

RESOLUTION R-18-59

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH U.S. TOY COMPANY, INCORPORATED, DOING BUSINESS AS CONSTRUCTIVE PLAYTHINGS IN THE TOTAL AMOUNT NOT TO EXCEED \$76,031.85 FOR THE OAK GROVE AND HAPPY ROCK WEST PARKS PLAYGROUND SURFACE REPLACEMENT; PROJECT CE1865.

WHEREAS, one proposal was received for the Oak Grove and Happy Rock West Parks Playground Surface Replacement, and that proposal from U.S. Toy Company, Incorporated doing business as Constructive Playthings, in the amount of \$76,031.85 has been determined by the Director of Parks, Recreation and Cultural Arts to be an acceptable proposal.

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 execute a contract with U.S. Toy Company, Incorporated doing business as Constructive Playthings, for work as outlined in the agreement for a total amount not to exceed \$76,031.85.

FURTHER, THAT, funds for such purpose are authorized from the 2017 lease purchase.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 8TH DAY OF OCTOBER, 2018.



Mayor Bill Garnos

ATTEST:



Ruth E. Bocchino, City Clerk



Request for Council Action

RES # R-18-59

BILL # City Clerk Only

ORD # City Clerk Only

Date: 10/3/2018

Department: Parks & Recreation

Meeting Date Requested: 10/8/2018

Public Hearing: Yes Date: [Click here to enter a date.](#)

Subject: Playground surface at Happy Rock West and Oak Grove Parks

Background:

The playground surface at Happy Rock West and Oak Grove Parks is now more than 10 years old and is deteriorating. A Request for Qualifications was advertised and U.S. Toy Co. Inc., doing business as Constructive Playthings was selected as the best vendor to replace the pour in place playground surface at the Oak Grove Park Playground and the Happy Rock West Playground.

Budget Discussion: Funds are budgeted in the amount of \$76,031.85 from the OTHER Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$0

Public/Board/Staff Input:

The replacement of the playground surface was previously presented to the Park Advisory Board and City Council and both support the replacement of the surface.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Justin Merkey
Department Director/Administrator

City Attorney

SW
City Manager

PART D - CONTRACT

State of Missouri

} ss:

County of Clay

THIS AGREEMENT AND INDENTURE made and entered into this, the 30th day of

October, 2018 by and between

The City of Gladstone

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

U.S. Toy Co., Inc. dba Constructive Playthings 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 3rd day of October, 2018, 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 lump sum price as set forth in the attached Quote and incorporated herein by this reference, having a total price of: \$ 76,031.85.

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: Ruth Bocchino

Ruth E. Bocchino

Title: City Clerk

Approved as to form:

Chris Williams
Chris Williams, Attorney for the Owner



Owner City of Gladstone

By: Scott Wingerson

Scott Wingerson

Title: City Manager

ATTEST:

By: Bari A. Seiden

Title: Secretary

Approved as to form:

By: _____
Attorney for the Contractor (Optional)

Contractor Constructive Playthings

By: Mary Castro

Mary Castro

CORPORATE SEAL:

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