



Legislation Details (With Text)

**File #:** 210429      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 5/7/2021      **In control:** Transportation, Infrastructure and Operations Committee

**On agenda:** 5/12/2021      **Final action:**

**Title:** Estimating and appropriating revenue in the amount of \$145,253.42 in the Sewer Fund; authorizing a \$3,219,511.42 Construction Completion Contract with Havens Construction Company, Inc., for the Blue River South Area 4 and 5 Inflow and Infiltration (I/I) Reduction Project - Phase 2; authorizing a maximum expenditure of \$4,490,000.00; and recognizing this ordinance as having an accelerated effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 210429 fact sheet (1), 2. 210429 Fiscal Note 1410, 3. 210429-Revised Docket Memo- 1410, 4. 210429 Approp Admin Ordinance Forms, 5. 210429 PPT Presentation

Date	Ver.	Action By	Action	Result
5/19/2021	1	Transportation, Infrastructure and Operations Committee	Adv and Do Pass	Pass

ORDINANCE NO. 210429

Estimating and appropriating revenue in the amount of \$145,253.42 in the Sewer Fund; authorizing a \$3,219,511.42 Construction Completion Contract with Havens Construction Company, Inc., for the Blue River South Area 4 and 5 Inflow and Infiltration (I/I) Reduction Project - Phase 2; authorizing a maximum expenditure of \$4,490,000.00; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, on April 23, 2020, Ordinance No. 200268 was passed to authorize a \$4,077,970.76 Construction Contract (“Contract”) with Blue Nile Contractors, Inc., for the Blue River South Area 4 and 5 Inflow and Infiltration (I/I) Reduction Project - Phase 2, to authorize a maximum expenditure of \$4,490,000.00, and to authorize a \$692,598.00 Design Professional Services Amendment No. 4 to Contract No. 1116 with George Butler and Associates, Inc., for a total contract amount of \$2,612,725.00; and

WHEREAS, on February 9, 2021, Blue Nile Contractors Inc. signed a Voluntary Letter of Default issued to North American Specialty Insurance Company (“Surety”), in which Blue Nile Contractors, Inc., indicated that it was unable to perform the Contract, and thus it was in default of the Contract; and

WHEREAS, the City and Surety entered into a tender agreement whereby the City agreed to release Blue Nile Contractors, Inc. of its obligations; and

WHEREAS, Surety has tendered to City a completion contractor, Havens Construction Company, Inc. (“Completing Contractor”); and

WHEREAS, the Completing Contractor will perform the work described in the Contractor Agreement for a sum of \$3,219,511.42; and

WHEREAS, the Surety will pay to City the sum of \$145,253.42, representing the additional cost of performing the work with the Completing Contractor; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the revenue in the following account of Fund No. 8110, the Sewer Fund, is hereby estimated in the following amount:

22-8110-800000-581160 Contr. In Aid of Construction \$145,253.42

Section 2. That the sum of \$145,253.42 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 8110, Sewer Fund, in the following account:

22-8110-807769-611060-81000687 Overflow Control Program \$145,253.42

Section 3. That the Director of the Water Services Department is authorized to execute Completion Contract No. 1410 in the amount of \$3,219,511.42 with Havens

Construction Company, Inc., for the Blue River South Area 4 and 5 Inflow and Infiltration (I/I) Reduction Project - Phase 2, Project Nos. 81000687 and 81000688. A copy of the contract is on file in the office of Water Services.

Section 4. That the Director of the Water Services Department is authorized a maximum expenditure of \$4,490,000.00, from Account No. 22-8110-807769-611060-81000687, Overflow Control Program, to satisfy the cost of this contract.

Section 5. That this ordinance, relating to the design, repair, maintenance, or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(D) of the City Charter and shall take effect in accordance with Section 503, City Chapter.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy L. Queen  
Director of Finance

Approved as to form and legality:

\_\_\_\_\_  
Enter Name Here  
Enter Title Here