

**RESOLUTION NO. 19-2020**

**A RESOLUTION AUTHORIZING, APPROVING AND ACCEPTING A CERTAIN QUOTE WITH CUMMINS, INC. FOR AN EMERGENCY GENERATOR FOR THE VILLAGE OF STICKNEY**

**WHEREAS**, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the general welfare of the Village and its residents and ensuring that Village operations are able to continue in the event of a power outage, including such essential operations as the Village pump station; and

**WHEREAS**, the Corporate Authorities previously contracted with Cummins, Inc. (“Cummins”) for the manufacture, installation and maintenance of other emergency generators owned and operated by the Village; and

**WHEREAS**, to the best of the knowledge of the Corporate Authorities and Village Staff, the products and services provided by Cummins have been satisfactory; and

**WHEREAS**, the Village has determined that the emergency generator at the Village’s Pump station has outlived its useful life and needs to be replaced; and

**WHEREAS**, as a result of the satisfactory relationship between the Village and Cummins, the Village requested a quote from Cummins to install a new generator, to connect and test said generator and to install a temporary generator in the interim (the “Service”); and

**WHEREAS**, the Village received a quote (the “Quote”) from Cummins for the requested Services, a copy of which is attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, the Village Engineers, Novotny Engineering, (the “Engineers”) submitted a recommendation (the “Recommendation”), a copy of which is attached hereto and incorporated herein as Exhibit B, advising the Village and its officials to accept the Quote; and

**WHEREAS**, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to accept the Recommendation of the Engineers authorize and approve the Quote for the Services with substantially the same terms as the terms of the Quote presented and to further, based upon the Village’s experience with Cummins, waive competitive bidding related to the aforementioned Services; and

**WHEREAS**, the President is authorized to enter into and the Village Attorney (the “Attorney”) is authorized to revise agreements for the Village making such insertions, omissions and changes as shall be approved by the President and the Attorney;

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**SECTION 1: RECITALS.** The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

**SECTION 2: PURPOSE.** The purpose of this Resolution is to authorize, approve and accept the Quote for the emergency generator with substantially the same terms as the terms of the Quote and to further authorize the President or his designee to take all steps necessary to carry out the terms and intent of this Resolution and to ratify any steps taken to effectuate those goals.

**SECTION 3: AUTHORIZATION.** The Board hereby authorizes and directs the President or his designee to accept the recommendation of the Engineers and to authorize, approve, and accept the Quote in accordance with its terms, or any modifications thereof, and to ratify any and all previous action taken to effectuate the intent of this Resolution. The Board further authorizes and directs the President or his designee to execute the Quote with such insertions, omissions and changes as shall be approved by the President and the Attorney. The Village Clerk is hereby authorized and directed to attest to and countersign the Quote and any other documentation as may be necessary to carry out and effectuate the purpose of this Resolution. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary. The officers, agents and/or employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the purpose of this Resolution and shall take all action necessary in conformity therewith. To the extent that any requirement of bidding would be applicable, the same is hereby waived.

**SECTION 4. HEADINGS.** The headings of the articles, sections, paragraphs and subparagraphs of this Resolution are inserted solely for the convenience of reference and form no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provision of this Resolution.

**SECTION 5. SEVERABILITY.** The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision 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.

**SECTION 6. SUPERSEDER.** All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 7. PUBLICATION.** A full, true and complete copy of this Resolution 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.

**SECTION 8. EFFECTIVE DATE.** This Resolution shall be effective and in full force immediately upon passage and approval as provided by law.

**PASSED** this 6<sup>th</sup> day of October, 2020.

**AYES:** Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

**NAYS:** None

**ABSENT:** None

**ABSTENTION:** None

**APPROVED** by me this 6<sup>th</sup> day of October, 2020.

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**Jeff Walik, President**

**ATTESTED AND FILED** in my  
office this 6<sup>th</sup> day of  
October, 2020.

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**Audrey McAdams, Village Clerk**

**EXHIBIT A**

**EXHIBIT B**