

FILED

MAR 29 2024

JEANNIE GOFF *JB*
COUNTY CLERK, JEFFERSON COUNTY, MO

BILL NO.: 24-0333

ORDINANCE NO.: 24- 0178

INTRODUCED BY: COUNCIL MEMBER (s) Groetelke

1 **AN ORDINANCE TO AUTHORIZE THE COUNTY EXECUTIVE TO**
2 **EXECUTE CHANGE ORDER NO. 1 FOR THE FACILITY SERVICES**
3 **MAINTENANCE BUILDING 2023 CONTRACT FOR THE JEFFERSON COUNTY,**
4 **MISSOURI, DEPARTMENT OF PUBLIC WORKS.**

5 **WHEREAS**, Pursuant to Ordinance 23-0416, Jefferson County, Missouri, and the
6 Department of Public Works entered into a Contract, known as the Facility Services
7 Maintenance Building 2023 Contract, with Boyer Building & Design, Inc. for \$888,794.00
8 for the term; and,

9 **WHEREAS**, the Department of Public Works of Jefferson County, Missouri finds
10 that it is now necessary to adjust the estimated amount of the Facility Services Maintenance
11 Building 2023 Contract; and

12 **WHEREAS**, Change Order No. 1 is needed to correct an error in the agreement that
13 states a ten percent (10%) retainage requirement when RSMO 8.960 only allows public
14 entities to retain a maximum of five percent (5%); Boyer Building & Design has requested
15 this change to comport with state law; and

16 **WHEREAS**, in addition the County needs to add the construction of the interior
17 concrete floor slab, this was going to be a part of Phase 2 project however, the County will
18 now be constructing that in-house; and

1 **WHEREAS**, Jefferson County, Missouri and the Department of Public Works,
2 Division of Fleet Services for Jefferson County, hereby request an increase of Eighty-Four
3 Thousand Nine Hundred and Twenty Dollars (**\$84,920.00**) to the Facility Services
4 Maintenance Building 2023 Contract with Boyer Building & Design, Inc.; and,

5 **WHEREAS** Jefferson County, Missouri, Council finds that it is now necessary and
6 in the best interest of the County to execute Change Order No. 1 to the Facility Services
7 Maintenance Building 2023 Contract with Boyer Building & Design, Inc., for an increase of
8 Eighty-Four Thousand Nine Hundred and Twenty Dollars (**\$84,920.00**) to the contract sum,
9 subject to budgetary limitations; for a revised total of Nine Hundred Seventy Three
10 Thousand, Seven Hundred and Fourteen Dollars (**\$973,714.00**) for the Facility Services
11 Maintenance Building 2023 Contract upon approval.

**BE IT ENACTED BY THE JEFFERSON COUNTY, MISSOURI, COUNCIL,
AS FOLLOWS:**

12 Section 1. The Contract with Boyer Building & Design, Inc., for Facility
13 Services Maintenance Building 2023 shall be amended in two ways, first, the Contract shall
14 be increased by Eighty-Four Thousand Nine Hundred and Twenty Dollars (**\$84,920.00**) for a
15 revised total cost of Nine Hundred Seventy Three Thousand, Seven Hundred and Fourteen
16 Dollars (**\$973,714.00**), subject to budgetary limitations, and, second, notwithstanding the
17 provisions of Section 5.1.1 of the “Agreement Form” portion of the Contract, the Owner
18 (County) will require withholding of a five percent (5%) retainage.

19 Section 2. The Jefferson County, Missouri, Council hereby authorizes the County
20 Executive to execute Change Order No. 1 to the Facility Services Maintenance Building

1 2023 Contract with Boyer Building & Design, Inc., and any agreements or contracts
2 necessary to effectuate the award of the bids and proposals set forth in this Ordinance. The
3 County Executive is further authorized to take any and all actions necessary to carry out the
4 intent of this Ordinance.

5 Section 3. Copies of all Invitations for Bid, response thereto, any contract
6 agreements and change orders shall be maintained by the Department of the County Clerk
7 consistent with the rules and procedures for the maintenance and retention of records as
8 promulgated by the Secretary of State.

9 Section 4. This Ordinance shall be in full force and effect from and after its date
10 of approval. If any part of this Ordinance is invalid for any reason, such invalidity shall not
11 affect the remainder of this Ordinance.

