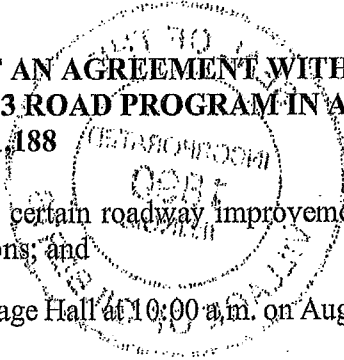


RESOLUTION 22-2023

VILLAGE OF GILBERTS

RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH SCHROEDER ASPHALT SERVICES, INC. FOR THE 2023 ROAD PROGRAM IN AN AMOUNT NOT TO EXCEED \$461,188



WHEREAS, the Village of Gilberts intends to complete certain roadway improvements within the Woodland Meadows and Gilberts Glen East subdivisions; and

WHEREAS, sealed bids were solicited and opened at Village Hall at 10:00 a.m. on August 10, 2023; and

WHEREAS, the lowest responsive and responsible bid was received from Schroeder Asphalt Service, Inc.

Now, Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Resolution as though set forth in this Section 1.

Section 2. Approval; Authorization. The Village Board of Trustees hereby authorizes the Village Administrator, upon receipt of all final contract documents to the satisfaction of the Village Administrator and Village Engineer, to execute the necessary documents attached as with Schroeder Asphalt Service, Inc. for the 2023 Roadway Resurfacing Program in an amount not-to-exceed \$461,188.00.

Section 3. Effective Date. This Resolution shall be in full force and effect after its approval in the manner provided by law.

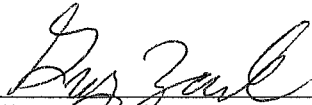
PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 15th day of August 2023.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Robert Vanni	✓	_____	_____	_____
Trustee Frank Marino	✓	_____	_____	_____
Trustee Brandon Coats	✓	_____	_____	_____
Trustee Jeanne Allen	✓	_____	_____	_____
Trustee Robert Chapman	✓	_____	_____	_____
Trustee Justin Redfield	✓	_____	_____	_____
President Guy Zambetti	✓	_____	_____	_____

Resolution No. 22-2023




APPROVED THIS 15th DAY OF August, 2023



Village President, Guy Zambetti

(SEAL)
ATTEST:



Village Clerk

Resolution No. 22-2023

Exhibit A
Agreement

VILLAGE OF GILBERTS

Date: 08/08/2023
Cashier: COUNTER
*** No Sale ***

Time: 9:40:28 AM

SCHROEDER

ASPHALT SERVICES, INC.

P.O. BOX 831 ~ HUNTLEY, IL ~ 60142

Village of Gilberts
Attn: Village Clerk
87 Galligan Road,
Gilberts, Illinois

Sealed Bid Proposal For:
"2023 Roadway Program"
REL Project #23-R0387

Bid Date August 8th, 2023 @ 10:00AM

CONTRACT

1. THIS AGREEMENT, made and concluded this 15th day of August, 2023, between the Village of Gilberts acting by and through its President and Board of Trustees known as the party of the first part, and Schroeder Asphalt Services, Inc. his/their executors, administrators, successors or assigns, known as the party of the second part.

2. WITNESSETH That for and in consideration of the payment 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 plans of this agreement and the requirements of the Engineer under it.

3. And it is also understood and agreed that the Notice to Contractors, proposals, contract bond, General Requirements and Covenants (Division I), Technical Specifications (Division II), Special Provisions (Division III) and Standard drawings (Division IV), in addition to any specific plans and specifications upon which the contractor's proposal is based, are all incorporated by reference into this contract and are therefore made a part hereof.

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

FOR THE VILLAGE OF GILBERTS, ILLINOIS
(Party of the First Part)

By: [Signature]
Title: Guy Zambetti, Village President

Attest: [Signature]
Title: Kelly Mastera, Village Clerk
Dep



Executed by Municipality

FOR THE CONTRACTOR
(Party of the Second Part)

Schroeder Asphalt Services, Inc.

By: [Signature], Ronald Schroeder
Title: President

Attest: [Signature] Jennifer Grichel
Attester's Title: Corporate Secretary



Executed by Contractor

CONTRACT BOND

KNOWN ALL MEN BY THESE PRESENTS, that we, Schroeder Asphalt Services, Inc.

Illinois, a corporation organized under the laws of the State of Illinois, and licensed to do business in the State of Illinois, as principal, and Hudson Insurance Company ^(Contractor's State), a corporation organized and existing under the laws of the State of Delaware ^(Surety's State), with authority to do business in the State of Illinois, as Surety, are held and firmly bound unto the Village of Gilberts, State of Illinois, in the penal sum of Four Hundred Nineteen Thousand Two Hundred Sixty-Two and No/100 Dollars (\$ 419,262.00), lawful money of the United States, well and truly to be paid unto said Village of Gilberts, for the payment of which we bind ourselves, our successors and assigns, jointly, severally, and firmly by these presents.

