

## **BILL NO. 22-33**

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AN ORDINANCE APPROVING CHANGE ORDER NO. 1 TO THE AGREEMENT WITH RADMACHER BROTHERS EXCAVATING COMPANY, INC. FOR PROJECT NO. 543-32272C, STORMWATER PROJECTS: SW 34TH STREET AND SW PINNELL DRIVE, AN INCREASE OF \$65,822.23 FOR A REVISED AGREEMENT AMOUNT OF \$501,036.26, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, the City had previously entered into an agreement with Blue Nile Contractors, Inc. for Project No. 543-32272C, Stormwater Projects: SW 34th Street and SW Pinnell Drive ("Project"), being undertaken by the City's Public Works Department; and,

WHEREAS, Blue Nile Contractors, Inc. ("Initial Contractor") signed a Voluntary Letter of Default and surrendered the remaining agreement to the Surety, North American Surety Company, Inc. ("Surety"); and,

WHEREAS, the Surety tendered and assigned Radmacher Brothers Excavating Company, Inc. ("Completion Contractor") to complete the Project; and,

WHEREAS, to complete the Project, the Surety did provide to the City payment for the cost difference between the Initial Contractor and the Completion Contractor to construct; and,

WHEREAS, the monies provided to the City by the Surety is now included into the agreement with the Completion Contractor as a lump sum payment; and,

WHEREAS, several contract quantities are being adjusted to match the actual quantities constructed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. Change Order No. 1 to the agreement with Radmacher Brothers Excavating Company, Inc. for Project No. 543-32272C, Stormwater Projects: SW 34th Street and SW Pinnell Drive, an increase of \$65,822.23 for a revised agreement amount of \$501,036.26, and authorizing execution of the same, attached hereto as Change Order No. 1 and incorporated by reference, is hereby approved and the City Manager, or designee, is hereby authorized to execute the same or substantially similar on behalf of the City of Lee's Summit, Missouri.

SECTION 2. The City Manager, or designee, is further authorized to take such further action and execute such documents as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 3. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 4. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

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SECTION 5. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Mayor *William A. Baird*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Mayor *William A. Baird*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*