

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION transferring \$61,335.00 within the 2018 Park Fund and awarding a contract for the demolition of the old Lake Jacomo maintenance and auto shop buildings, Phase 1, to Earthworks Excavation and Associates, LLC, of Higginsville, MO, under the terms and conditions of Invitation to Bid No. PW06-2018, County Project No. 3227, at an actual cost to the County not to exceed \$61,335.00.

RESOLUTION NO.19997, October 1, 2018

INTRODUCED BY Greg Grounds, County Legislators

WHEREAS, the Parks + Rec Department planned for the demolishing, remove, and dispose of five existing buildings located at the old Lake Jacomo maintenance facility and automotive shop at addresses 22301 and 22309 S.W Woods Chapel Road, in unincorporated Jackson County, MO; and,

WHEREAS, permits for the required work will be acquired from the Missouri Department of Natural Resources (MDNR) and Jackson County Public Works; and,

WHEREAS, notifications were distributed through advertisement and online posting and four responses were received as follows:

<u>VENDOR</u>	<u>BID</u>
Earthworks Excavation & Associates, LLC Higginsville, MO	\$61,335.00
Tasco, LLC Kingsville, MO	\$69,250.00
Perkins Dozing Jamesport, MO	\$94,000.00

Doubled D, Inc.
Dba Dale Brothers
Shawnee, KS

\$124,281.80

and,

WHEREAS, the Director of Public Works and Parks + Rec recommends that the contract be awarded to Earthworks Excavation & Associates, LLC, of Higginsville, MO, for reason that it has submitted the lowest and best bid; and,

WHEREAS, Earthworks Excavation and Associates, LLC, will follow all federal, state and local regulations for demolition of the buildings; and,

WHEREAS, by Ordinance 5062, dated December 6, 2017, the Legislature did establish certain Reserve Accounts for certain budget lines within the 2018 County budget; and,

WHEREAS, certain funds appropriated in such Reserve Account within the 2018 Park Fund are needed to cover the cost of demolition at the old Lake Jacomo maintenance and auto shop buildings; and,

WHEREAS, there are numerous disputes between the County Executive and the Legislature regarding the validity of Ordinance 5062, relating to its construction and interpretation, and multiple related issues; and,

WHEREAS, the Chief Administrative Officer has recommended the adoption of this Resolution, without waiving any previous position taken in reliance upon the memorandum of the County Counselor dated December 22, 2017, regarding Ordinance 5062, and without waiving any position taken in reliance upon other legal memorandums provided by the Office of the County Counselor; and,

WHEREAS, the Legislature recognizes that funds identified as Reserve Funds in the adopted 2018 Budget within the Park Fund are required to be designated for use by the the Public Works Department for the demolition of the old Lake Jacomo maintenance and auto shop buildings; and,

WHEREAS, the Chief Administrative Officer has requested that the funds identified in this Resolution be made available for such use by the Public Works Department within the 2018 budget; and,

WHEREAS, in the event that line adjustments to the contract become necessary, it is appropriate that the Director of Public Works be authorized to approve said line item adjustments to the extent there is no additional cost to the County; and,

WHEREAS the County Legislature agrees that funds described in this Resolution should be made available for such use by posting to a certain budget line item in the

Park Fund budget or otherwise for calendar year 2018 by the County's Finance and Purchasing Department; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the following transfer or equivalent documentation/identification, to accomplish posting of the funds in the Jackson County Budget management system so that the funds are available for immediate use and expenditure within the 2018 budget, be and hereby is authorized:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Park Fund Reserve 003-8006	56837- Reserve Capital	\$61,335	
Park Fund Non-Departmental-Park 003-5103	58060- Other Improvements		\$61,335

and,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that award be made as recommended by the Director of Public Works and that the County Executive be and hereby is authorized to execute any documents necessary to the accomplishment of the award; and,

BE IT FURTHER RESOLVED that the Director of Public Works be and hereby is

authorized to make adjustments in the contract line item quantities to the extent that there will be no further funding obligation to the County; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing is authorized to make all payments, including final payment on the contract.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 19997 of Oct 1, 2018, was duly passed on October 8, 2018 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

10-8-18

Date



Mary Jo Spino, Clerk of Legislature

Funds sufficient for the above-described transfer or equivalent documentation and/or identification to accomplish posting of the funds in the Jackson County Budget management system so that the funds are available for immediate use and expenditure are available in the source indicated below.

ACCOUNT NUMBER: 003 8006 56837
ACCOUNT TITLE: Park Fund
Reserve
Reserve- Capital
NOT TO EXCEED: \$61,335.00

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: 003 5103 58060
ACCOUNT TITLE: Park Fund
Non-Departmental Park
Other Improvements
NOT TO EXCEED: \$61,335.00

10/1/18
Date


Chief Administrative Officer