

BOARD OF ALDERMAN  
SPECIAL SESSION AGENDA  
CITY HALL, 345 S. MAIN, BOLIVAR, MO 65613  
Thursday, May 10<sup>th</sup>, 2018 AT 7:00 P.M.

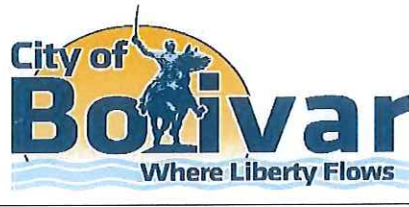
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**ROLL CALL**  
**PRAYER**  
**PLEDGE OF ALLEGIANCE**  
**MOTION CALL TO ORDER**  
**MOTION TO ADOPT AGENDA**

1. Discuss & Review: Change Order with Rosetta Construction, LLC on the existing Downtown Sewer Project.
2. Bill No. 2018-36: An Ordinance Authorizing a Change Order with Rosetta Construction Co., for Downtown Sewer Project with the City of Bolivar, Mo.
3. Adjournment.

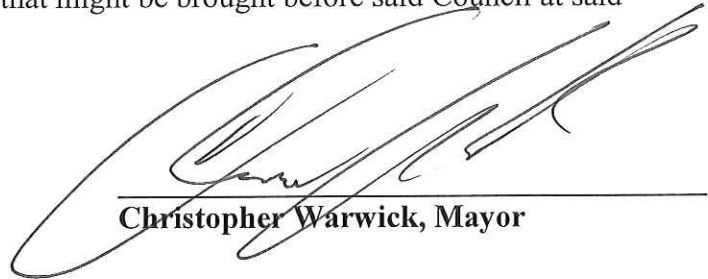
**#wherelibertyflows**

If you have a need for special accommodations,  
Please contact the City Clerk's office 24 hours prior to the meeting.



**CALL OF A SPECIAL SESSION MEETING  
OF THE CITY OF BOLIVAR BOARD OF ALDERMEN.**

I, Christopher Warwick, Mayor of the City of Bolivar, Missouri, do hereby call a Special Session Meeting of the Bolivar Board of Aldermen on Thursday May 10<sup>th</sup>, 2018, at 7:00 p.m. for the purpose of transacting any lawful business that might be brought before said Council at said meeting.




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Christopher Warwick, Mayor



ATTEST



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Paula Henderson, Deputy City Clerk

Deputy  
City Clerk

Posted: <sup>PH</sup> 5/8/2018  
3:15pm

**ORDINANCE COVER SHEET**

Bill No. 2018-\_\_\_\_\_

Ordinance No. \_\_\_\_\_

**“AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A CHANGE ORDER WITH ROSETTA CONSTRUCTION, LLC ON THE EXISTING DOWNTOWN SEWER PROJECT, FOR EXTENSION OF TIME ON PERFORMANCE AND FOR PURCHASING OF BASE ROCK BY CITY.”**

Filed for public inspection on \_\_\_\_\_.

First reading \_\_\_\_\_ In Full; \_\_\_\_\_ By Title on \_\_\_\_\_.

Second reading \_\_\_\_\_ In Full; \_\_\_\_\_ By Title on \_\_\_\_\_.

Vote by the Board of Aldermen on \_\_\_\_\_:

\_\_\_\_\_ Aye; \_\_\_\_\_ Nay; \_\_\_\_\_ Abstain

\_\_\_\_\_ Approved by the Mayor on \_\_\_\_\_.

\_\_\_\_\_ Vetoed by the Mayor on \_\_\_\_\_.

Board of Aldermen Vote to Override Veto on \_\_\_\_\_.

\_\_\_\_\_ Aye; \_\_\_\_\_ Nay; \_\_\_\_\_ Abstain

Bill Effective Date: \_\_\_\_\_.

Bill No. 2018-\_\_\_\_\_

Ordinance No. \_\_\_\_\_

**“AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A CHANGE ORDER WITH ROSETTA CONSTRUCTION, LLC ON THE EXISTING DOWNTOWN SEWER PROJECT, FOR EXTENSION OF TIME ON PERFORMANCE AND FOR PURCHASING OF BASE ROCK BY CITY.”**

Be it Ordained by the Board of Aldermen of the City of Bolivar, Missouri, as follows:

**Section I:** The City is hereby authorized to enter into a change order with Rosetta Construction, LLC on the existing downtown sewer project, for an extension of time for performance and for purchasing of base rock by City; with such change order and terms to be in the form attached hereto as Exhibit “A” and made a part hereof by reference.

