

VILLAGE OF KENILWORTH
RESOLUTION 2019 - 19

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LOCAL AGENCY AGREEMENT
FOR FEDERAL PARTICIPATION WITH THE ILLINOIS DEPARTMENT OF
TRANSPORTATION IN THE AMOUNT NOT TO EXCEED \$56,498**

WHEREAS, the Village of Kenilworth ("Village") is a non-home rule municipality located in Cook County, Illinois; and

WHEREAS, Kenilworth Avenue between the Union Pacific railroad tracks and Sheridan Road ("Kenilworth Avenue") needs new surface asphalt and intersection sidewalk improvements; and

WHEREAS, Kenilworth Avenue is a Federal Aid Unit and is eligible for funding through the federal Surface Transportation Program ("STP") to improve the conditions of the roadway and intersection sidewalks; and

WHEREAS, the Village applied for federal STP funding to improve the road conditions and intersection sidewalks along Kenilworth Avenue; and

WHEREAS, the Village was awarded STP funds to complete Phase II design engineering of Kenilworth Avenue; and

WHEREAS, the proposed total cost of Phase II design engineering is \$56,498; and

WHEREAS, the awarded STP funds will provide \$36,050 to complete Phase II design engineering of Kenilworth Avenue; and

WHEREAS, the STP funds originate from the Federal Highway Administration ("FHA"); and

WHEREAS, the FHA designates the Illinois Department of Transportation ("IDOT") to manage and distribute the STP funds; and

WHEREAS, the IDOT requires local agencies to execute a Local Agency Agreement to ensure there is a commitment to fund the Village's portion of the project; and

WHEREAS, the Village wishes to receive the assistance of federal funds to improve Kenilworth Avenue and commit to providing \$20,448 of the total Phase II design engineering cost; and

WHEREAS, the Board of Trustees finds it is in the best interest of the Village and its residents to enter into a Local Agency Agreement with IDOT; and

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Trustees of the Village of Kenilworth, County of Cook, Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated in and made a part of this Resolution by this reference.

Section 2. Approval of Agreement. The Local Agency Agreement is approved substantially in the form, shown in Exhibit A.

Section 3. Execution of Contract. The Village President, Village Manager and Village Clerk are authorized to execute, on behalf of the Village, the Agreement and other documents as necessary to proceed.

Passed this 19th day of August, 2019

AYES: Bedwell, Kaz, Lien, Ransford, Shadek, Winslow

NAYES:

ABSENT:

ABSTAIN:




Village President

Attest:



Village Clerk, Deputy

EXHIBIT A

 Illinois Department of Transportation Local Public Agency Agreement for Federal Participation	Local Public Agency Kenilworth	State Contract X	Day Labor	Local Contract	RR Force Account
	Section 17-00034-00-RS	Fund Type STU	ITEP, SRTS, or HSIP Number(s)		
Construction		Engineering		Right-of-Way	
Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
		D-91-101-19	UAG5(887)		

This Agreement is made and entered into between the above local public agency, hereinafter referred to as the "LPA", and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LPA jointly propose to improve the designated location as described below. The improvement shall be constructed in accordance with plans prepared by, or on behalf of the LPA, approved by the STATE and the STATE's policies and procedures approved and/or required by the Federal Highway Administration, hereinafter referred to as "FHWA".

Location

Local Name Kenilworth Avenue Route FAU 1669 Length 0.61 mi
 Termini Green Bay Road to Sheridan Road

Current Jurisdiction Local TIP Number 02-16-0003 Existing Structure No N/A

Project Description

This work includes intersection improvements, resurfacing, curb and gutter repairs and pavement marking.

Division of Cost

Type of Work	%	%	LPA	%	Total
Participating Construction	()	()		()	
Non-Participating Construction	()	()		()	
Preliminary Engineering	36,050 (*)	()	20,491	(BAL)	56,541
Construction Engineering	()	()		()	
Right of Way	()	()		()	
Railroads	()	()		()	
Utilities	()	()		()	
Materials					
TOTAL	\$ 36,050	\$	\$ 20,491	\$	56,541

*Maximum FHWA (STU) participation 70% not to exceed \$36,050.

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final LPA share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.

If funding is not a percentage of the total, place an asterisk in the space provided for the percentage and explain above.

Local Public Agency Appropriation

By execution of this Agreement, the LPA attests that sufficient moneys have been appropriated or reserved by resolution or ordinance to fund the LPA share of project costs. A copy of the authorizing resolution or ordinance is attached as an addendum (**required for State-let contracts only**)

Method of Financing (State Contract Work Only)

METHOD A---Lump Sum (80% of LPA Obligation) _____
 METHOD B--- _____ Monthly Payments of _____ due by the _____ of each successive month.
 METHOD C---LPA's Share Balance _____ divided by estimated total cost multiplied by actual progress payment.

