

BILL NO. 23-098

AN ORDINANCE APPROVING CHANGE ORDER NO. 5 TO THE AGREEMENT FOR THE CONSTRUCTION OF THE WATER MAIN REPLACEMENT FY 22 – FIRST PHASE PROJECT, PROJECT NO. 496-1, BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND WIEDENMANN, INC., FOR AN INCREASE OF \$61,305.99 FOR A REVISED AGREEMENT AMOUNT OF \$4,191,289.56 AND TO INCREASE THE PROJECT TIMELINE BY 18 DAYS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, pursuant to Ordinance No. 9390, the City and Wiedenmann, Inc. ("Contractor") entered into an Agreement for the construction of the Water Main Replacement: FY22 Project, Project No. 496-1 ("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, pursuant to Ordinance No. 9621, the City executed Change Order No. 4 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.;and,

WHEREAS, the City and Contractor desire to further amend the Base Agreement, as amended, to increase the agreement amount and to increase the project timeline due to the second revisions to Plan Sheet 9, costs due to extra depth of water mains, added casing pipe removal, costs for sewer lateral potholing, additional sod, additional 12" water line and added days ("Changer Order No.5").

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

SECTION 1. Change Order No. 5 to the Base Agreement, as amended, with the Contractor, for an increase of \$61,305.99 for an amended agreement amount of \$4,191,289.56 and an increase of 18 calendar days to the overall project for an amended agreement timeline of 358 days, attached hereto as Change Order No. 5 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.

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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.

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*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*