

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the payment of \$17,500.00 to Amino Brothers Company, Inc., of Kansas City, Kansas from the City of Lee's Summit CURS account to cover the cost of a settlement related to the construction of Woods Chapel Road Project, No 2293.

RESOLUTION #17521, February 28, 2011

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, the Legislature did, by Resolution 16511, dated January 22, 2008, award a contract to Amino Brothers Company, Inc., of Kansas City, KS, in the actual amount of \$7,823,471.06, for the Woods Chapel Road Project, No. 2293; and,

WHEREAS, in the course of its work on this project, Amino Brothers Company, Inc., claimed that it incurred significant damages due to inadequate specifications contained in the bid documents that are attributable to the County, the City of Lee's Summit, and the County's engineering consultant and for which the County, the City of Lee's Summit, and the County's engineering consultant are liable; and,

WHEREAS, the Legislature did, by Resolution 17472, dated January 18, 2011, authorize the settlement of the claim against the County in the amount of \$17,500.00; and,

WHEREAS, the City of Lee's Summit has requested the use of its County Urban Road System (CURS) funds in the amount of \$17,500.00 to cover the cost of its portion of the

settlement with Amino Brothers Company, Inc; and,

WHEREAS, the Woods Chapel Road is a designated CURS route and is eligible for CURS funding; and,

WHEREAS, the Director of Public Works recommends approval of the request; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the Director of Finance and Purchasing is authorized to issue a check in the amount of \$17,500.00 to Amino Brothers Company, Inc., from the City of Lee's Summit CURS account, as the City's contribution for its portion of the settlement relating to the Woods Chapel Road Project, No 2293.

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

APPROVED AS TO FORM:

Jan D. Hallen
Chief Deputy County Counselor

W. Stephen Neen
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17521 of February 28, 2011, was duly passed on February 28, 2011 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

2-28-11
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

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: 400 1544 58070
ACCOUNT TITLE: CURS Fund
Lee's Summit, MO CURS
City Projects
NOT TO EXCEED: \$17,500.00

February 23, 2011
Date

J. Tony Thom
Director of Finance and Purchasing

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/~~Ord~~ No.: 17521

Sponsor(s): Bob Spence

Date: Feb. 28, 2011

<p>SUBJECT</p>	<p>Action Requested <input checked="" type="checkbox"/> Resolution Approval of Payment for Woods Chapel Road <input type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Woods Chapel Road Payment to Contractor</u></p>										
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" data-bbox="321 537 1192 753"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$17,500.00</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$0.00</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$17,500.00</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>N/A</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; Lees Summit, Mo CURS</td> <td>400-1544-58070</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$1,123,695.00</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	\$17,500.00	Amount previously authorized this fiscal year:	\$0.00	Total amount authorized after this legislative action:	\$17,500.00	Amount budgeted for this item * (including transfers):	N/A	Source of funding (name of fund) and account code number; Lees Summit, Mo CURS	400-1544-58070
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Amount budgeted for this item * (including transfers):	N/A										
Source of funding (name of fund) and account code number; Lees Summit, Mo CURS	400-1544-58070										
<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date):</p> <p>Prior resolutions and (date): R 17471, R17472 both 1-18-11 16511</p>										
<p>CONTACT INFORMATION</p>	<p>RLA drafted by (name, title, & phone): Earl Newill, P.E. Chief Engineer, 881-4538 401-6401 cell</p>										
<p>REQUEST SUMMARY</p>	<p>Lees Summit, Mo and Jackson County entered into an agreement to design and construct Woods Chapel Road from Liggett Road to I -470. The project is essentially complete and open to traffic. During construction, a dispute arose concerning payment for the Temporary Pavement used to keep the roadway open to traffic during construction.. The County, City, and Contractor agreed to mediation and a settlement was reached. The settlement amount for Lees Summit was \$17,500.00. The City of Lees Summit has requested that their share of the settlement be paid out of their CURS funds. Woods Chapel Road is designated as a CURS route and is eligible for funding.</p> <p>The Director of Public Works concurs with Lees Summit's request and recommends approval of the payment to Amino Bros. Construction from Lees Summit CURS account.</p> <p>We therefore request that a resolution be prepared authorizing the requested payment, and further request that the Manage of Finance be authorized to make the payment in the amount of \$17,500.00 from the Lees Summit CURS account to Amino Bros Construction.</p>										
<p>CLEARANCE</p>	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing & Department)</p>										

	<input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS	Letter of Request from Lees Summit, Mo.	
REVIEW	Department Director:	Date:
	Finance (Budget Approval): <i>If applicable</i> <i>Deborah Ball</i>	Date: <i>2-16-11</i>
	Division Manager: <i>[Signature]</i>	Date: <i>2/17/11</i>
	County Counselor's Office: <i>[Signature]</i>	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- 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.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:
400-1544-58070	Lee's Summit, Mo CURS	\$17,500.00

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

Fiscal Note:

This expenditure was included in the Annual Budget.

PC# _____

Date: February 16, 2011

RES/~~ORG~~ 17521

<u>Department / Division</u>	<u>Character/Description</u>	<u>Not to Exceed</u>
CURS Fund - 400		
<u>1544 - Lees Summit, MO CURS</u>	<u>58070 - City Projects</u>	<u>17,500</u>
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Deborah Ball 2-16-11
Budgeting



CITY OF LEE'S SUMMIT

PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

220 SE GREEN STREET

LEE'S SUMMIT, MISSOURI 64063

(816) 969-1800 FAX (816) 969-1809

February 15, 2011

Mr. Jerry Page, P.E.
Director of Public Works
Jackson County, Missouri
303 W. Walnut Street
Independence MO 64050

**RE: Request for Use of Lee's Summit CURS Funds
Woods Chapel Road – I470 to Liggett**

Dear Mr. Page:

Lees' Summit hereby requests Jackson County to use \$17,500 of the City's existing CURS balance for payment of the City's portion of the settlement agreement with Amino Brothers Construction Company for the Woods Chapel Road project. This approach for funding was previously discussed by our Deputy City Attorney, John Mautino, and Assistant County Counselor Abbe Feitelberg. The City will also be preparing a separate release of claims for Amino Brothers pursuant to those discussions.

If you have any questions please feel free to contact me.

Sincerely,

Dena E. Mezger, P.E.
Deputy Director of Public Works/City Engineer



"An American Public Works Association Accredited Public Works Department"