

JACKSON COUNTY DEPARTMENT OF PUBLIC WORKS  
CONTRACT CHANGE ORDER

Res. 17471

CHANGE ORDER NO. 2 / PROJECT Woods Chapel Road

CONTRACTOR Amino Brothers Company, Inc. COUNTY NO. 2293  
8110 Kaw Drive FED. AID NO. STP-3470(402) /  
Kansas City, Kansas 66111

THIS CONTRACT SHALL BE AMENDED AS FOLLOWS:

Description of change:  
See Attachment A

Amount this change order (plus) (minus) (no change).....\$ 279,421.65 /

The contract amount will be amended as follows:

Original contract price..... \$ 7,823,471.06 /  
Amount of all previous Change Orders + plus or minus ..... \$ -0-  
Amount of this Change Order +plus or minus - ..... \$ 279,421.65 /  
New total contract price..... \$ 8,102,892.71 /

The change order shall become an amendment to the contract and all provisions of the contract except as amended above and by any previous change orders, shall apply hereto.

CONTRACTOR'S ACCEPTANCE

BY [Signature]  
Title CEO  
Date 2-23-2011

OWNER'S APPROVAL

BY [Signature]  
Title County Executive  
Date 3/10/11

RECEIVED  
MAR 14 2011  
D4 CONSTRUCTION AND MATERIALS  
RECEIVED  
MAR 28 2011  
D4 CONSTRUCTION AND MATERIALS

APPROVAL RECOMMENDED

Rodger G. Seidelman  
County Resident Engineer  
Earl Newell  
Chief Engineer

APPROVAL AS TO FORM

[Signature]  
County Counselor

ATTEST

[Signature]  
Clerk, Jackson County Legislature

CERTIFICATION

I hereby certify that there is a balance otherwise unencumbered to the credit of the appropriation to which this contract is chargeable and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation of \$ 279,422 hereby authorized.

[Signature]  
Manager - Division of Finance

NA per Agreement  
Lee's Summit Public Works

15112011001

015-1512-58040-103,126  
015-1511-58040-176,296

[Signature]  
Missouri Department of Transportation  
District Engineer

FINAL APPROVAL

[Signature]  
Missouri Department of Transportation  
Division Engineer - Construction

FILED  
APR 01 2011  
MARY JO SPINO  
COUNTY CLERK

3/15/2011  
Date

3-25-11  
Date

ATTACHMENT A Woods Chapel Road Improvements  
 Jackson County Project # 2293 Federal Project No. STP-3470(402) Change Order # 2

ITEM NO.	DESCRIPTION	PLAN QUANTITY	AS-BUILT QUANTITY	QUANTITY CHANGE	UNIT PRICE	PRICE CHANGE
#59	Temporary Pavement	166 ton	1,547.13	1381.13	\$149.59	\$206,603.24
#164 NEW	6" Temporary Aggregate Drainable Base	0	2,966.82 ton	2,966.82	\$17.12	\$50,791.96
#165 NEW	Remove 6" Agg Base ( Item 164 )	0	8,990.39 sy	8990.39	\$2.45	\$22,026.45
TOTAL						\$279,421.65

**RECEIVED**  
 MAR 14 2011  
 D4 CONSTRUCTION  
 AND MATERIALS

**RECEIVED**  
 MAR 28 2011  
 D4 CONSTRUCTION  
 AND MATERIALS

# Memo of Explanation

**Prepared by:** Rodger Seidelman P.E., Construction Chief

**Date:** January 04, 2011

**Subject:** Woods Chapel Road Change Order No. 2

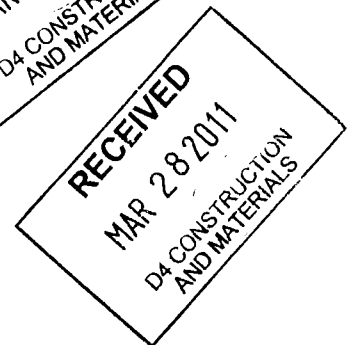
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The woods chapel project was designed with the concept of keeping it open to traffic during construction. To accomplish this, the plans and specifications called for 5 different sections of temporary pavement to be constructed.