(See page two for details of the above methods and the financing of Day Labor and Local Contracts)

- (14) (Railroad Related Work Only) The estimates and general layout plans for at-grade crossing improvements should be forwarded to the Rail Safety and Project Engineer, Room 204, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois, 62764. Approval of the estimates and general layout plans should be obtained prior to the commencement of railroad related work. All railroad related work is also subject to approval by the Illinois Commerce Commission (ICC). Final inspection for railroad related work should be coordinated through appropriate IDOT District Bureau of Local Roads and Streets office.
- Plans and preemption times for signal related work that will be interconnected with traffic signals shall be submitted to the ICC for review and approval prior to the commencement of work. Signal related work involving interconnects with state maintained traffic signals should also be coordinated with the IDOT's District Bureau of Operations.
- The **LPA** is responsible for the payment of the railroad related expenses in accordance with the **LPA**/railroad agreement prior to requesting reimbursement from IDOT. Requests for reimbursement should be sent to the appropriate IDOT District Bureau of Local Roads and Streets office.
- Engineer's Payment Estimates shall be in accordance with the Division of Cost on page one.
- (15) And certifies to the best of its knowledge and belief its officials:
- are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
 - have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;
 - are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, local) with commission of any of the offenses enumerated in item (b) of this certification; and
 - have not within a three-year period preceding the Agreement had one or more public transactions (Federal, State, local) terminated for cause or default.
- (16) To include the certifications, listed in item 15 above, and all other certifications required by State statutes, in every contract, including procurement of materials and leases of equipment.
- (17) (State Contracts) That execution of this agreement constitutes the **LPA's** concurrence in the award of the construction contract to the responsible low bidder as determined by the **STATE**.
- (18) That for agreements exceeding \$100,000 in federal funds, execution of this Agreement constitutes the **LPA's** certification that:
- No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement;
 - If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions;
 - The **LPA** shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (19) To regulate parking and traffic in accordance with the approved project report.
- (20) To regulate encroachments on public right-of-way in accordance with current Illinois Compiled Statutes.
- (21) To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with current Illinois Compiled Statutes.
- (22) To complete this phase of the project within three (3) years from the date this agreement is approved by the **STATE** if this portion of the project described in the Project Description does not exceed \$1,000,000 (five years if the project costs exceed \$1,000,000).
- (23) To comply with the federal Financial Integrity Review and Evaluation (FIRE) program, which requires States and subrecipients to justify continued federal funding on inactive projects. 23 CFR 630.106(a)(5) defines an inactive project as a project which no expenditures have been charged against Federal funds for the past twelve (12) months.
- To keep projects active, invoicing must occur a minimum of one time within any given twelve (12) month period. However, to ensure adequate processing time, the first invoice shall be submitted to the **STATE** within six (6) months of the federal authorization date. Subsequent invoices will be submitted in intervals not to exceed six (6) months.
- (24) The **LPA** will submit supporting documentation with each request for reimbursement from the **STATE**. Supporting documentation is defined as verification of payment, certified time sheets or summaries, vendor invoices, vendor receipts, cost plus fix fee invoice, progress report, and personnel and direct cost summaries and other documentation supporting the requested reimbursement amount (Form BLRS 05621 should be used for consultant invoicing purposes). **LPA** invoice requests to the **STATE** will be submitted with sequential invoice numbers by project.

enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.). In the absence of a USDOT – approved LPA DBE Program or on State awarded contracts, this Agreement shall be administered under the provisions of the STATE's USDOT approved Disadvantaged Business Enterprise Program.

- (5) In cases where the STATE is reimbursing the LPA, obligations of the STATE shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the work contemplated herein.
- (6) All projects for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement and/or amendment shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of that Act exempt its application.

ADDENDA

Additional information and/or stipulations are hereby attached and identified below as being a part of this Agreement.

Number 1- Location Map, Number 2 – LPA Appropriation Resolution

(Insert Addendum numbers and titles as applicable)

The LPA further agrees, as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this Agreement and all Addenda indicated above.

APPROVED

Local Public Agency

Ann Potter

Name of Official (Print or Type Name)

Village President

Title (County Board Chairperson/Mayor/Village President/etc.)

Ann S Potter

(Signature)

8/22/19

Date

The above signature certifies the agency's TIN number is 36-6005944 conducting business as a Governmental Entity.

