



Legislation Text

File #: 210222, Version: 1

ORDINANCE NO. 210222

Estimating revenue in the amount of \$678,027.00; authorizing a \$5,307,000.00 construction contract with Pyramid Excavation and Construction, Inc., for the Sewer Separation: 31st and Broadway project; authorizing a maximum expenditure of \$5,770,027.00; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, on November 5, 2020, Ordinance No. 200906 was passed to appropriate \$5,802,000.00 from the Unappropriated Fund Balance of the Sewer Fund, to authorize a \$4,628,973.00 Construction Contract (“Contract”) with Blue Nile Contractors, Inc., for the Sewer Separation: 31st and Broadway project; to authorize a maximum expenditure of \$5,092,000.00, and to authorize a \$710,000.00 Design Professional Services Amendment No. 2 to Contract No. 1403 with Tetra Tech, Inc., for a total contract amount of \$1,760,000.00; 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, Pyramid Excavation and Construction, Inc. (“Completing Contractor”); and

WHEREAS, the Completing Contractor will perform the work described in the Contractor Agreement for a sum of \$5,307,000.00; and

WHEREAS, the Surety will pay to City the sum of \$678,027.00, 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:

21-8110-800000-581160 Contr. in Aid of Construction \$678,027.00

Section 2. That the sum of \$678,027.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 8110, Sewer Fund, in the following account:

21-8110-807769-B-81000803 Overflow Control Program \$678,027.00

Section 3. That the Director of the Water Services Department is authorized to execute Contract No. 1554 in the amount of \$5,307,000.00 with Pyramid Excavation and Construction, Inc., for the Sewer Separation: 31st and Broadway project, Project No. 81000803. 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 \$5,770,027.00, from Account No. 21-8110-807769-B-81000803, 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 improvements, 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.

Tammy L. Queen
Director of Finance.

Approved as to form and legality:

Mark P. Jones
Assistant City Attorney