAQ grant awarded to the City of Geneva.

City of Geneva  
Rich Babica/Brian Davids  
East State Street Addendum #3  
January 11, 2024  
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Should you have any questions or require additional information please contact us at (630) 438-6400 or by email at [dbruckelmeyer@bla-inc.com](mailto:dbruckelmeyer@bla-inc.com)

Sincerely,

BLA, INC.



Dan Bruckelmeyer, P.E.  
President/CEO

ACCEPTANCE:

**City of Geneva**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**East State Street - Phase II Engineering Services****Original Contract Amount, Executed 01/22/13****Summary Breakdown**

	Amount	Services
BLA, Inc. (Prime) \$	799,065.16	<i>Phase II Design Engineering</i>
The Lannert Group \$	50,000.00	<i>Streetscape Design</i>
Rubino Engineering \$	11,815.00	<i>Geotechnical Engineering</i>
AMES Engineering \$	49,072.36	<i>Lighting/Electrical Design</i>
<b>Total Original Contract \$</b>	<b>909,952.52</b>	

**Amendment #1 Request, Dated 07/23/20**

BLA, Inc. (Prime) \$	25,248.00	<i>Management of Land Acquisition Activities</i>
SantaCruz Associates \$	413,100.00	<i>Appraisals, Review Appraisals, Negotiations</i>
<b>Total Amendment #1 \$</b>	<b>438,348.00</b>	

**Amendment #2 Request, Dated 07/07/21**

BLA, Inc. (Prime) \$	13,238.00	<i>Public Information Meeting</i>
<b>Total Amendment #1 \$</b>	<b>13,238.00</b>	

**Amendment #3 Request, Dated 01/11/24**

BLA, Inc. (Prime) \$	5,010.00	<i>Management of Land Acquisition Activities</i>
SantaCruz Associates \$	50,100.00	<i>Appraisals, Review Appraisals, Negotiations</i>
<b>Total Amendment #1 \$</b>	<b>55,110.00</b>	

**Revised Contract Totals**

BLA, Inc. (Prime) \$	842,561.16	
The Lannert Group \$	50,000.00	
Rubino Engineering \$	11,815.00	
AMES Engineering \$	49,072.36	
SantaCruz Associates \$	463,200.00	
<b>Total Contract, Incl. Amendments #1, #2, and #3 \$</b>	<b>1,416,648.52</b>	

Phase II  
City of Geneva  
FAU 347/IL Route 38 (East State Street): IL Route 25 to Kirk Road  
Section No.: 05-00102-00-PV  
Kane County  
Addendum #3

### **PROJECT SCOPE DESCRIPTION**

The purpose of this Addendum (Addendum #3) is to contractually support Santacruz Land Acquisitions, for the purpose of preparing appraisals, review appraisals, and negotiating the land necessary to construct the East State Street Reconstruction and Streetscape project based on changes to ownership and parcel count since the process began in earnest.

Land Acquisition: Please refer to the attached scope of work from Santacruz Land Acquisitions, Inc. for a detailed scope of work and schedule of fees.

Administration: BLA will coordinate with Santacruz regarding parcel impacts for questions that will arise from property owners. This generally consists of preparing exhibits or other documents which will help the property owner identify the extent of land necessary and potential impacts to the property necessary to construct the project. More complex situations involving permanent relocations of “fixed objects” (signage, decorative landscaping, timber retaining walls, etc.) often require a site visit/meeting.

# SUPPLEMENTAL PROPOSAL FOR LAND ACQUISITION SERVICES

**City of Geneva**

BLA, Inc.

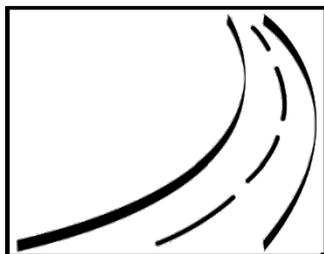


**East State Street  
from IL 25 to Kirk St**

**Santacruz Land  
Acquisitions** 

222 Northfield Road · Suite 201  
Northfield, IL 60093  
[www.santacruz-associates.com](http://www.santacruz-associates.com)

Contact:  
J. Steve Santacruz  
847-868-9620  
[jsteve@santacruz-associates.com](mailto:jsteve@santacruz-associates.com)



