

18-R-94

A RESOLUTION

Amending the Transportation Center
IDOT Agreement

WHEREAS, the City of Evanston is undertaking a mass transportation capital project (hereinafter referred to as the Evanston Transportation Center Project); and

WHEREAS, the City of Evanston has made application to the Illinois Department of Transportation (IDOT) for financial assistance for the Evanston Transportation Center project in accordance with the provisions of the Illinois Revised Statutes (1987), Paragraph 127, Section 49.19 (hereinafter referred to as "Acts") and the procedural guide entitled "Mass Transportation Capital Improvement Grants - Information for Applicants"; and

WHEREAS, the City of Evanston's final application for State financial assistance has been approved by the Illinois Department of Transportation as Project Number CAP-86-293-IST; and

WHEREAS, the Illinois Department of Transportation has made application on behalf of the City of Evanston and other communities to the United States of America for Federal financial assistance for the Evanston Transportation Center Project and similar commuter improvement projects; and

WHEREAS, the City of Evanston's application for Federal financial assistance has been approved by the Urban Mass

Transportation Administration (UMTA) as Project Number IL-23-9028; and

WHEREAS, as a result of discussions and negotiations between IDOT and the City of Evanston, certain amendments are necessary to the agreement between the City and IDOT for the construction of the Evanston Transportation Center.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the City Manager of the City of Evanston, is hereby authorized and directed to enter into an agreement with IDOT setting forth amendments to the construction agreement for the Evanston Transportation Center. This agreement shall be in substantial conformity to the provisions as set forth in Exhibit A attached hereto and incorporated herein by reference. The City Manager is further authorized to negotiate such additional terms consistent with Exhibit A and in the best interest of the City.

SECTION 2: This Resolution shall be in full force and effect from and after the date of its passage and approval in the manner provided by law.


Mayor

ATTEST:


City Clerk

Adopted: February 24, 1994

AMENDMENT NO. 3
TO AN AGREEMENT BETWEEN
THE STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
DIVISION OF PUBLIC TRANSPORTATION
AND
THE CITY OF EVANSTON
(Contract No. 1269)

This Amendment Number 3 to an Agreement dated June 7, 1989, between the State of Illinois, Department of Transportation, and the City of Evanston is hereby made and entered into by the parties thereto in order to adjust the expiration date of the grant. In consideration of the mutual covenants contained herein and in such Agreement as hereby amended, the Parties agree as follows:

1. To amend "ITEM 3 - ILLINOIS GRANT FUNDS RECOVERY ACT" by deleting the second sentence and by inserting in lieu thereof the following:

This grant is valid until December 31, 1994, and grant funds are available to grantee and may be expended by grantee until said date unless the Department, at its discretion, grants an extension of time.

2. To amend "ITEM 4 - DOCUMENTS FORMING THIS AGREEMENT" by deleting the second sentence and by inserting in lieu thereof the following:

The Parties hereto further agree that this Agreement consists of Part I; of Part II entitled "Mass Transportation Capital Grant Agreement General Terms and Conditions" dated December 1, 1993; EXHIBIT "A", entitled "Grantee's Application"; EXHIBIT "B", entitled "Approved Project Budget"; EXHIBIT "C", entitled "Equal Employment Opportunity Clause"; EXHIBIT "D", entitled "Standard Federal Equal Employment Opportunity Construction Contract Specifications", and EXHIBIT "E", entitled "Labor Provisions", all of which are attached hereto, (except for EXHIBIT "A", which is on file at the offices of the Department); made a part hereof and by reference, and specifically incorporated herein.

The Parties hereto agree that the Agreement dated June 7, 1989, as amended, between the Parties is in all other respects ratified and reaffirmed and that it continues in full force and effect as hereby amended.

IN WITNESS WHEREOF, the Parties have caused this Amendment Number 3 to be made effective and executed this _____ day of _____, 1994, by their duly authorized officials.

CITY OF EVANSTON

By _____

Title _____

Attest _____

Accepted on behalf of the State of Illinois
Department of Transportation

Secretary

4651x

Project No. IL-23-9028/CAP-86-293-IST
Contract No. 1269

Certificate of Grantee's Attorney

I, _____, acting as Attorney for the City of Evanston, do hereby certify that I have examined this Agreement and the proceedings taken by the City of Evanston relating thereto, and that the execution of the Agreement by the City of Evanston has been duly authorized by the City of Evanston's action dated _____ (a copy of which is attached) and that the execution of this Agreement is in all respects due and proper and in accordance with applicable State and local law and further that, in my opinion, said Agreement constitutes a legal and binding obligation of the City of Evanston in accordance with the terms thereof. I further certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Agreement.

Dated this _____ day of _____, 1994.

