

## RESOLUTION NO. R-14-14

### A RESOLUTION AUTHORIZING ACCEPTANCE OF WORK UNDER CONTRACT WITH HETTINGER EXCAVATING, LLC, FOR THE 2013 SMALL WATER MAIN REPLACEMENT PROJECT, AND AUTHORIZING FINAL PAYMENT IN THE AMOUNT OF \$31,821.76.

WHEREAS, work under the contract with Hettinger Excavating, LLC, for the 2013 Small Water Main Replacement, Project WP1387, has been completed to the satisfaction of the Director of Public Works and the City Engineer;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City Manager of the City of Gladstone, Missouri is hereby authorized to accept work under the contract and make final payment as follows:

Original Contract Amount:	\$ 455,716.45
Change Orders:	<u>180,718.83</u>
Revised Contract Amount:	\$ 636,435.28
Amount Paid to Date:	<u>604,613.52</u>
<b>Total Amount Due Final Pay:</b>	<b><u>\$ 31,821.76</u></b>

FURTHER, funds for such purpose are authorized from the Combined Water and Sewer System Fund and the 2010 Water & Sewer Bonds.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 10<sup>th</sup> DAY OF MARCH 2014.

  
Jean B. Moore, Mayor

ATTEST:

  
Cathy Swenson, City Clerk

14-14

MEMORANDUM

TO: Kirk L. Davis; City Manager

THROUGH: Tim Nebergall; City Engineer; Director of Public Works

FROM: Glen Whitten; Construction Contracts Administrator

DATE: February 20, 2014

RE: Final Pay, Project WP1387; 2013 Small Water Main Replacement

Work has been completed on the referenced project and the contractor, Hettinger Excavating, LLC has made application for final pay. Staff has conducted a final inspection and determined the work to be completed in a satisfactory manner, in accordance with the specifications.

A financial breakdown is as follows:

Original Contract Amount:	\$ 455,716.45
Change Orders:	180,718.83
Revised Contract Amount:	\$ 636,435.28
Amount Paid to Date:	604,613.52
<b>Total Amount Due Final Pay:</b>	<b>\$ 31,821.76</b>

The Change Orders on this project resulted largely from the addition of the FY14 small water main replacement program to the scope of work.

Based on all available information, the receipt of required lien waivers and the acceptance of the performed work by our staff, I am recommending that this request for final pay be placed on the next regularly scheduled City Council agenda for approval. Funds for this project are provided for from the Combined Water and Sewer System Funds and the 2010 Water & Sewer Bond.

If you have any questions or require additional information please contact me at your convenience.

CC: Scott Wingerson; Assistant City Manager

**PART D - CONTRACT**

**State of Missouri**

} ss:

**County of Clay**

**THIS AGREEMENT AND INDENTURE** made and entered into this, the 26<sup>th</sup> day of

April, 20 13 by and between

The City of Gladstone

party of the first part, termed in this agreement and the specifications as the "**OWNER**", and

Hettinger Excavating, LLC party of the second part, termed in this

agreement and the specifications as the "**CONTRACTOR**".

**WITNESSETH;**

**THAT, WHEREAS,** The Owner has heretofore caused to be prepared certain Contract Documents comprising the Notice to Bidders, Instructions to Bidders, Proposal Form, Bond Forms, Contract Form, Regulations of the Contract and the Specifications and Plans for furnishing material and constructing improvements therein fully described, and the Contractor did, on the 2<sup>nd</sup> day of April, 2013, file with the Owner a Proposal to furnish said materials and construct said improvements at the terms thereto fully stated and set forth; and

**WHEREAS,** the said Contract Documents and Proposal accurately and fully describe the terms and conditions upon which the Contractor is willing to furnish the material, construct the improvements, and pay not less than the "Prevailing Wages" called for by the said specifications and in the manner and time of furnishing and constructing same.

**IT IS THEREFORE AGREED:**

**FIRST--**That a copy of said Contract Documents and Proposal filed as aforesaid are a part hereof and that the same do in all particulars become the agreement and Contract between the parties hereto in all matters and things set forth therein and described; that both parties hereby accept and agree to the terms and conditions of said Contract Documents and Proposal so filed; and further that the part or parts of the Proposal accepted and the compensation therefore are as follows:

For the unit prices as set forth in the attached Proposal, having an estimated total price

of: \$ 455,716.45 for the Base Bid only.

SECOND--The Contract Documents and Proposal hereto annexed are made a part of this Agreement and Contract as fully and absolutely as if herein set out in haec verba.

THIRD--This Contract is executed in quintuplicate, with distribution as specified in the Regulations of the Contract.

IN FAITH WHEREOF, Witness the hands and seals of both parties on the day and year in this agreement first above written.

ATTEST:

By: Cathy L. Swenson

Cathy L. Swenson

Title: City Clerk

Approved as to form:

Randall D. Thompson  
Randall D. Thompson, Attorney for the Owner



Owner City of Gladstone

By: Kirk L. Davis

Kirk L. Davis

Title: City Manager

ATTEST:

By: \_\_\_\_\_

Title: Secretary

Approved as to form:

By: \_\_\_\_\_  
Attorney for the Contractor (Optional)

Contractor Hellinger Excavating LLC

By: Shaun Hellinger

member

\_\_\_\_\_

\_\_\_\_\_

**CORPORATE SEAL:**

If Contractor is not an individual, authority for signing Contract must be shown or attached.