

## **BILL NO. 23-046**

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AN ORDINANCE APPROVING CHANGE ORDER NO. 4 TO THE AGREEMENT FOR THE CONSTRUCTION OF THE WATER MAIN REPLACEMENT FY 21 PROJECT, PROJECT NO. 438-1, BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND WIEDENMANN, INC., FOR AN INCREASE OF \$88,332.93 FOR A REVISED AGREEMENT AMOUNT OF \$4,096,487.30, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, pursuant to Ordinance No. 9132, the City and Wiedenmann, Inc. ("Contractor") entered into an Agreement for the construction of the Water Main Replacement: FY21 Project, Project No. 438-1 ("Base Agreement"); and,

WHEREAS, the City and Contractor modified the Base Agreement per Change Order No. 1 for increased costs and timeline associated with an emergency water break repair; and,

WHEREAS, pursuant to Ordinance No. 9346, the City and Contractor further modified the Base Agreement, as amended, per Change Order No. 2 for increased costs associated with the relocation of several water meters at an apartment complex and unavoidable curb, driveway, and sidewalk restoration during the pipe bursting process.; and,

WHEREAS, pursuant to Ordinance No. 9554, the City and Contractor further modified the Base Agreement, as amended, per Change Order No. 3 for increased costs associated with replacing additional fire hydrants and lines and water main replacement involving open-cut methods in lieu of pipe bursting.; and,

WHEREAS, the City desires to further modify the Base Agreement, as amended, for increased costs associated with upsizing portions of the existing main, trench excavation due to electric conflicts, additional shoring and excavation due to water main depth, boring complications, emergency sewer repair, and the addition of 10 fire hydrants ( "Change Order No.4").

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

SECTION 1. Change Order No. 4 to the Base Agreement, as amended, with the Contractor, for an increase of \$88,332.93 for a revised agreement amount of \$4,096,487.30, attached hereto as Change Order No. 4 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. 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

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

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

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

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

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*