

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

BOARD OF ALDERMEN

Regular Meeting

July 25, 2016

7:00 p.m.

Willard City Hall

224 W. Jackson Street

Mayor

Corey Hendrickson

Board Members

Jamie Buckley

Samuel Snider

Sam Baird – Mayor Pro-Tem

Larry Whitman

David Roggensees

Donna Stewart

www.cityofwillard.org

**CITY OF WILLARD
BOARD OF ALDERMEN
REGULAR MEETING**

**July 25, 2016
7:00 P.M.**

Posted July 20, 2016

Notice is hereby given that the City of Willard, Missouri, Board of Aldermen will conduct a meeting at **7:00 p.m.** July 25, 2016 at Willard City Hall, 224 W. Jackson, Willard, Missouri.

The tentative agenda of this meeting includes:
PLEDGE OF ALLEGIANCE

Call the meeting to order

1. Roll Call.
2. Agenda Amendments/Approval of Agenda.
3. Approval of the Minutes from the regular meeting July 11, 2016.
4. Citizen Input. (5 minutes each)
5. Code of Ethics Ordinance. (2nd read) Discussion/Vote.
6. Ordinance accepting the 2016 Emergency Management Performance Grant. (1st and 2nd read). Discussion/Vote.
7. Ordinance accepting the contract with Hunter Chase for the Main Street and Jackson Street Sidewalk Project. (1st and 2nd read) Discussion/Vote.
8. New Business.
9. Unfinished Business.
10. Adjourn Meeting.

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS. REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING THE CITY CLERK AT 417-742-5302.

Jennifer Rowe
City Clerk

**CITY OF WILLARD
BOARD OF ALDERMEN
REGULAR MEETING
July 11, 2016
7:00 p.m.**

Staff present: City Clerk, Jennifer Rowe; Community Services Director, J.C. Loveland; Public Works Director, David O'Connor; Chief Financial Officer, Carolyn Halverson; Police Lieutenant, Shannon Shipley; and Director of Development, Randy Brown.

City Attorney Ken Reynolds was present.

Citizens in attendance: J.D. Landon, Jim Vaughn, Susan Durr, Allison Punch, Jamey Durr, Burnis Coleman, Joe Smith, Jen Smith, and Lucille Murray.

Pledge of Allegiance.

The Pledge of Allegiance was led by Mayor Hendrickson.

Call to Order.

Mayor Hendrickson called the meeting to order at 7:00 p.m.

Roll Call.

The City Clerk conducted the roll call. Alderman Buckley---, Alderman Snider-present, Alderman Stewart-present, Alderman Whitman-present, Alderman Baird---, Alderman Roggenses-present and Mayor Hendrickson-present.

Agenda Amendments/Agenda Approval.

The City Clerk recommended a change to the Agenda to add an Ordinance authorizing the Mayor to sign a contract with Mediacom for the Parks Department Aquatic Center. Motion was made by Alderman Whitman and seconded by Alderman Snider to accept the agenda with changes. The motion carried with a vote of 4-0. Voting aye: Aldermen Snider, Stewart, Whitman and Roggenses.

Approve the Minutes of the Regular Meeting June 13, 2016 and the Work Study/Closed Session June 27, 2016.

Motion was made by Alderman Stewart and seconded by Alderman Whitman to approve the minutes from the regular meeting June 13, 2016. The motion carried with a vote of 4-0. Voting aye: Aldermen Snider, Stewart, Roggenses and Whitman.

Motion was made by Alderman Roggenses and seconded by Alderman Snider to approve the minutes from the Work Study/Closed Session on June 27, 2016. Motion carried with a vote of 4-0. Voting aye: Aldermen Snider, Stewart, Roggenses and Whitman.

Citizen Input.

None.

Financial Reports.

- a) Motion was made by Alderman Snider and seconded by Alderman Roggenses to accept the Financial Statements. The motion carried with a vote of 4-0. Voting aye: Aldermen Snider, Stewart, Whitman and Roggenses.

