

**RESOLUTION NO. R-19-05**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ORR WYATT STREETSCAPES IN THE TOTAL AMOUNT NOT TO EXCEED \$845,086.70 FOR THE CONSTRUCTION OF THE SHOAL CREEK GREENWAY TRAIL PHASE 4 FROM HAPPY ROCK PARK TO NORTH BRIGHTON AVENUE; CITY PROJECT #TP-1871; FEDERAL PROJECT #TAP-3323(409).**

**WHEREAS**, thirteen proposals were received for the construction of the Shoal Creek Greenway Trail Phase 4 from Happy Rock Park to North Brighton Avenue and the proposal of Orr Wyatt Streetscapes in the amount of \$845,086.70 has been determined by the Director of Public Works to be the lowest and best 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 Orr Wyatt Streetscapes for work as outlined in the contract for a total amount not to exceed \$845,086.70, pending MoDOT approval.

**FURTHER, THAT**, funds for such purpose are authorized from the Transportation Sales Tax Fund, reimbursement by Kansas City, Missouri, and a grant from the Federal Transportation Alternatives Program administered by the Missouri Department of Transportation.

**INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 28<sup>th</sup> DAY OF JANUARY 2019.**



Mayor Bill Garnos

ATTEST:



Ruth E. Bocchino, City Clerk



## ***Request for Council Action***

RES ☒ # R-19-05

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 1/18/2019

Department: Public Works

Meeting Date Requested: 1/28/2019

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

Subject: Contract Award for the Construction of Shoal Creek Greenway Trail Phase 4 from Happy Rock Park to North Brighton Avenue; City Project #TP1871; Federal Project #TAP-3323(409), pending MoDOT Approval.

Background:

Thirteen bids were received for this project, including Bid Alternate 1:

Orr Wyatt Streetscapes	\$845,086.70
Primetime Contracting Corp.	\$894,109.00
MEGA Industries Corp.	\$906,998.60
J.M. Fahey Construction	\$907,753.80
Amino Bros.	\$917,857.00
Julius Kaaz Construction Company Inc.	\$938,215.80
Lehman Construction LLC	\$939,984.00
Blue Moon Hauling	\$946,603.66
VF Anderson Builders LLC	\$949,502.00
Pyramid Excavation & Construction	\$965,634.00
Terry Snelling Construction	\$992,499.40
Freeman Concrete Construction	\$1,087,670.90
BKM Construction LLC	\$1,539,512.00

The project consists of the construction of approximately 5,800 LF of 10 foot wide concrete trail through Happy Rock Park from N. Antioch Road to N. Brighton Road. Bid Alternate 1 consists of the construction of approximately 300 LF of 10 foot wide concrete trail on the east side of N. Antioch Road from the north entrance to Happy Rock Park East (Jezak Parkway) to NE 76<sup>th</sup> Street.

Budget Discussion: Funds are budgeted in the amount of \$245,000 from the TST Fund, \$595,000 from Kansas City, MO, and a \$500,000 grant from the Federal Transportation Alternatives Program (TAP) administered by MoDOT. Ongoing costs are estimated to be \$ 1,500 annually for trail maintenance. Previous years' funding was \$5,000. The Engineer's Estimate for the project is \$1,066,362.

Public/Board/Staff Input:

Orr Wyatt Streetscapes is a joint venture based in Raytown, MO. Staff conducted a reference check of previous work Orr Wyatt Streetscapes has performed and found all respondents to be very satisfied with the work they completed.

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

Timothy A. Nebergall  
Department Director/Administrator

PC  
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 14<sup>th</sup> day of

February, 20 19 by and between

The City of Gladstone

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

Orr Wyatt Streetscapes 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 8<sup>th</sup> day of January, 2019, 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: \$845,086.70, including Bid Alternate 1.

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 E. 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: Janey Des

Title: Secretary

Approved as to form:

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

Attorney for the Contractor (Optional)

Contractor DRR WYATT

By: KENNETH R. DRR

BUS. OPERS. MGR.

CORPORATE SEAL:

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