

# City of Independence

## MEMORANDUM

City Council Office

DATE: February 21<sup>st</sup>, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Zachary C. Walker, Management Analyst

SUBJECT: Contract Review for 35<sup>th</sup> Street Improvements Project



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Before you is an ordinance authorizing the City Manager to enter into an agreement with V.F. Anderson Builders in the amount of \$2,418,704.50 for the 35<sup>th</sup> Street Improvements Project (Crysler Avenue to Noland Road). In accordance with Section 1.43.007 (D) of the City Code, I have reviewed this contract to ensure proper procedures were followed in the bidding process.

Having reviewed all applicable documents and actions, it is my opinion that this is a satisfactory contract and all parties have fulfilled their obligations in the bidding and contracting process. Invitation to bid was mailed to 100 potential contractors and five builders associations. Additionally, the invitation to bid was placed in two area newspapers as legally required. One addendum was issued by the City to modify dimensions on four of the project's 107 total items.

Nineteen vendors obtained contract documents. Of these, 14 bids were submitted, and V.F. Anderson Builders was selected by virtue of providing the lowest response by a qualified and responsible bidder. The spread between bids is reasonable and is indicative that all bidders were utilizing similar assumptions and methodologies. Moreover, V.F. Anderson Builders submitted a bid that is below the Engineer's Estimate.

In citing references to demonstrate their ability to successfully complete this project, V.F. Anderson Builders notes two similar jobs they were previously awarded by the City of Independence: the 39<sup>th</sup> Street Improvements Project and the Little Blue Parkway Phase 10 Project.

All contract documents have been reviewed and I can find no provisions that would be considered harmful or unacceptable to the City. A bid bond has been submitted as required in the amount of 5% of the contract, Disadvantaged Business Enterprise (DBE) goals of 12% have been met, and the contractor agrees to complete the project within 270 consecutive calendar days or be levied liquidated damages of \$1,625 per day that the work is incomplete. Finally, all bid and contract documents have been reviewed by the Missouri Department of Transportation (MODOT) as required since this project includes federal funding, and they concur with the City's recommendation to award the contract to V.F. Anderson Builders.

Please let me know if you should have any further questions regarding this matter.

C: City Manager  
City Clerk  
John Powell, Public Works Director