Signature

Title

CITY OF EVANSTON

4651x

STATE OF ILLINOIS
DRUG-FREE WORKPLACE ACT CERTIFICATION

This certification is required by the Drug Free Workplace Act (30 ILCS 580/1). The Drug Free Workplace Act, effective January 1, 1992, requires that no grantee or contractor shall receive a grant or be considered for the purposes of being awarded a contract for the procurement of any property or services from the State unless that grantee or contractor has certified to the State that the grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contract or grant, and debarment of contracting or grant opportunities with the State for at least one (1) year but not more than five (5) years.

For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership, or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division, or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State.

The contractor/grantee certifies and agrees that it will provide a drug-free workplace by:

(a) Publishing a statement:

(1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.

(2) Specifying the actions that will be taken against employees for violation of such prohibition.

(3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will --

(A) Abide by the terms of the statement; and

(B) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

(b) Establishing a drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's or contractor's policy of maintaining a drug-free workplace;

- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon an employee for drug violations.
- (c) Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- (d) Notifying the contracting or granting agency within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
- (e) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted, as required by Section 5 of the Drug Free Workplace Act.
- (f) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.
- (g) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

THE UNDERSIGNED AFFIRMS, UNDER PENALTIES OF PERJURY, THAT HE OR SHE IS AUTHORIZED TO EXECUTE THIS CERTIFICATION OF BEHALF OF THE DESIGNATED ORGANIZATION.

Printed name of organization

Signature of authorized representative

Grant ID or contract number

Printed name and title

Date

1260x
931119

CERTIFICATION
OF
RESTRICTIONS ON LOBBYING

I _____, hereby certify on
(name & title of grantee official)

behalf of _____ that:
(name of grantee)

(1) 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 an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) 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.

(3) The undersigned 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.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this _____ day of _____, 19__

By _____
(signature of authorized official)

(title)

SPECIAL NOTICE FOR LIMITATION ON USE OF
GRANT OR CONTRACT FUNDS FOR LOBBYING

Lobbying restrictions were established by Section 319 of Public Law 101-121 (Department of the Interior and Related Agencies Appropriation Act for Fiscal Year 1990).

The law prohibits Federal Funds from being expended by the recipient or any lower tier subrecipients of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence a Federal agency or congress in connection with the awarding of any Federal grant or loan, or entering into of any cooperative agreement. The extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement is also covered.

Suburban Interstate Transfer contractors, and consultants, as well as lower tier subcontractors and subconsultants are also subject to the lobbying prohibition. To assure compliance, a certification provision (copy attached) shall be included in all Suburban Interstate Transfer construction solicitations and contracts, and consultant agreements exceeding \$100,000 in Federal funds. Implementation of this requirement shall begin with professional services and engineering, and consultant agreement approvals as soon as practical after receipt of this memorandum.

State agency certifications will be kept in the FTA Regional Offices. Lower tier certifications should be maintained by the next tier above. (i.e. prime contractors will keep the subcontractor's certification on file, etc.).

4651x



Illinois Department of Transportation

Division of Public Transportation
310 South Michigan Avenue / 16th. Floor
Chicago, Illinois / 60604

02/01/94

Exhibit B: APPROVED PROJECT BUDGET

State grant: CAP-86-293-IST EVAN
Grantee: City of Evanston
Contract: 1269

Budget: 8

Scope: Station improvements at the Davis Street CTA station Purple/Evanston line in Evanston. Replacement CTA station including station house, platforms, elevator towers, Benson Ave. canopy, taxi stand and circular drop-off N. of Davis, W. of CTA station. Grant funded costs include a general construction contract and a portion of CTA force work. Construction mgmt. and balance of CTA force work funded by Evanston. Design engineering and land acquisition in IL-23-9022 / CAP-86-293-IST.

Budget effective:

		Budget 8
K 4651	Evanston trans.ctr., EV	
15.08.02	force acct. engineering	30,000 B 015
15.11.10	construction	8,345,000 B 015
15.15.00	force work	0 B 015
32.00.00	contingencies	0 B 015
Expiration: 12/31/94		8,375,000
TOTAL FOR GRANT →		8,375,000

<i>Shares, per contract:</i>		<i>Share subtotals, from above:</i>	
7,118,750	<i>Federal</i>	7,118,750	
1,256,250	<i>IDOT-Bond</i>	1,256,250	
0	<i>Grantee</i>	0	
8,375,000	NET PROJECT COST	8,375,000	

There are no budget changes. However, the STATE GRANT EXPIRATION DATE has been changed to 12-31-94.

B=IDOT regular bond; K=IDOT OGL Bond; G=IDOT GRF; H=IDOT Road Fund; L=Grantee.

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