LEE'S SUMMIT
MISSOURI

BID # 2019-076
CONTRACT # 2019-076-3

THIS CONTRACT, made this 24th day of September 2019, is herein called Yearly Contract for HVAC Maintenance, Repair & New Installation as a Yearly Contract between the City of Lee's Summit, Missouri, a Missouri Constitutional Charter City, by and through the Lee's Summit Parks and Recreation Board (hereinafter "City") and The Waldinger Corporation, (hereinafter "Supplier").

WHEREAS, City has caused to be prepared an Invitation for Bid, General Terms and Conditions, Special Conditions and/or Specifications for a Term and Supply Contract and any special bid clauses/addenda listed under Special Attachments below (hereinafter "Contract Documents"), said contract documents setting forth such equipment, supplies, labor and/or services to be furnished as therein fully described; and

WHEREAS, Supplier did on the 6th day of September, 2019, file with City their Bid to furnish such equipment, supplies, labor and/or services, as specified; and

WHEREAS, the aforementioned documents adequately and clearly describe the terms and conditions upon which the Supplier is to furnish such equipment, supplies, labor and/or services as specified, IT IS AGREED,

1. The City of Lee's Summit, Missouri, acting through its Procurement and Contract Services Manager does hereby accept, with modifications, if any, the Bid of Supplier.

2. That a copy of the Supplier's signed Bid is attached. The Supplier's Bid and the City's Contract Documents become the agreement and contract between the parties hereto; that both parties hereby accept and agree to the terms and conditions of said bid documents, and that the parties are bound thereby and that the compensation to be paid the Supplier is as set forth in the Supplier's Bid. In the event of a conflict between the Supplier's Bid and the City's Contract Documents, the City's Contract Documents shall control. Items not awarded, if any, have been deleted.

3. Services shall only be provided after receipt of a written request or order from the City after the Department Head for the Department requesting the services, or his/her designee, has determined that budgeted funds are available to cover the cost of the services.

4. That this Contract shall be effective on the 1st day of November 2019, Bid No. 2019-076, Contract period from November 1st, 2019 to October 31st, 2020. The City may, at its option, renew the Contract for four (4) additional one-year contract periods by giving written notice to the supplier. Any increase in cost at the beginning of each renewal period will be limited to that allowed per Bid # 2019-076; Section 2.1.2; Renewal Option. All pricing identified on the pricing page shall be in effect for the stated contractual period.

5. No financial obligation shall accrue against the City until Supplier makes delivery pursuant to order of the City Manager.

6. 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 Supplier fails to perform in accordance with the terms and conditions as referenced to and incorporated above. In the event of any termination of contract by the Supplier, the City may purchase such supplies and/or services similar to those so terminated, and for the duration of the contract period the Supplier will be liable for all costs in excess of the established contract pricing.

Bid Number: 2019-076	Dated: 09/06/2019	Pages 1	Through 33
Specifications: 2019-076	Dated: 09/06/2019	Pages 9	Through 12
Insurance Requirements		Pages 20	Through 22
General Conditions:		Pages 23	Through 29
Special Attachments: AWO 26			

Stephen A. Arbo, City Manager Date

ATTESTED:

Office of the City Clerk

Joseph D. Snook, Administrator of Parks & Recreation

APPROVED AS TO FORM:

Office of the City Attorney

The Waldinger Corporation
Company Name

Stacy Stout
Company Authorized Signature

Regional Ops Manager 9/24/2019
Title Date

Stacy Stout
Type or Print the Name of Authorized Person