Alderman Buckley arrived at 7:30 p.m.

- b) Motion was made by Alderman Snider and seconded by Alderman Stewart to accept the Outstanding Invoices, Paid Invoices, Online Payments and Transfers. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggenses.

- c) Motion was made by Alderman Roggensees and seconded by Alderman Stewart to accept the Adjustments Report. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

Department Head Reports.

The Department Heads presented their reports to the Board.

Public Hearing for Annexation WD1512AC.

The City Attorney opened the public hearing regarding the Annexation of WD1512AC at 8:37 p.m. No citizens wished to speak so the public hearing was closed at 8:38 p.m.

Ordinance accepting the Annexation of WD1512AC. (1st and 2nd read) Discussion/Vote.

Motion was made by Alderman Roggensees and seconded by Alderman Snider to accept the Annexation of WD1512AC. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

The second read was conducted by the City Clerk.

Motion was made by Alderman Snider and seconded by Alderman Stewart to accept the Annexation of WD1512AC. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

Ordinance accepting the Final Plat for Robertson Estates Lot One (1). (1st and 2nd read)

Discussion/Vote.

The Director of Development Randy Brown outlined Lot One (1) of Robertson Estates and informed the Board that they want to finish this small lot off so it can be sold and separate from the rest of the future development. Motion was made by Alderman Stewart and seconded by Alderman Roggensees to accept the Final Plat for Robertson Estates Lot One (1). The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

The second read was conducted by the City Clerk.

Motion was made by Alderman Roggensees and seconded by Alderman Snider to accept the Final Plat for Robertson Estates Lot One (1). The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

Ordinance amending the 2016 Budget. (1st and 2nd read) Discussion/Vote.

The Chief Financial Officer outlined the amended Budget to the Board. She informed the Board that there were adjustments made to the revenues and expenses, and this amendment reflected where money has been moved within each department. Motion was made by Alderman Roggensees and seconded by Alderman Stewart to amend the 2016 Budget. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

The second read was conducted by the City Clerk.

Motion was made by Alderman Buckley and seconded by Alderman Stewart to amend the 2016 Budget. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

Ordinance accepting the contract with Whisler Construction for the Meadows West Lift Station. (1st and 2nd read) Discussion/Vote.

The Director of Development informed the Board that Whisler Construction had been awarded the contract for construction at the Meadows West Lift Station. Staff had received the contract and would like Board approval so the project can move forward. Whisler has indicated that the goal completion date would be around November 22, 2016, but projected to be sooner. Motion was made by Alderman Roggensees and seconded by Alderman Stewart to accept the contract with Whisler Construction for the Meadows West Lift Station. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

The second read was conducted by the City Clerk.

Motion was made by Alderman Roggenses and seconded by Alderman Whitman to accept the contract with Whisler Construction for the Meadows West Lift Station. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggenses.

2016 Code of Ethics Ordinance. (1st read) Discussion/Vote.

The City Clerk informed the Board that this was a standard Ordinance that was completed every two (2) years to keep the City in compliance with the Missouri Ethics Commission. Motion was made by Alderman Stewart and seconded by Alderman Roggenses to approve the Code of Ethics Ordinance. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggenses.

Discussion/Vote authorizing the Mayor to sign the Water Agreement with Ornate Development, LLC.

The Director of Development Randy Brown informed the Board that there were twelve (12) new lots being proposed on a forty (40) acre plot in the Meadows. The water pressure had been an issue in the area and the City was unsure if it could handle twelve (12) new connections. The developer hired their own engineer to test the system, and indicated that they felt it would be fine. Mr. Brown is requesting that the City allow their own engineer to analyze the data and make their own determination. Attorney Reynolds informed the Board that there would need to be a change to one section before it was signed. Motion was made by Alderman Snider and seconded by Alderman Buckley to authorize the Mayor to sign the Water Agreement with Ornate Development, LLC with the changes. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggenses.