[THIS SPACE INTENTIONALLY LEFT BLANK]

THIS BILL BEING DULY INTRODUCED, THE MEMBERS OF THE JEFFERSON COUNTY, MISSOURI, COUNCIL VOTED AS FOLLOWS:

Council Member District 1, Brian Haskins	<u>yes</u>
Council Member District 2, Gene F. Barbagallo	<u>yes</u>
Council Member District 3, Lori Arons	<u>yes</u>
Council Member District 4, Charles Groeteke	<u>yes</u>
Council Member District 5, Scott Seek	<u>absent</u>
Council Member District 6, Daniel Stallman	<u>yes</u>
Council Member District 7, Bob Tullock	<u>yes</u>

THE ABOVE BILL ON THIS 25 DAY OF March, 2024:

PASSED **FAILED**


Charles Groeteke, County Council Chair

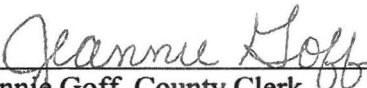

Cherlynn Boyer, Council Executive Assistant

THIS BILL WAS ✓ APPROVED BY THE JEFFERSON COUNTY EXECUTIVE AND ENACTED AS AN ORDINANCE OF JEFFERSON COUNTY, MISSOURI, THIS 29 DAY OF March, 2024.

THIS BILL WAS _____ VETOED AND RETURNED TO THE JEFFERSON COUNTY, MISSOURI, COUNCIL WITH WRITTEN OBJECTIONS BY THE JEFFERSON COUNTY EXECUTIVE, THIS _____ DAY OF _____, 2024.


Dennis J. Gannon, Jefferson County, Missouri, Executive

ATTEST:


Jeannie Goff, County Clerk

BY: 

First Reading: 03-25-2024



ORDINANCE NO.

24-0178

CHANGE ORDER - #1

From: Jefferson County, Missouri
 To: Boyer Building & Design, Inc.

Project: Facility Services Maintenance Bldg
 Job No. PW23B011BLD

You are hereby directed to make the following changes to the contract.

1. Description and Reason for Change (Attach Supplemental Sheets if Required)
 See attached sheets

2. Estimate of Cost of Work Affected by this Change Order.

(A) COST PROPOSAL NO.	(B) ITEM DESCRIPTION	(C) UNITS TO BE CONSTRUCTED OR ELIMINATED	(D) PRICE PER UNIT	(E) AMOUNT OF PROJECT OVERRUN	(F) AMOUNT OF PROJECT UNDERRUN
PROJECT ITEMS*					
N/A	Amend Agreement Article 5.1.1 - Payment Procedure, Progress Payment, Retainage, to change the withheld retainage from the current stated ten (10) percent to instead become five (5) percent per RSMO 8.960.	N/A	N/A	N/A	N/A
1	Furnish labor and materials to install interior concrete slab, as well as ground rough-in electric	1	\$126,420.00	\$126,420.00	
2	Elimination of block retaining walls	1	\$33,500.00		\$33,500.00
3	Elimination of chain-link fencing	1	\$8,000.00		\$8,000.00
			TOTALS	\$126,420.00	\$41,500.00

1. Original Contract Amount		\$888,794.00
2. Over/Underrun This Change Order		\$84,920.00
3. Over/Underrun Previous		\$0.00
4. Total Over/Underrun to Date		\$84,920.00
5. Revised Contract Amount		\$973,714.00

The Terms of Settlement outlined above are hereby agreed to.

Boyer Building & Design, Inc.
 Contractor

Representative _____ Date _____

Jefferson County, Missouri
 Owner

Dennis J. Kern
 Representative _____ Date 3-26-

Joshua Boyer, President
1701 Towne View Dr.
DeSoto, MO 63020



Office: 636-337-9119
Cell: 314-809-9961
Email: joshua@boyerbldg.com

February 27, 2024

Jefferson County Maintenance Bldg Interior Slab/Ground Rough

We propose to furnish all labor and material to:

Install interior concrete slab per drawings
Ground rough electric per drawings

For a sum of: (\$126,420.00) One Hundred Six Thousand Four Hundred Twenty Dollars

RETAINING WALL CREDIT: \$33,500.00
CHAINLINK FENCING CREDIT: \$8,000.00

For total sum of: (\$84,920.00) Eighty-Four Thousand Nine Hundred Twenty Dollars

Thank You
Joshua Boyer

I hereby certify under section 50.660 RSMo there is either: (1) a balance of funds, otherwise unencumbered, to the credit of the appropriation to which the obligation contained herein is chargeable, and a cash balance otherwise unencumbered, in the treasury, to the credit of the funds from which payment is to be made, each sufficient to meet the obligation contained herein; or (2) bonds or taxes have been authorized by vote of the people and there is sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury.



County Auditor



Approved as to Form:



County Counselor
Jefferson County, Missouri