

FEB 04 2008

ORDINANCE NO. 2627

**AN ORDINANCE TO AUTHORIZE AN AGREEMENT TO
EMPLOY DIVERSE CONSTRUCTION GROUP LLC OF
ST. LOUIS, MISSOURI TO THE VALMEYER ROAD
PEDESTRIAN IMPROVEMENTS PROJECT IN THE CITY
OF COLUMBIA, ILLINOIS**

Wiley J. Jaffer
City Clerk

WHEREAS, the City Council of the City of Columbia, Illinois (the "City") accepted the bid and awarded the contract to Diverse Construction Group LLC of St. Louis, Missouri (the "Contractor") at a regular meeting of the City Council held January 7, 2008 to construct the Valmeyer Road Pedestrian Improvements Project in the City for a total price or sum of Eighty-Nine Thousand Ninety Three Dollars and No Cents (\$89,093.00);

WHEREAS, the Notice of Award was given to the Contractor by the City and the Contractor has executed and delivered to the City an Agreement to employ the Contractor to provide the material and to do and perform the work involved and the Contractor has provided the City with the required contract bond, and certificate of comprehensive liability insurance which names the City as an additional insured, all of which are in due and proper form; and,

WHEREAS, it is necessary and appropriate that the City make and enter into the Agreement to employ the Contractor to provide the materials and to do and perform the work involved for the sanitary sewer rehabilitation project aforesaid.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The Mayor is hereby authorized and directed to make and enter into the Agreement dated February 4, 2008 to employ the Contractor to perform the Valmeyer Road Pedestrian Improvements work described above (which is more particularly described in the employment Agreement), in the form attached hereto, in at least three (3) counterparts; and, the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

Section 3. The City Engineer, Ronald J. Williams, P.E., is directed to deliver to the Contractor the Contractor's copy of the Agreement and to proceed with the preconstruction conference, if any, and the performance of the work involved.

Section 4. This Ordinance shall be in full force and effect, from and after its passage, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Stumpf, and the roll call vote was as follows:

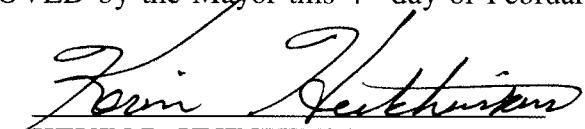
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 4th day of February, 2008.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEPFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

I, Wesley J. Hoeffken, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2627, entitled:

**"AN ORDINANCE TO AUTHORIZE AN AGREEMENT TO
EMPLOY DIVERSE CONSTRUCTION GROUP LLC OF
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to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois City Council held on the 4th day of February, 2008.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 4th day of February, 2008.

Wesley J. Hoeffken
WESLEY J. HOEFFKEN, City Clerk

(SEAL)



1. THIS AGREEMENT, made and concluded the _____ day of _____
Month and Year
between the City _____ of Columbia, Illinois
acting by and through its Mayor _____ known as the party of the first part, and
Diverse Construction Group, LLC _____ his/their executors, administrators, successors or assigns,
known as the party of the second part.

2. Witnesseth: That for and in consideration of the payments and agreements mentioned in the Proposal hereto attached, to be made and performed by the party of the first part, and according to the terms expressed in the Bond referring to these presents, the party of the second part agrees with said party of the first part at his/their own proper cost and expense to do all the work, furnish all materials and all labor necessary to complete the work in accordance with the plans and specifications hereinafter described, and in full compliance with all of the terms of this agreement and the requirements of the Engineer under it.

3. And it is also understood and agreed that the Notice to Contractors, Special Provisions, Proposal and Contract Bond hereto attached, and the Plans for Section Valmeyer Road Pedestrian Improvements, in Columbia, Illinois, approved by the Department of Transportation of the State of Illinois, are essential documents of this contract and are a part hereof.

4. IN WITNESS WHEREOF, The said parties have executed these presents on the date above mentioned.

Attest: _____ The Mayor of Columbia, Illinois

Clerk By _____

(Seal) _____

(If a Corporation)

Corporate Name _____
By _____
President _____ Party of the Second Part

(If a Co-Partnership)

Attest: _____

Secretary

Partners doing Business under the firm name of

Party of the Second Part

(If an individual)

Party of the Second Part