Executed by Contractor

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that whereas, the said Principal has entered into a written contract with an Owner which is the Village of Gilberts and acts through its President and Board of Trustees for the construction of the work designated 23-R0387: Village of Gilberts 2023 Roadway Program

which contract hereby is referred to and made a part hereof, as if written herein in length, and whereby the said Principal has promised and agreed to perform said work in accordance with the terms of said Contract, and has promised to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery furnished to such Principal for the purpose of performing such work and has further agreed to pay all direct and indirect damages to any person, firm, company, or corporation suffered or sustained on account of the performance of such work, for any reason whatsoever, during the time thereof and until such work is completed and accepted; and has further agreed that this bond shall inure to the benefit of any person, firm, company or corporation, to whom any money may be due from the Principal, subcontractor or otherwise, for any such labor, materials, apparatus, fixtures or machinery so furnished, and that suit may be maintained on such bond by any such person, firm, company or corporation, for the recovery of any such money.

NOW, THEREFORE, if the said Principal shall well and truly perform said work in accordance with the terms of said contract, and shall pay all sums of money due or to become due for any labor, materials, apparatus, fixtures or machinery furnished to him for the purpose of constructing such work, and shall commence and complete the work within the time prescribed in said contract, and shall pay and discharge all damages, direct and indirect, that may be suffered or sustained on account of

such work, for any reason whatsoever, during the time of the performance thereof and until the said work shall have been accepted, and shall hold the aforesaid Owner and its or his agents harmless on account of any such damages, and shall in all respects fully and faithfully comply with all the provisions, conditions and requirements of said contract, then this obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, we have duly executed the foregoing obligation this 28th day of August A.D. 2023

Contractor's corporate name: Schroeder Asphalt Services, Inc.

By: [Signature]
President Ronald Schroeder

Attest: [Signature]
Attester's Title Corporate Secretary



Surety's corporate name: Hudson Insurance Company

By: [Signature]
Attorney-in-fact James I. Moore

By: _____
Attorney-in-fact

CORPORATE SEAL

Executed by Surety for Contractor

APPROVED THIS 19th DAY OF September A.D. 2023

VILLAGE OF GILBERTS, ILLINOIS

By: [Signature]
Title Guy Zambetti, Village President

ATTEST FOR VILLAGE OF GILBERTS, ILLINOIS

By: [Signature]
Title Kelly Mastern, Village Clerk
Brian Bourdeau

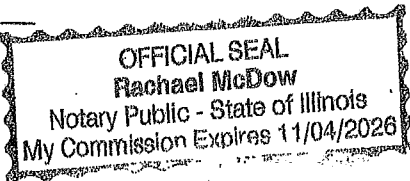


STATE OF Illinois)
COUNTY OF DeKalb) SS

I, Rachael McDow, a Notary Public in and for said County in the State aforesaid, do hereby certify that Ronald Schroeder and Jennifer Griebel, to me personally known to be president and Corporate Secretary, respectively, of Schroeder Asphalt Services, Inc. a corporation, and also known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such president and Corporate Secretary respectively they signed, sealed and delivered the said instrument as the free and voluntary act of said Corporation, for the uses and purposes therein set forth, and that they were duly authorized to execute the same by the Board of Directors of said Corporation.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 28th DAY OF August A.D. 20 23

SEAL



Rachael McDow
Notary Public

Executed by Contractor's Notary

STATE OF IL)
COUNTY OF DuPage) SS

I, Graciela Hale, a Notary Public in and for said County in the State aforesaid, do hereby certify that James I. Moore, who is personally known to me to be the same person who signed the above and foregoing instrument as the Attorney in Fact for Hudson Insurance Company appeared before me this day in person and acknowledged that he signed the name of Hudson Insurance Company thereto, as his Principal, and his own name as Attorney in Fact, as the free and voluntary act of his said Principal for the uses and purposes therein set forth, and that he executed the said instrument under authority given him by said Principal.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 28th DAY OF August A.D. 20 23

SEAL



Graciela Hale
Notary Public

Executed by Surety's Notary



HUDSON INSURANCE GROUP

Bond Number: HGMW-238-1993

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

James I. Moore of the State of IL

its true and lawful Attorney(s)-in-Fact, at New York, New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking shall obligate said Company for any portion of the penal sum thereof in excess of the sum of Twenty Five Million Dollars (25,000,000.00).

Such bonds and undertakings when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly authorized, on this 2nd day of June, 2022 at New York, New York.



Attest: Dina Daskalakis, Corporate Secretary

HUDSON INSURANCE COMPANY By: Michael P. Cifone, Senior Vice President

STATE OF NEW YORK COUNTY OF NEW YORK. SS.

On the 2nd day of June, 2022 before me personally came Michael P. Cifone to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the corporation described herein and which executed the above instrument, that he knows the seal of said Corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said Corporation, and that he signed his name thereto by like order.

(Notarial Seal)



ANN M. MURPHY, Notary Public, State of New York, No. 01MU6067553, Qualified in Nassau County, Commission Expires December 10, 2025

STATE OF NEW YORK COUNTY OF NEW YORK. SS.

CERTIFICATION

The undersigned Dina Daskalakis hereby certifies:

That the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27th, 2007, and has not since been revoked, amended or modified:

"RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company's surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company's seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company's surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Corporation this 28th day of August, 2023.



By: Dina Daskalakis, Corporate Secretary