

**RESOLUTION NO. 2023-47  
(10/03/2023)**

**A RESOLUTION BY THE VILLAGE BOARD OF THE VILLAGE OF STURTEVANT ACKNOWLEDGING  
ABANDONMENT OF CORNERSTONE PAVERS LLC 84<sup>TH</sup> STREET IMPROVEMENTS, INCLUDING  
ADDENDUM 1, CONTRACT BID AND ORDERING FORFEITURE OF BID BOND**

The Village Board of the Village of Sturtevant, Racine County, Wisconsin, do resolve as follows:

**WHEREAS**, on August 15, 2023, the Village Board awarded the 84<sup>th</sup> Street Improvements contract ("Contract") to Cornerstone Pavers, LLC ("Cornerstone"); and;

**WHEREAS**, the Contract documents, which declare time to be of the essence, required Cornerstone to sign and return the Contract within fifteen calendar days after notice of the award or it would be deemed to have abandoned its bid and to be in default on its bid bond; and,

**WHEREAS**, the Village awarded the Contract to Cornerstone during a duly-noticed meeting on August 15, 2023, during which meeting Cornerstone's principal, Chris Cape, was present; and,

**WHEREAS**, on August 16, 2023, the Village's Contract engineers, R.A. Smith, executed and sent the Notice of Award and Contract documents to Cornerstone via UPS to the address that Cape had previously provided. R.A. Smith also emailed Cape a copy of the transmittal letter, directly notifying him that the Contract documents were being sent to him that day; and,

**WHEREAS**, UPS confirmed that the Contract documents were in fact delivered on August 17<sup>th</sup>, 2023, and were signed for by Cornerstone's neighboring business, as had been past practice; and,

**WHEREAS**, Cornerstone did not execute and return the Contract until September 12, 2023, nearly one month after the notice date and well outside the allowed fifteen calendar days; and,

**WHEREAS**, Cape now claims that his neighbor had not timely delivered the Contracts to him, but Cape had never contacted the Village or R.A. Smith during the intervening month as to the whereabouts of the Contracts, despite having been personally emailed that the Contract documents were being sent on August 16<sup>th</sup>.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Sturtevant that:

1. Per the terms of the Contract documents, Cornerstone's bid is deemed to have been abandoned; and,

2. Also per the terms of the Contract documents, Cornerstone is in breach of its bid bond, and the Village shall make a claim with the bonding company unless Contractor directly makes payment to the Village of the full bond amount by no later than close of business October 6, 2023.

Adopted by the Village Board for the Village of Sturtevant, Racine County, Wisconsin, this 3rd day of October, 2023.

**VILLAGE OF STURTEVANT**



Michael Rosenbaum  
Village President



Cheryl Zamecznik  
Village Clerk