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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 1393**

**AN ORDINANCE AUTHORIZING AND APPROVING A  
CONTRACT FOR SERVICES IN CONNECTION WITH THE  
DIVISION STREET AND 14<sup>TH</sup> AVENUE ERP PROJECT, FOR THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF  
ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 14<sup>TH</sup> DAY OF JUNE 2010**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**CATHLEEN COSSIDENT ITALIA  
ANTHONY J. PRIGNANO  
ARTURO J. MOTA  
MARY RAMIREZ TACONI  
JAIME ANGUIANO  
ANTHONY N. ABRUZZO**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 15<sup>TH</sup> day of JUNE 2010**

**ORDINANCE NO. 1393**

**AN ORDINANCE AUTHORIZING AND APPROVING A CONTRACT FOR SERVICES IN CONNECTION WITH THE DIVISION STREET AND 14<sup>TH</sup> AVENUE ERP PROJECT, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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**WHEREAS**, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk (the “Village Clerk”), the Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Anthony J. Prignano, Arturo J. Mota, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, the President and the Village Board (collectively, the “Corporate Authorities”) find that it is advisable, necessary and in the best interests of the Village and its residents for the Village to perform construction work related to the Division Street/14<sup>th</sup> Avenue ERP Project (MFT Section No. 10-00115-00-RS) (the “Project”), which involves making various infrastructure improvements to the area in question; and

**WHEREAS**, in order to find a contractor to perform the work related to the Project, the Village advertised for bids and received bids from eight (8) companies; and

**WHEREAS**, the Village Engineer has recommended that the lowest responsible bidder, K-Five Construction Company (the “Contractor”), be selected for the Project, as summarized in the Village Engineer’s recommendation letter, attached hereto and incorporated herein as Exhibit “A”; and

**WHEREAS**, the Village has determined that the Contractor, who has satisfactorily performed work on similar projects in the past, is the lowest responsible bidder for the Project; and

**WHEREAS**, the Contractor has agreed to perform the work and shall enter into a contract (the “Contract”), which shall be made upon mutually agreeable terms and is incorporated herein by this reference; and

**WHEREAS**, the Village has previously appropriated, allocated or budgeted sufficient funds for the Project, the funds are readily available, and the Village intends to use the aforementioned funds to pay for the services and materials to be provided as described in the Contract; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Corporate Authorities do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to award the bid for the Project to the Contractor, to

authorize the President or his designee to enter into the Contract whereby the Contractor will perform services related to the Project and to authorize and direct the President to execute all necessary documents and perform all necessary acts to effectuate the intent of this Ordinance, including the expenditure of all necessary funds.

**Section 03. Invocation of Authority.**

This Ordinance is adopted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Section 05 – Section 09. Reserved.**

**ARTICLE II.  
AUTHORIZATION AND APPROVAL**

**Section 10.00. Authorization of Contract.**

The Corporate Authorities hereby award the bid to the Contractor, approve the Contract as described herein, authorize and direct the President or his designee to execute the Contract and authorize and direct the expenditure of all costs related thereto or resulting therefrom.

**Section 10.01. Approval and Execution of Documents.**

The President or his designee is hereby authorized and directed to draft, negotiate, complete and execute the Contract and any other documents deemed necessary to effectuate the intent of this Ordinance, whether or not such other documents are attached hereto. The Village Clerk is hereby authorized and directed to attest to, countersign and affix the Seal of the Village to all such documents as are deemed necessary to effectuate the intent of this Ordinance. The

Village is authorized to allocate and spend all necessary funds to fulfill the requirements of the Contract and of this Ordinance.

**Section 10.02. Other Actions Authorized.**

The officers, employees and/or agents of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of this Ordinance and otherwise to consummate the transactions contemplated hereby, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

**Section 10.03. Acts of Village Officials.**

That all past, present, and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

**Section 11.00 – Section 15.00 Reserved.**

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 16.00 Headings.**

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

**Section 17.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section or part of this Ordinance be

determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph section, or part 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. It is hereby declared to be the legislative intent of the Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof been included.

**Section 18.00 Superseder.**

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

**Section 19.00 Publication.**

A full, true and complete copy of this Ordinance 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.

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**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Italia, Trustee Mota, Trustee Anguiano,  
Trustee Abruzzo


NAY VOTES:

ABSTAIN:

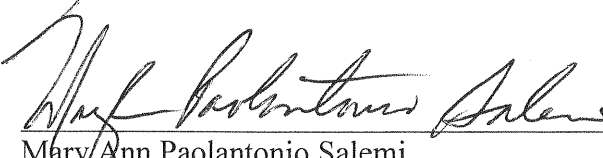
ABSENT: Trustee Prignano, Trustee Taconi

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE  
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS FOURTEENTH  
DAY OF JUNE, 2010, A.D.

APPROVED:

  
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RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
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Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: June 14, 2010  
Published in Pamphlet Form: June 15, 2010