Discussion/Vote authorizing the Mayor to sign an agreement with General Code.

The City Clerk informed the Board that the City had received an offer from General Code to analyze the City Code and ensure that we were in concurrence with State Statutes. General Code is the company that currently updates our Code and has for years. This was something we comply with each year as new laws are passed. Motion was made by Alderman Buckley and seconded by Alderman Snider to authorize the Mayor to sign the agreement with General Code. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggenses.

Ordinance authorizing the Mayor to sign an agreement with Mediacom for the Aquatic Center. (1st and 2nd read) Discussion/Vote.

The Community Services Director informed the Board that he had negotiated a new contract with Mediacom to allow the City to save money each year by not paying the full price each month when the pool was only open for part of the year. Motion was made by Alderman Buckley and seconded by Alderman Snider to authorize the Mayor to sign the agreement with Mediacom for the Aquatic Center. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggenses.

New Business.

Alderman Snider spoke about some of the training they had received at the Elected Officials training. He inquired about the use of interns and students with City business and improvements. Alderman Roggenses informed the Board that he believed utilizing students with research and projects could prove useful to the City. The goal would be to get the Teachers, Administrators and Board to buy into the idea.

Unfinished Business.

Alderman Roggenses discussed the need to repair Miller Road and put the new water lines in. As it stands, it will take up to one and one half (1 ½) years before it is completed if we begin soon. The City needs to think about getting the project going as soon as possible.

Joseph Smith, of 603 Sarah Court, requested time to speak to the Board at this point. He said he had missed the opportunity earlier during the citizen input. Mayor Hendrickson allowed him to do so.

Mr. Smith informed the Board that the citizens in Augusta Heights had come together and forty-nine (49) of them had signed a petition to get the City to place either "slow down" or "Children at Play" signs on either end of their subdivision. Mr. Smith stated that traffic was awful through their subdivision and they all felt

something needed done. Mayor Hendrickson asked for a copy of the petition and informed Mr. Smith that the Board would look into the matter.

Adjourn.

Motion was made by Alderman Roggensees and seconded by Alderman Buckley to adjourn. The motion carried with a vote of 5-0. Voting aye: Aldermen Buckley, Snider, Stewart, Whitman and Roggensees.

The meeting was adjourned at 9:40 p.m.

Jennifer Rowe, City Clerk

Corey Hendrickson, Mayor of Willard

CITY OF WILLARD, MISSOURI

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AGENDA ITEM # 5

Code of Ethics Ordinance. (2nd read) Discussion/Vote.

Sponsored by the City Clerk

“CODE OF ETHICS”

AN ORDINANCE OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS.

WHEREAS: The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: Conflicts of Interest

- a. All elected and appointed officials as well as employees of a political subdivision must comply with section 105.454 of Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct.
- b. Any member of the governing body of a political subdivision who has a “substantial or private interest” in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the secretary or clerk of such body and such disclosure shall be recorded in the appropriate journal of the governing body. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of: (1) 10% or more of any business entity, or (2) an interest having a value of \$10,000 or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

Section 2: Disclosure Reports: Each Elected Official, the Chief Administrative Officer, the Chief Purchasing Officer, and full-time general counsel shall disclose the following information by May 1, if any such transactions occurred during the previous calendar year:

- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.

- b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
- c. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose by May 1 for the previous calendar year the following information:
 - 1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement.
 - 2. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;
 - 3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 3: Filing of Reports:

- a. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial statement in any calendar year;
 - 1. Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interest acquired after December 31st of the covered year until the date of filing of the financial interest statement.
 - 2. Each person appointed to office shall file the statement within thirty days of such appointments or employment.

- b. Financial disclosure reports giving the financial information required in Section 3 shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Section 4: Filing of Ordinance: A certified copy of this ordinance adopted prior to September 15th, shall be sent within ten days of its adoption to the Missouri Ethics Commission.

Section 5: Effective Date: This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect for two years from the date of passage.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI, ON THE ~~11th~~ ^{25th} DAY OF JULY 2016.

Approved as to form: _____
Ken Reynolds, City Attorney

Attested by:

Approved by:

Jennifer Rowe, City Clerk

Corey Hendrickson, Mayor

MEMBERS OF THE BOARD OF ALDERMEN:	YES	NO	ABSTAINED
_____ JAMIE BUCKLEY	_____	_____	_____
_____ SAMUEL SNIDER	_____	_____	_____
_____ DONNA STEWART	_____	_____	_____
_____ LARRY WHITMAN	_____	_____	_____
_____ SAM BAIRD	_____	_____	_____
_____ DAVID ROGGENSEES	_____	_____	_____

CITY OF WILLARD, MISSOURI

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AGENDA ITEM # 6

Ordinance accepting the 2016 Emergency Management Performance Grant. (1st and 2nd read). Discussion/Vote.

Sponsored by the Director of Emergency Management.

First Reading: 07-25-2016

Second Reading: 07-25-2016

Council Bill No.: 16-22

Ordinance No.: 160725A

AN ORDINANCE

AUTHORIZING the Mayor, or his designee, to execute a contract between the City of Willard and the Missouri Department of Public Safety for the purpose of accepting a grant from the Emergency Management Performance Grant program for the purpose of funding essential emergency management personnel, operations, equipment and travel and;

WHEREAS, on February 16, 2016, an application was submitted to the Missouri Department of Public Safety for funding through the Emergency Management Performance Grant program for the purpose of funding essential emergency management personnel, operations, equipment and travel and;

WHEREAS, on June 20, 2016, the City of Willard was notified that the application had been approved and awarded in the amount of \$21,469.00 and;

WHEREAS, the local match for this award will be \$10,734.50 and;

WHEREAS, the Missouri Department of Public Safety is requiring the contract to be signed no later than July 15, 2016. No grant money will be dispersed prior to the receipt by State Emergency Management Agency of the signed grant.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI, as follows:

Section 1 – The Board of Aldermen of the City of Willard hereby authorize the Mayor to execute the contract between the City of Willard and Missouri Department of Public Safety , said contract to be substantially in form and content as that document attached hereto and incorporated herein by reference as Exhibit "1".

Section 2 – This Ordinance will be in full force and effect from and after passage.

Approved as to form: _____
City Attorney

Mayor, Corey Hendrickson

Attest: _____
City Clerk

MEMBERS OF THE BOARD OF ALDERMEN:
FIRST (1st) READING

YES NO ABSTAINED

JAMIE BUCKLEY

SAMUEL SNIDER

DONNA STEWART

LARRY WHITMAN

SAM BAIRD

DAVID ROGGENSEES

MEMBERS OF THE BOARD OF ALDERMEN:
SECOND (2nd) READING

YES NO ABSTAINED

JAMIE BUCKLEY

SAMUEL SNIDER

DONNA STEWART

LARRY WHITMAN

SAM BAIRD

DAVID ROGGENSEES

Jeremiah W. (Jay) Nixon
Governor

STATE OF MISSOURI

Ron Walker
Director

Lane Roberts
Director of Public Safety

EMERGENCY MANAGEMENT AGENCY



DEPARTMENT OF PUBLIC SAFETY
PO Box 116, Jefferson City, Missouri 65102
Phone: 573/526-9100 Fax: 573/634-7966
E-mail: mosema@sema.dps.mo.gov



June 20, 2016

Corey Hendrickson
Mayor
City of Willard
P.O. Box 187
Willard, Missouri 65781

Dear Corey Hendrickson,

Congratulations, your agency has been approved for a 2016 Emergency Management Performance Grant (EMPG) award from the State Emergency Management Agency (SEMA) in the amount of \$21,469.00, of which fifty percent is local match sharing. The performance period is January 1, 2016 through December 31, 2016. A portion of the award was based upon consideration of your FY15 expenditures. Enclosed are your award documents. **You, as the authorized official must sign the grant award of contract and initial the lower right hand corner of each page of the Special Conditions to certify acceptance of this award.** You are required to return the **original** forms back to SEMA **no later than July 15, 2016**, to the following person and address prior to claims being paid to your jurisdiction:

State Emergency Management Agency
Attn: Amy Lepper
PO Box 116
Jefferson City, MO 65102

The CFDA number for the Emergency Management Performance Grant is CFDA 97.042. Your award number is EMK-2016-EP-APP-00004-119.

This award is subject to all administrative and financial requirements as outlined in the 2016 EMPG Notice of Funding Opportunity, Grant Award Special Conditions (see attached), and the EMPG Program Manual. This includes the timely submission of all financial and programmatic reports.

Thank you for your support and cooperation with this effort. If you have any questions, please contact your Grant Specialist, Laura Teske, at 573-751-3401, laura.teske@sema.dps.mo.gov or Grant Specialist, Jackie Hofstetter at 573-526-9256, jackie.hofstetter@sema.dps.mo.gov.

Sincerely,

A handwritten signature in black ink that reads "Ron Walker".

Ron Walker
Director



A Nationally
Accredited
Agency



State Emergency Management Agency
 2302 Militia Drive
 P.O. Box 116
 Jefferson City, MO 65102
 Phone: (573) 526-9100
 Fax: (573) 634-7966

SUBRECIPIENT AWARD

DATE

June 20, 2016

Award Number

EMK-2016-EP-APP-00004-119

Amendment No.

N/A

GRANTEE NAME

City of Willard

GRANTEE VENDOR NUMBER

43-0890176

GRANTEE ADDRESS

Corey Hendrickson
 Mayor
 P.O. Box 187
 Willard, Missouri 65781

ISSUING AGENCY

MO State Emergency Management Agency
 PO Box 116
 Jefferson City, MO 65102

GRANT INFORMATION

PROJECT TITLE

FY 2016 Emergency Management Performance Grant

FEDERAL AWARDING AGENCY

Federal Emergency Management Agency

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO
 97.042

PERFORMANCE PERIOD

FROM: 1/1/2016 TO: 12/31/2016

FEDERAL AWARD AMOUNT

\$ 10,734.50

LOCAL COST SHARE

\$ 10,734.50

TOTAL AWARD AMOUNT

\$ 21,469.00

CONTACT INFORMATION

EMPG GRANT SPECIALIST

GRANTEE PROJECT DIRECTOR

NAME

Jackie Hofstetter

NAME

Stacy Winters

E-MAIL ADDRESS

Jackie.hofstetter@sema.dps.mo.gov

E-MAIL ADDRESS

willardemd@yahoo.com

TELEPHONE

573-526-9256

TELEPHONE

417-366-3800

SUMMARY DESCRIPTION OF PROJECT

The purpose of the EMPG Program is to make grants to locals in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). Title VI of the Stafford Act authorizes grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government, States, and their political subdivisions. SEMA, through the EMPG Program, provides necessary direction, coordination, and guidance, and provides necessary assistance, as authorized in this title so that a comprehensive emergency preparedness system exists for all hazards in the State of Missouri. This award is not for Research and Development. There is no indirect cost rate for this award.

TYPED NAME AND TITLE OF OHS OFFICIAL

Ron Walker, Director

TYPED NAME AND TITLE OF GRANTEE AUTHORIZED OFFICIAL

SIGNATURE OF APPROVING OHS OFFICIAL

DATE

6/20/2016

SIGNATURE OF GRANTEE AUTHORIZED OFFICIAL

DATE

THIS GRANT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS SET FORTH ON THE ATTACHED SPECIAL CONDITION(S). BY SIGNING THIS GRANT AGREEMENT, THE GRANTEE IS AGREEING TO READ AND COMPLY WITH ALL SPECIAL CONDITIONS.