## SUMMARY

Santacruz Land Acquisitions has provided a proposal (the "Proposal") for the benefit of the City of Geneva, the Local Public Agency ("LPA"), for land acquisition services necessary to complete the reconstruction of East State Street from IL 25 to Kirk Street (the "Project"). The Proposal was provided to BLA, Inc., Engineer for the LPA, ("Consultant"). Since the original proposal was provided, revisions have been made to the Project necessitating changes to the Proposal. To date, there are four different revision that have been required resulting in a total of additional compensation as follows:

Item	Supplement 1	Supplement 2	Supplement 3	Supplement 4	Total
Appraisals	\$9,600.00			\$6,400.00	\$16,000.00
Reviews	\$4,500.00			\$3,000.00	\$7,500.00
Negotiations	\$6,400.00	\$3,200.00	\$6,400.00	\$6,400.00	\$22,400.00
Direct Costs	\$1,200.00	\$600.00	\$1,200.00	\$1,200.00	\$4,200.00
<b>Total</b>	<b>\$21,700.00</b>	<b>\$3,800.00</b>	<b>\$7,600.00</b>	<b>\$17,000.00</b>	<b>\$50,100.00</b>

### **SUPPLEMENT #1**

Initially, the proposal was for fifty-two (52) parcels, which has now been revised to fifty-four (54) parcels. In addition, it was believed that four (4) parcels would be donated by governmental agencies. As such, no appraisal work was included for these parcels. Currently, there are three (3) certain donations from the City to the Project with the other in question.

### **Compensation**

Santacruz Land Acquisitions shall be entitled to the additional compensation as shown on the attached schedule. Our cost proposal, based on the *additional two (2)* projected parcels of right-of-way and the inclusion of an additional appraisal and review, is as follows:

<b><u>APPRAISALS:</u></b>	<b>\$9,600.00.</b>
<b><u>REVIEW APPRAISALS:</u></b>	<b>\$4,500.00.</b>
<b><u>NEGOTIATIONS:</u></b>	<b>\$6,400.00.</b>

As directed, Santacruz Land Acquisitions shall invoice the LPA or Consultant for any fees and charges related to the acquisitions including, without limitation, (i) the cost of the later date title commitments, (ii) the cost of title insurance policies obtained on the parcels to be acquired, (iii) the cost of recording any necessary documents to complete the conveyance and obtain clear title, (iv) lender's fees related to the processing of any partial releases needed to provide clear title, and (v) land trustee processing fees. Santacruz Land Acquisitions shall include **\$600.00** per parcel for these charges. Santacruz Land Acquisitions shall pay any such

fees and charges in excess of the **\$600.00** per parcel allowance for which Santacruz Land Acquisitions shall be entitled to additional compensation in the amount of any such payments pursuant to a separate work order issued.

## **SUPPLEMENT #2**

Initially, the proposal was for fifty-two (52) parcels, which was revised to fifty-four (54) parcels. While preparing the appraisal for 1LF0026, it was learned that this parcel was split into two individual parcels as a result of a sale. No appraisal work was included for this additional parcel as it was determined that there were funds for an additional appraisal and review for this Project. Currently, there are five (5) parcels not requiring valuation work as they are owned by the City or IDOT.

### **Compensation**

Santacruz Land Acquisitions shall be entitled to the additional compensation as shown on the attached schedule. Our cost proposal, based on the *additional one (1)* projected parcel of right-of-way, is as follows:

<b><u>NEGOTIATIONS:</u></b>	<b>\$3,200.00.</b>
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As directed, Santacruz Land Acquisitions shall invoice the LPA or Consultant for any fees and charges related to the acquisitions including, without limitation, (i) the cost of the later date title commitments, (ii) the cost of title insurance policies obtained on the parcels to be acquired, (iii) the cost of recording any necessary documents to complete the conveyance and obtain clear title, (iv) lender's fees related to the processing of any partial releases needed to provide clear title, and (v) land trustee processing fees. Santacruz Land Acquisitions shall include **\$600.00** per parcel for these charges. Santacruz Land Acquisitions shall pay any such fees and charges in excess of the **\$600.00** per parcel allowance for which Santacruz Land Acquisitions shall be entitled to additional compensation in the amount of any such payments pursuant to a separate work order issued.

