

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE appropriating \$156,196.33 from the fund balance of the 2010 Grant Fund in acceptance of funding from the City of Independence, awarding a contract for the furnishing of construction services to Wil-Pav, Inc., of Sugar Creek, MO, under the terms and conditions of Bid No. PW 02-2010 in the amount of \$991,108.15, authorizing the Director of Public Works to approve line item adjustments under this contract in an amount not to exceed \$29,336.18, and authorizing the County Executive to execute Amendment 2 to the Cooperative Agreement with the City of Independence, all related to the Little Blue Trace Multipurpose Trail Improvement Project.

ORDINANCE #4218, July 19, 2010

INTRODUCED BY Fred Arbanas, County Legislator

WHEREAS, by Ordinance 3747, dated March 6, 2006, Resolution 16466, dated December 3, 2007, Resolution 17051, dated October 26, 2009, and by Ordinance 4193, dated February 16, 2010, the Legislature did authorize the County Executive to execute a Program Agreement with the Missouri Highways and Transportation Commission, a Cooperative Agreement with the City of Independence and a First Amendment thereto, a Supplemental Program Agreement with the Missouri Highways and Transportation Commission, and a Trailway License Agreement with the Missouri Highways and Transportation Commission, for the Little Blue Trace Multipurpose Trail Improvement Project; and,

WHEREAS, in connection with the Little Blue Trace Multipurpose Trail Improvement Project, the Director of Public Works has solicited formal written bids pursuant to Bid No. PW 01-2010 for a trail extension; and,

WHEREAS, he has received six (6) bids thereon, with the lowest three (3) bids as follows:

<u>VENDOR</u>	<u>BID</u>
Wil-Pav, Inc.	\$ 991,108.15
Radmacher Brothers Excavating	\$1,137,308.60
Tiffany Construction, Inc.	\$1,290,669.17

WHEREAS, subject to the approval by the Missouri Department of Transportation, the Director of Public Works has recommended that award be made to Wil-Pav, Inc., of Sugar Creek, MO, in the amount of \$991,108.15 for the reason that they have submitted the lowest and best bid; and,

WHEREAS, the Director of Public Works further recommends Amendment 2 to the Cooperative Agreement between the county and the City of Independence relating to the trail extension of the Little Blue Trace Multipurpose Trail Improvement Project; and,

WHEREAS, it is appropriate that the Director of Public Works be authorized to approve line items adjustments in an amount not to exceed \$29,336.18 pursuant to the terms of Amendment 2 to the Cooperative Agreement with the City of Independence; and,

WHEREAS, an appropriation is necessary in order to place the grant funds and the City's payment in the appropriate spending accounts; and,

WHEREAS, the County Executive recommends said appropriation; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriation from the fund balance of the 2010 Grant Fund be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
010-1649	45710 - Increase Revenues	\$156,196.33	
010-2810	Undesignated Fund Balance		\$156,196.33
010-2810	Undesignated Fund Balance	\$156,196.33	
010-1649	58060 - Other Improvements		\$156,196.33

and,

BE IT FURTHER ORDAINED that award be made to Wil-Pav, Inc., of Sugar Creek, MO, in the amount of \$991,108.15, subject to the approval of the Missouri Department of Transportation, and that the County Executive be, and is hereby, authorized to execute for the County any documents necessary to the accomplishment of the award; and,

BE IT FURTHER ORDAINED that the County Executive be, and is hereby, authorized to execute Amendment 2 to the Cooperative Agreement with the City of Independence relating to the trail extension of the Little Blue Trace Multipurpose Trail Improvement Project; and,

BE IT FURTHER ORDAINED that the Director of Public Works is authorized to approve line item adjustments which may become necessary under this contract in an amount not to exceed \$29,336.18 pursuant to the terms of Amendment 2 between the County and the City of Independence; and,

BE IT FURTHER ORDAINED that the Director of Finance and Purchasing be and hereby is authorized to make all payments, including final payment on the contract including any line item adjustments authorized herein.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Pamela Fellin
Deputy/Assistant County Counselor

[Signature]
Acting County Counselor

I hereby certify that the attached Ordinance, Ordinance #4218 introduced on July 19, 2010, was duly passed July 26, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 6

Nays 0

Abstaining 2

Absent 1

This Ordinance is hereby transmitted to the County Executive for his signature.

