

RESOLUTION NO. 25____

A RESOLUTION APPROVING THE IDOT LOW BID AWARD FOR CONSTRUCTION OF THE NORTH AURORA ROAD UNDERPASS AT THE CN RAILROAD

1. **WHEREAS**, in 2006 the City of Naperville, the City of Aurora, and Naperville Township entered into an intergovernmental agreement which has been amended by the First through Fifth Amendments thereto to move forward with various phases of the NAR Project (together referenced herein as the “**NAR IGA**”) to “Replace and Widen the Existing Highway Underpass on North Aurora Road at the Elgin, Joliet, & Eastern Railway Company’s Railway Company’s Railroad Crossing” (the “**North Aurora Road Widening Project**” or “**NAR Project**”); and
2. **WHEREAS**, the City of Naperville is the Lead Local Agency for the NAR Project; and
3. **WHEREAS**, to date the City of Naperville, the City of Aurora, and Naperville Township have spent approximately six million, five hundred thousand dollars (\$6,500,000) on the NAR Project for easements, land acquisition, preliminary and design engineering, environmental services, and utility coordination.
4. **WHEREAS**, in addition to the local funding described above, the NAR Project is supported by forty million dollars (\$40,000,000) of external funding. CMAP has committed twenty-five million dollars (\$25,000,000) of STP Shared Funding for the NAR Project and IDOT has committed fifteen million dollars (\$15,000,000) for the NAR Project through the Grade Crossing Protection Fund. If these funds are not used, they become eligible for redistribution to other projects. There is no guarantee that this amount of external funding for the NAR Project will be available in the future.

5. **WHEREAS**, on April 25, 2025 IDOT bids for the NAR Project came in \$7,400,000 higher than the estimated “Contract Estimate of Cost” for the general contractor for the NAR Project (the “**IDOT NAR Low Bid**”); and
6. **WHEREAS**, in order to defray the gap in the cost between the “Contract Estimate of Cost” for the general contractor for the NAR Project and the actual IDOT NAR Low Bid cost, (the “**IDOT NAR Low Bid Funding Gap**”), the City of Naperville is in the process of seeking additional funding as follows: (i) five million dollars (\$5,000,000) through CMAP; (ii) additional funding from GCPF; and (iii) funding from Wisconsin Central Ltd.
7. **WHEREAS**, some or all of the additional NAR Project costs resulting from the IDOT NAR Low Bid Funding Gap may be funded by additional external funding resources as described in Recital 5 above.
8. **WHEREAS**, depending on the extent of additional funding obtained for the NAR Project, the IDOT NAR Low Bid Funding Gap could result in the Local Share Funding for the City of Naperville being between \$2,688,654 and \$6,943,654, including a fifteen percent contingency.
9. **WHEREAS**, depending on the extent of additional funding obtained for the NAR Project, the IDOT NAR Low Bid Funding Gap could result in the Local Share Funding for the City of Aurora being between \$2,688,654 and \$6,943,654, including a fifteen percent contingency.
10. **WHEREAS**, the IDOT NAR Low Bid Funding Gap will not impact Naperville Township’s financial obligations for the NAR Project as set forth in the NAR IGA since

Naperville Township's maximum contribution to the NAR Project cost is defined in Section 3.1.3 of the Fifth Amendment to the NAR IGA.

11. **WHEREAS**, in order to move forward with the PROJECT, the City of Naperville and the City of Aurora must be willing to: (i) accept the IDOT NAR Low Bid of \$33,197,029.63 (which includes the \$7,400,000 of unanticipated costs); and (ii) share equally in the payment of the IDOT NAR Low Bid costs to the extent that those costs are not covered by other funding sources. Since Naperville Township will not be impacted by an obligation to contribute to the IDOT NAR Low Bid Funding Gap, their approval of the IDOT NAR Low Bid is not required.

12. **WHEREAS**, the City of Naperville, the City of Aurora, and Naperville Township will work towards performing an amendment to the intergovernmental agreement. The Aurora maximum cumulative payments as specified in Section 3.3 (Project Payments) of the NAR IGA for the years 2024, 2025 and 2026 will not change. Any additional local funding share from Aurora will take place in additional years starting in 2027.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, COUNTIES OF DUPAGE AND WILL, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The Recitals above are incorporated as part of this Section 1 as though set forth herein in their entirety.

SECTION 2: Subject to approval by the City of Aurora to accept the IDOT NAR Low Bid of \$33,197,029.63 and to share equally with the City of Naperville in the payment of the IDOT NAR Low Bid Funding Gap to the extent that those costs are not covered by other funding sources, the City of Naperville hereby agrees to accept the IDOT NAR Low Bid of \$33,197,029.63 and to share equally with the City of Aurora in the payment of the

IDOT NAR Low Bid Funding Gap to the extent that those costs are not covered by other funding sources.

SECTION 3: This Resolution shall be in full force and effect upon its passage and approval.

ADOPTED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk