

# RESOLUTION NO. 03 14 2024B

## A RESOLUTION AUTHORIZING AN AGREEMENT WITH MCCOY FORESTRY & CONSTRUCTION, PROVIDING FOR ONE JOHN DEERE 304 G COMPACT WHEEL LOADER, IN AN AMOUNT NOT TO EXCEED \$121,300.00.

**WHEREAS**, the City of O'Fallon – Street Division requests to purchase one John Deere 304 G Compact Wheel Loader through Sourcewell Purchasing Contract #011723-JDC; and

**WHEREAS**, the agreement will be in an amount not to exceed \$121,300.00; and

**WHEREAS**, City Staff recommends approval of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:**


**SECTION 1:** The City Council approves on behalf of the City an agreement with McCoy Construction & Forestry for one John Deere 304 G Compact Wheel Loader at a cost not to exceed \$121,300.00, in substantial conformity with the terms shown on Exhibit A attached hereto and incorporated herein by this reference as if set out here in full, together with such changes therein as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and other appropriate City officials are hereby authorized to execute the Agreement and such additional documents and take any and all actions necessary, desirable, convenient or prudent in order to carry out the intent of this legislation.

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 14<sup>TH</sup> DAY OF MARCH 2024.**

Attest:

  
Bess Bacher, City Clerk



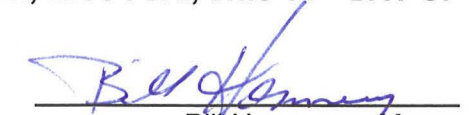
  
Presiding Officer

**APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 14<sup>TH</sup> DAY OF MARCH 2024.**

Attest:

  
Bess Bacher, City Clerk



  
Bill Hennessy, Mayor

Approved as to Form:

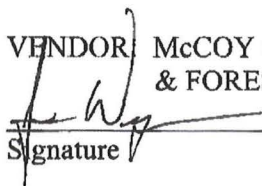
  
Kevin M. O'Keefe, City Attorney

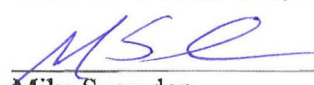


# AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of O'Fallon, Missouri (CITY) and McCoy Construction & Forestry (VENDOR). The parties agree as follows:

1. VENDOR agrees to provide the CITY with goods in accordance with McCoy Construction & Forestry Quote ID #30189135 dated 02/07/2024, through Sourcewell Contract ##011723-JDC. Said document(s) shall be incorporated into this agreement by reference.
2. The CITY, in accordance with the above referenced document, will pay VENDOR an amount not to exceed \$121,300.00 upon receipt of Services. This includes the purchase and delivery of Material.
  - (1) John Deere 304 G Tier Compact Wheel Loader
3. VENDOR shall provide and bill for only those services associated with this purchase. No additional charges will be allowed without prior approval. All changes shall be identified and quantified on each invoice.
4. VENDOR is an independent contractor and nothing contained herein shall constitute or designate VENDOR or any of its agents or employees as agents or employees of the CITY.
5. VENDOR agrees, during the performance of this agreement that it will not discriminate against any employee of applicant for employment because of race, creed, color, age, sex, national origin, ancestry, religion or political opinion or affiliation.
6. VENDOR shall maintain during the life of this agreement and furnish to the CITY the appropriate Professional Liability, Commercial General Liability, and workers Compensation insurance certificates in amounts sufficient for standard practice for projects of this nature.
7. VENDOR agrees to indemnify the CITY, its' officials, and employees from any loss, damage, costs, charges or expenses to person or property by reason of any action or omission on the part of any person or company involved in this agreement.

VENDOR: McCOY CONSTRUCTION  
& FORESTRY  
  
 Signature \_\_\_\_\_ Date Feb. 8 2024

CITY OF O'FALLON, MISSOURI  
  
 Mike Snowden \_\_\_\_\_ Date 3.15.24  
 City Administrator



ATTEST:  
  
 Bess Bacher, City Clerk \_\_\_\_\_ Date 03/15/2024