DUNS Number 169667425

APPROVED

State of Illinois
Department of Transportation

Randall S. Blankenhorn, Secretary of Transportation

Date

By:

Erin Aleman, Director of Planning & Programming

Date

Erin Aleman, Director of Planning & Programming

Date

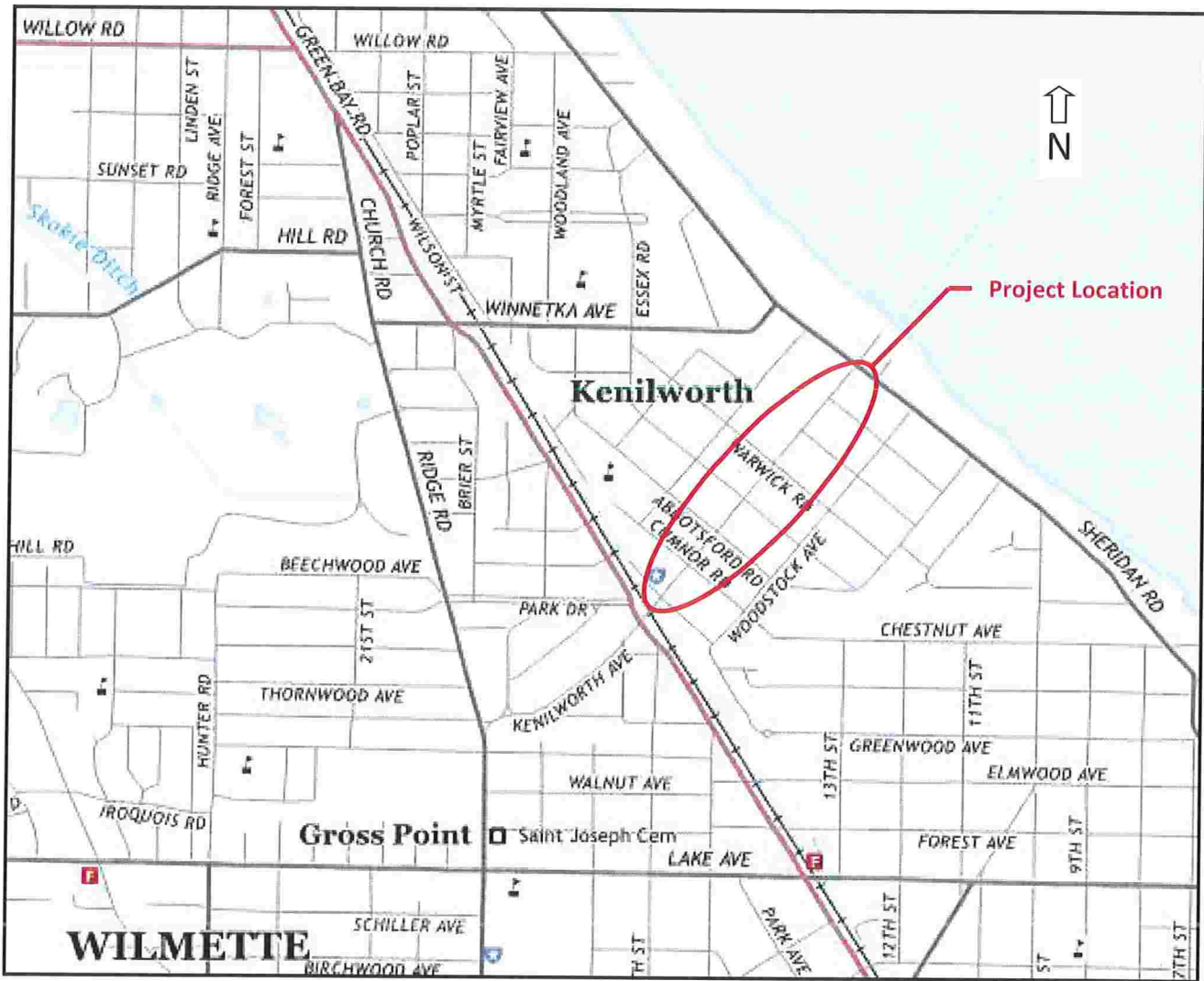
Philip C. Kaufmann, Chief Counsel

Date

Jeff Heck, Chief Fiscal Officer (CFO)

Date

NOTE: If the LPA signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.



Location Map

**PROPOSED IMPROVEMENT:
Kenilworth Avenue (FAU 1669)
From Green Bay Road to Sheridan Road**

Section: 17-00034-00-RS

County: Cook

Municipality: Village of Kenilworth

Functional Classification: Minor Collector

Village of

Kenilworth