7.26.10
Date

[Signature]
Mary Jo Spino, Clerk of the Legislature

I hereby approve the attached Ordinance #4218.

7/27/2010
Date

[Signature]
Michael D. Sanders, County Executive

Funds sufficient for this appropriation are available from the source indicated below:

ACCOUNT NUMBER: 010 2810
ACCOUNT TITLE: Grant Fund
Undesignated Fund Balance
NOT TO EXCEED: \$156,196.33

There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.

ACCOUNT NUMBER: 010 1649 58060
ACCOUNT TITLE: 2010 Grant Fund
Little Blue Trace Improvement
Other Improvements
NOT TO EXCEED: \$1,020,444.33

July 15, 2010
Date

[Signature]
Director of Finance and Purchasing

AMENDMENT # 2
JACKSON COUNTY, MISSOURI and
CITY OF INDEPENDENCE
COOPERATIVE AGREEMENT FOR EXTENSION OF THE
LITTLE BLUE TRACE TRAIL

WHEREAS, on or about April 21, 2008, the City of Independence, Missouri, ("City") and Jackson County, Missouri, ("County") entered into a Cooperative Agreement for Extension of the Little Blue Trace Trail. ("Agreement").

WHEREAS, on or about November 9, 2008, the City of Independence, Missouri, ("City") and Jackson County, Missouri, ("County") entered into Amendment #1 to the Cooperative Agreement for Extension of the Little Blue Trace Trail. ("Amendment #1").

WHEREAS, sealed bids for the work were opened on May 25, 2010 with the apparent low bidder, Wil-Pav, Inc., having submitted a total price of \$991,108.15 for the work.

WHEREAS, the City of Independence portion of the work ("Section 1"), was bid at \$389,777.33. This total is \$156,196.33 more than the \$233,581.00 approved by Amendment #1.

WHEREAS, the Jackson County portion of the work ("Section 2"), was bid at \$601,330.82. This total is \$29,336.18 less than the \$630,667.00 approved by the Agreement.

NOW THEREFORE, in consideration of the mutual covenants and considerations herein contained, the parties agree to modify the terms of the Cooperative Agreement and Amendment #1 as follows:

1. Under 5.1 Cost Overruns of Amendment #1; The City of Independence has elected to make up the cost overrun in their section of work by providing Jackson County an additional \$156,196.33 to bring their total funding level to \$389,777.33.
2. The additional \$156,196.33 is not a reimbursable amount. \$175,186.00 remains the total Federal reimbursable portion of City's grant.
3. The new paragraph added to "Project Accounting" by item 3 on Amendment 1 shall be modified to read as follows:

After the County determines the lowest and best bidder for the construction work, the County shall forward to the City a copy of the Notice of Award of Bid. Within 30 days of receiving a copy of said Notice the City shall forward to the County payment of \$389,777.33. The County agrees to accurately track quantities during construction and keep a proper accounting of the costs associated with said work. A monthly accounting summary will be sent to the City. After final acceptance of the project and issuance of final change orders, if any, the County shall submit

to the City a final accounting stating whether the City owes any further amounts for construction cost overruns, or whether any of the initial deposited amounts shall be returned to the City.

4. All Change Orders effecting the City of Independence portion of the work, shall be reviewed and approved by both City and County prior to authorization being given to the Contractor.
5. This Amendment #2 to a Cooperative Agreement for Extension of the Little Blue Trace Trail shall be binding on the parties thereto only after it has been duly approved and executed by the governing bodies of the parties.
6. In the event that any provision of this Amendment is inconsistent with any provisions of the Agreement, the terms of this Amendment shall control.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the _____ day of _____, 2010.

CITY OF INDEPENDENCE,
MISSOURI

By _____
Robert Heacock, City Manager

ATTEST:

Bruce Lowrey, City Clerk

APPROVED AS TO FORM:

B. Allen Garner, City Counselor
City of Independence, Missouri

JACKSON COUNTY, MISSOURI

By _____
Michael D. Sanders, County Executive

ATTEST:

Mary Jo Spino
Clerk of the County Legislature

APPROVED AS TO FORM:

William G. Snyder
Acting County Counselor