

THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY

Tollway Headquarters

2700 Ogden Avenue

Downers Grove, Illinois 60515

Governor JB Pritzker
Secretary Omer Osman
Director James Connolly
Director Stephen Davis
Director Alice Gallagher

Director Jacqueline Gomez
Director Karen McConnaughay
Director Scott Paddock
Director Gary Perinar
Director James Sweeney

Pursuant to the requirements of the Authority's By-Laws, Notice is hereby given of the Special Board Meeting of the Authority to be held on Tuesday, November 2, 2021 at 8:00 a.m. in the Boardroom of Tollway Headquarters, 2700 Ogden Avenue, in Downers Grove, Illinois, 60515.

There will be live feed Webcasting of the Board Meeting while in session. A video file will be available five business days after the meeting at www.illinoistollway.com and written meeting minutes will be available at www.illinoistollway.com after their approval at the next regular Board meeting.

Willard S. Evans, Jr., Chairman

Upon notification of anticipated participation, the Tollway will endeavor to ensure that individuals with disabilities can participate in this meeting. Persons with disabilities who plan to participate and need accommodations to do so should contact the EEO/AA/ADA Officer of The Illinois State Toll Highway Authority at (630) 241-6800, Ext. 1010, at least two days in advance of the meeting, and if possible, the Tollway will provide reasonable accommodations. Related information, which may or may not be applicable to this telephonic meeting, can be found on the Tollway's website: <https://www.illinoistollway.com/about/board-information/>.



ILLINOIS STATE TOLL HIGHWAY AUTHORITY

Special Meeting of the Board of Directors

AGENDA

November 2, 2021

8:00 a.m.



1.0 CALL TO ORDER

2.0 ROLL CALL

3.0 PUBLIC COMMENT

4.0 ITEMS FOR CONSIDERATION

4.1 LEGAL

1. Authorization to Enter into Supplemental Agreement relating to the Elgin O'Hare Western Access Project.
2. Authorization to enter into Litigation Settlement Agreement –Tollway Parcel NW-7B-15-008. Cost to the Tollway: As discussed in Executive Session.

5.0 EXECUTIVE SESSION

6.0 UNFINISHED BUSINESS

7.0 NEW BUSINESS

8.0 ADJOURNMENT

Special Board Meeting

Item Number:

4.0/1

October 2021



Legal Department

Activity Type: Approval/Resolution

**Authorization to Enter into Supplemental Agreement
relating to the Elgin O'Hare Western Access Project**

Contract #: N/A**Description:** Authorization to Enter into Supplemental Agreement relating to the Elgin O'Hare Western Access Project**Scope:** Prior to entering into the June 1, 2020 *Elgin O'Hare Western Access Project Property Transfer and Construction Master Agreement* ("Master Agreement") with the Union Pacific Railroad ("UP"), the Tollway reimbursed UP for the actual cost of preliminary engineering services work relating to the Elgin O'Hare Western Access Project ("Project") under the parties' May 20, 2020 *Reimbursement Agreement – Preliminary Engineering Services* ("PE Agreement"). The PE Agreement has been exhausted.

Like the PE Agreement, the Master Agreement obligates the Tollway to reimburse UP for the actual cost of preliminary engineering services work relating to the Project. The Tollway estimates that the cost of such work will total approximately \$800,000.00.

The Master Agreement also obligates the Tollway to pay UP for the actual cost of certain other work and services relating to the Project. The Tollway estimates that the cost of such other work and services will total approximately \$27,847,944.00. Said work and services consist of:

- construction engineering services (*i.e.*, services relating to project management, construction submittals, construction management and final inspections) that will cost approximately \$2,215,000.00;
- flagging services that will cost approximately \$6,465,000.00;
- signboard relocations that will cost approximately \$600,000.00; and
- force account work (*i.e.*, services relating to trackwork, signals, utilities, temporary at-grade crossings and facilities) that will cost approximately \$12,838,355.00.

In order for the Tollway to reimburse UP for the above-described actual costs of preliminary engineering services work and other work and services relating to the Project, as required by the Master Agreement, the parties must enter into an agreement identifying said costs, which together total approximately \$28,647,944.00.

Amount: The Tollway will pay UP the actual costs of work and services, including preliminary engineering services, that UP performs pursuant to the Master Agreement, which work and services will cost approximately \$28,647,944.00.