

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION transferring \$129,242.00 within the 2009 Special Road and Bridge Fund and awarding a contract for the furnishing of two (2) 2009 International Truck 7400 cabs and chassis for use by the Public Works Department to Diamond International of Kansas City, MO, under the terms and conditions set forth in a City of Overland Park, KS, existing government contract, at a total cost to the County not to exceed \$129,242.00.

RESOLUTION #16872, April 6, 2009

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, the Director of Finance and Purchasing recommends the award of a contract for the furnishing of two 2009 International Truck 7400 cabs and chassis to Diamond International of Kansas City (Clay County), MO, under an existing City of Overland Park, KS, contract; and,

WHEREAS, the Director recommends award under section 1030.4, Jackson County Code, 1984, for the reason that this will allow the County to take advantage of discounts offered to large entities; and,

WHEREAS, a transfer is necessary to cover these costs; and,

WHEREAS, the County Executive recommends this transfer; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the following transfer be made within the 2009 Special Road & Bridge Fund:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Road & Bridge			
004-1507	58040 - Roads & Highways	\$129,242	
004-1506	58110 - Heavy Machinery and Equipment		\$129,242

and,

BE IT FURTHER RESOLVED that award be made under the existing government contract as recommended by the Director of Finance and Purchasing, and that the Director be, and is hereby, authorized to execute for the County any documents necessary to the accomplishment of the award; 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:

Jim P. Hallen
Chief Deputy County Counselor

Mary Jo Spino
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #16872 of April 6, 2009, was duly passed on April 6, 2009 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

4.6.09
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

Funds sufficient for this transfer are available from the source indicated below.

ACCOUNT NUMBER: 004 1507 58040
ACCOUNT TITLE: Special Road & Bridge Fund
Special Projects
Road & Highways
NOT TO EXCEED: \$129,242.00

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: 004 1506 58110
ACCOUNT TITLE: Special Road and Bridge Fund
Road and Bridge Maintenance
Heavy Machinery and Equipment
NOT TO EXCEED: \$129,242.00

4/2/09
Date

Thomas
Director of Finance and Purchasing

VEHICLE PURCHASE CONTRACT

THIS CONTRACT, executed this 20th day of **October, 2008**, is herein called Yearly Contract for 2009 Model Year Vehicles between the City of Overland Park, Kansas (the "City") and **Diamond International of Kansas City** (the "Vendor").

WHEREAS, the City has caused to be prepared certain contract documents including general terms and conditions, special conditions and specifications, invitation for bid and any special bid clauses/addenda listed under special attachments below (the "Contract Documents"), these Contract Documents setting forth vehicles, supplies, labor and/or services to be furnished as therein fully described; and

WHEREAS, Vendor did on the 23rd day of September, 2008, file with City its bid to furnish vehicles, supplies, labor and/or services, as specified; and

WHEREAS, the Contract Documents clearly describe the terms and conditions upon which the Vendor is to furnish vehicles, supplies, labor and/or services as specified.

NOW, THEREFORE, IT IS AGREED:

1. The City of Overland Park does hereby accept, with modifications, if any, the bid of **Diamond International of Kansas City**.
2. That a copy of the Vendor's signed bid is attached and that the same in all particulars, together with the Contract Documents, becomes the Contract between the parties hereto; that both parties hereby accept and agree to the terms and conditions of the Contract, and that the parties are bound thereby and that the compensation to be paid the Vendor is as set forth in the Vendor's bid. Items not awarded, if any, have been deleted.
3. That this Contract shall be effective on the 20th day of **October, 2008**, contract period from **October 20, 2008, to October 19, 2009**.
4. No financial obligation shall accrue against the City until Vendor makes delivery pursuant to order of the City.
5. This Contract may be terminated by either party upon sixty (60) days prior notice in writing to the other party. The City may terminate this Contract immediately, under breach of Contract, if the Vendor fails to perform in accordance with the terms and conditions. In the event of termination of the Contract by the Vendor, unless the City is in breach of contract, the City may purchase vehicles, supplies and/or services similar to those under the Contract so terminated, and for the duration of the Contract period the Vendor will be liable for all costs in excess of the established Contract pricing.

Bid Dated: 8-13-08
Specifications Dated: 8-13-08
General Conditions Dated: 8-13-08
Special Attachments Dated: 8-13-08

City of Overland Park, Kansas



Doug Brown
Director of Public Works

Diamond International of Kansas City

By: 