**Section II:** The Mayor and City Clerk are hereby authorized and directed to enter into an agreement as described above for and on behalf of the City.

**Section III:** This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

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**Christopher Warwick, Mayor**

**ATTEST:**

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**Natalie Scrivner, City Clerk**

**AGREEMENT FOR ADDITIONAL CHANGE ORDER ON  
EXISTING DOWNTOWN SEWER PROJECT CONTRACT**

This Agreement for Change Order (hereinafter referred to as the “Agreement”) is made and entered into this \_\_\_\_ day of May, 2018, between **the City of Bolivar, MO, a Missouri municipal corporation**, (hereinafter referred to as “City”), and the **Rosetta Construction, LLC** (hereinafter referred to as the “Contractor.”

**Recitals:**

**WHEREAS**, the City and the Contractor executed a certain downtown sewer project contract engineered by Olsson Associates in Springfield, Missouri in 2017 (identified as project OA 010-1178), as amended by change orders from time-to-time; and

**WHEREAS**, part of the project referenced above will require backfill through materials acceptable to the City; and

**WHEREAS**, the City and the Contractor have determined that the City will be able to obtain and supply ¾” base rock for required backfill for amounts less than the Contractor would otherwise be able to obtain the materials; and

**WHEREAS**, the City wishes to obtain the base rock materials for the Contractor in exchange for the Contractor’s promise to compensate the City for the same; and

**WHEREAS**, the Contractor also requires an extension of time to complete the project due to prior weather conditions and unforeseeable events; and

**WHEREAS**, the City and the Contractor desire a change order for the purposes set forth above.

NOW, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE CITY  
AND CONTRACTOR MUTUALLY AGREE TO THE FOLLOWING TERMS.

**1. Change Order / Modification of Existing Contract:** The construction agreement referenced above is modified as follows:

- a. ¾” Base Rock Approved for Backfill: The parties hereby approve of the use of ¾” base rock as backfill material for the downtown sewer project, based upon review of the City’s construction specification books.
- b. City to Supply Base Rock: The City will, as needed, obtain and provide ¾” base rock materials to the Contractor at the estimated price of \$5.00 per ton. It is estimated that the Contractor will need approximately 2,200 tons of base rock during the course of the project.
- c. Contractor to Pay for Base Rock: The City will provide invoices for all base rock ordered at the request of the Contractor. Upon receipt of invoice, the Contractor will, at Contractor’s option, either pay the City for the cost of said materials (at \$5.00 per ton for materials and delivery of same) or otherwise credit the City for the cost of said materials at the same price towards the overall construction agreement. Additionally, the Contractor will apply all savings from the purchase of materials from the City (i.e. the difference in the cost of

acquiring the materials through the City and what the Contractor could otherwise obtain the materials for through third parties) to the overall cost of the construction project.

- d. Contractor to Have Extension for Completion: The Contractor will have additional days for completion of the overall project as follows:
- (i) 9 additional weather days, in general; and
  - (ii) 21 days for 10" sewer; and
  - (iii) 2 days for lower end relay; and
  - (iv) 14 days for South Clark realignment; and
  - (v) 4 days for the lower end realignment.

**2. Construction Agreement to Otherwise Remain in Full Force and Effect:** The construction agreement between the parties will in all other respects not specifically amended herein remain in full force and effect.

**3. Binding Effect:** This Agreement will be binding upon and will inure to the benefit of the City, and their respective successors and assigns, and upon the Contractor, and their heirs, personal representatives, successors and assigns.

THIS IS A BINDING LEGAL DOCUMENT. BEFORE SIGNING BELOW, THE PARTIES TO THIS AGREEMENT DECLARE THAT THEY ARE OF SOUND MIND AND ARE OTHERWISE LEGALLY CAPABLE OF ENTERING INTO THIS AGREEMENT, THAT THEY HAVE COMPLETELY READ THIS INSTRUMENT, AND THAT THEY FULLY UNDERSTAND ALL OF THE TERMS CONTAINED HERIN.

**Signature of City of Bolivar, Missouri**

\_\_\_\_\_  
Mayor Christopher Warwick

\_\_\_\_\_  
DATE

ATTEST

\_\_\_\_\_  
Natalie Scrivner, City Clerk

**Signature of Rosetta Construction, LLC**

\_\_\_\_\_  
Victor Rosetta, authorized agent of  
Rosetta Construction, LLC

\_\_\_\_\_  
DATE