These sections allowed traffic to transition from old to new pavements or to bypass areas under construction until the new pavement could be completed.

There was a line item in the bid to accomplish this work. As it was discovered after the work began, the line item didn't have the correct quantity (the quantity was too low) and it was inadequate to cover all the work, and the specification was also inadequate to describe how the work was to be paid for.

Change Order no. 2 adds the correct quantities of materials in 3 lines items existing in the contract.



# BROWN & RUPRECHT<sup>PC</sup>

## ATTORNEYS AT LAW

911 Main Street, Suite 2300  
Kansas City, MO 64105-5319  
816-292-7000  
Fax: 816-292-7050  
www.brllawkc.com

Heather F. Shore †  
Writer's Direct # (816) 292-7086  
hshore@brllawkc.com

† Licensed in Kansas, Missouri and Colorado

February 22, 2011

**VIA EMAIL: [afeitelberg@jacksongov.org](mailto:afeitelberg@jacksongov.org)**

Abbe M. Feitelberg  
Assistant County Counselor  
Office of the County Counselor,  
Jackson County, Missouri  
415 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

**Re:** *Woods Chapel Road Project*  
Amino Brothers Co., Inc. Claim  
Our File No: 13740.002

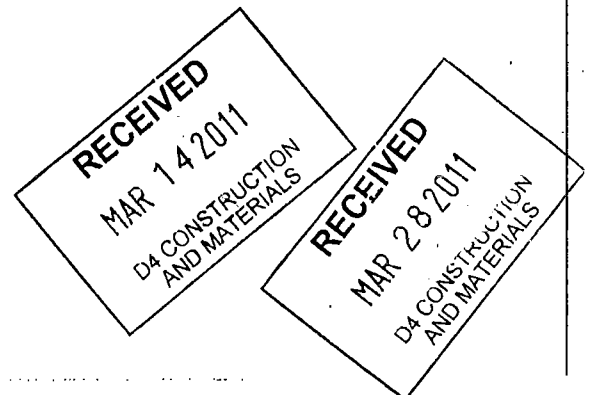
Dear Ms. Feitelberg:

Please find enclosed Change Order #2 and Attachment A thereto, executed by a representative of Amino Brothers Co., Inc. ("Amino"), as presented to it by the County.

Pursuant to our agreement, this document has been executed in order that the County may promptly process payment to Amino of the \$279,421.65 that is reflected in Change Order No. 2. However, by executing the County's form of Change Order No. 2, we have agreed that the terms of the Change Order do not modify the terms of the parties' Settlement Agreement. To the extent there is a conflict between the terms of Change Order No. 2 and the terms of the Settlement Agreement, we agree the terms of the Settlement Agreement take precedence.

Again, as we discussed, Amino is agreeing to sign Change Order No. 2 now, prior to the parties having signed the Settlement Agreement, solely for the purpose of allowing the County to move forward in processing the payment of \$279,421.65. Additionally, Amino continues to reserve all rights set forth in the parties' Settlement Agreement, including any right to assert that Amino is owed additional payment for any work performed which is not work that is part of the Settlement Agreement.

Finally, we have agreed that this letter shall be attached to and made a part of Change Order No. 2.



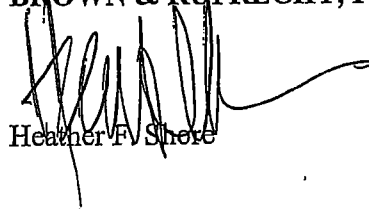
Abbe M. Feitelberg  
February 22, 2011  
Page 2

**If this is not your understanding of our discussions and agreement, please immediately return Change Order No. 2 to me, and do not keep a copy or provide a copy to the County.**

**We appreciate your professional courtesies in this matter.**

Very truly yours,

**BROWN & RUPRECHT, PC**



Heather F. Shore

Enclosure