## **SUPPLEMENT #3**

Initially, the proposal was for fifty-two (52) parcels, which was revised to fifty-four (54) parcels. While preparing the appraisal for 1LF0026, it was learned that this parcel was split into two individual parcels as a result of a sale. No appraisal work was included for this additional parcel as it was determined that there were funds for an additional appraisal and review for this Project. Recently, Parcel 1LF0026 was sold. Due to the appraisal being stale (valuation date of February 8, 2023), IDOT policies and procedures require a new appraisal and review to be completed. In addition, negotiations need to be restarted with the new owner. In addition, prior to this sale, another parcel 1LF0015 had a change of ownership. However, as there was sufficient fund remaining on the contract for unused appraisals, those funds were shifted to cover the negotiations of the new ownership for 1LF0015. Now, those additional appraisal funds are needed to cover the change of ownership for 1LF0026 and, as such, there needs to be an increase to over the negotiations for the new ownership of 1LF0015. To summarize, the original contract provided for 52 negotiations and 48 appraisals/reviews. Supplement #1 added three appraisals/reviews and two negotiations to raise the total to 54 negotiations and 51 appraisals/reviews. Supplement #2 added one appraisal to raise the total to 52 appraisals/reviews and keeping the negotiation at 54 parcels. With the above changes in ownership for 1LF0015 and 1LF0026, we will need 51 appraisals/reviews (which we have) but 57 negotiations. We are short for three negotiations but have additional funds from an unused appraisal that can be applied to one of the negotiations leaving two negotiations to be added to the contract.

## Compensation

Santacruz Land Acquisitions shall be entitled to the additional compensation as shown on the attached schedule. Our cost proposal, based on the *additional two* (2) projected parcels of right-of-way, is as follows:

<b><u>NEGOTIATIONS:</u></b>	<b>\$6,400.00</b>
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As directed, Santacruz Land Acquisitions shall invoice the LPA or Consultant for any fees and charges related to the acquisitions including, without limitation, (i) the cost of the later date title commitments, (ii) the cost of title insurance policies obtained on the parcels to be acquired, (iii) the cost of recording any necessary documents to complete the conveyance and obtain clear title, (iv) lender's fees related to the processing of any partial releases needed to provide clear title, and (v) land trustee processing fees. Santacruz Land Acquisitions shall include \$600.00 per parcel for these charges. Santacruz Land Acquisitions shall pay any such fees and charges in excess of the \$600.00 per parcel allowance for which Santacruz Land Acquisitions shall be entitled to additional compensation in the amount of any such payments pursuant to a separate work order issued.

## **SUPPLEMENT #4**

Recently, two parcels had two changes that are requiring appraisals to be updated and negotiations to restart. Parcel 1LF0104 has a change of ownership after one of the owners passed away. Parcel 1LF0116 had a revision to the plats and legals to incorporate previously dedicated right-of-way at the direction of IDOT.

## Compensation

Santacruz Land Acquisitions shall be entitled to the additional compensation as shown on the attached schedule. Our cost proposal, based on the *additional two* (2) projected parcels of right-of-way, is as follows:

<b><u>APPRAISALS:</u></b>	<b>\$6,400.00</b>
<b><u>REVIEWS:</u></b>	<b>\$3,000.00</b>
<b><u>NEGOTIATIONS:</u></b>	<b>\$6,400.00</b>

As directed, Santacruz Land Acquisitions shall invoice the LPA or Consultant for any fees and charges related to the acquisitions including, without limitation, (i) the cost of the later date title commitments, (ii) the cost of title insurance policies obtained on the parcels to be acquired, (iii) the cost of recording any necessary documents to complete the conveyance and obtain clear title, (iv) lender's fees related to the processing of any partial releases needed to provide clear title, and (v) land trustee processing fees. Santacruz Land Acquisitions shall include \$600.00 per parcel for these charges. Santacruz Land Acquisitions shall pay any such fees and charges in excess of the \$600.00 per parcel allowance for which Santacruz Land Acquisitions shall be entitled to additional compensation in the amount of any such payments pursuant to a separate work order issued.

## **Compensation for Services**

### **Appraisal Services (for Supplement)**

Appraisals	\$3,200.00
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### **Review Appraisal Services (for Supplement)**

Review Appraisals	\$1,500.00
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### **Negotiation Services (for Supplement)**

Negotiation and acquisition services for Right of Way including, without limitation, documentation of conveyance of property interest	\$3,200.00
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### **Title Services (if applicable)**

Later date commitment – In addition to actual recording costs + Administrative fee	\$25.00
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Title insurance policies – In addition to actual recording costs + Administrative fee	\$25.00
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Recording of Documents – In addition to actual recording costs + Administrative fee	\$25.00
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Copies of recorded documents – In addition to actual copying costs & research fees + Administrative fee	\$25.00
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<sup>1</sup> Requires additional work order.