SPECIAL CONDITIONS

DATE
June 20, 2016

AWARD NUMBER
EMK-2016-EP-APP-00004-119

Article I - Acknowledgement of Federal Funding from DHS

All subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Article II - Activities Conducted Abroad

All subrecipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article III - Age Discrimination Act of 1975

All subrecipients must comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Article IV - Americans with Disabilities Act of 1990

All subrecipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

Article V - Best Practices for Collection and Use of Personally Identifiable Information (PII)

All subrecipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. Award subrecipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

Article VI- Civil Rights Act of 1964

All subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article VII - Civil Rights Act of 1968

All subrecipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits subrecipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part

100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 C.F.R. § 100.201).

Article VIII - Copyright

All subrecipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

Article IX - Assurances, Administrative Requirements and Cost Principles

Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions. The administrative and audit requirements and cost principles that apply to DHS award subrecipients originate from 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

Article X - Debarment and Suspension

All subrecipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

Article XI - Drug-Free Workplace Regulations

All subrecipients must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R. Part 3001.

Article XII - Duplication of Benefits

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

Article XIII - Energy Policy and Conservation Act

All subrecipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

Article XIV - False Claims Act and Program Fraud Civil Remedies

All subrecipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

Article XV – Federal Debt Status

All subrecipients are required to be non-delinquent in their repayment of Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-428B, item number 17 for additional information and guidance.

Article XVI - Fly America Act of 1974

All subrecipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XVII - Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. §2225a, all subrecipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. §2225.

Article XVIII - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All subrecipients must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-accesspeople-limited> and additional resources on <http://www.lep.gov>.

Article XIX - Lobbying Prohibitions

All subrecipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

Article XX - Non-supplanting Requirement

All subrecipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or subrecipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

Article XXI - Patents and Intellectual Property Rights

Unless otherwise provided by law, subrecipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

Article XXII - Procurement of Recovered Materials

All subrecipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Article XXIII - Contract Provisions for Non-federal Entity Contracts under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

1. Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
2. All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
3. Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
4. Davis-Bacon Act, as amended (40 U.S.C 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federal Financed and Assisted Construction"). In accordance with the

statute, contracts must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

5. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C 3704 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchase of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
6. Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR 401.2(a) and the recipient or subrecipient wishes to enter into a contract with small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
7. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended- Contract and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

Article XXIV - SAFECOM

All subrecipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article XXV - Terrorist Financing E.O. 13224

All subrecipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and

the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

Article XXVI - Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. Implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19

Article XXVII - Trafficking Victims Protection Act of 2000

All subrecipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104). This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at 2 CFR § 175.15.

Article XXVIII - Rehabilitation Act of 1973

All subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

Article XXIX - USA Patriot Act of 2001

All subrecipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose

Article XXX - Use of DHS Seal, Logo and Flags

All subrecipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XXXI - Whistleblower Protection Act

All subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article XXXII - SEMA Specific Acknowledgements and Assurances

All subrecipients must acknowledge and agree to comply with applicable provisions governing SEMA access to records, accounts, documents, information, facilities, and staff.

1. Subrecipients must cooperate with any compliance review or complaint investigation conducted by SEMA.

2. Subrecipients must give SEMA access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by SEMA regulations and other applicable laws or program guidance.
3. Subrecipients must submit timely, complete, and accurate reports to the appropriate SEMA officials and maintain appropriate backup documentation to support the reports. Future awards and fund drawdowns may be withheld if these reports are delinquent.
4. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the SEMA.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the SEMA Component and/or awarding office. The United States has the right to seek judicial enforcement of these obligations.

Article XXXIII- Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by SEMA, you must request instructions from SEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article XXXIV - Prior Approval for Modification of Approved Budget

Before making any change to the SEMA approved budget for this award, you must request prior written approval from SEMA by requesting a Contract Adjustment.

Article XXXV - Incorporation by Reference of Notice of Funding Opportunity

The Notice of Funding Opportunity for this program is hereby incorporated into your award agreement by reference. By accepting this award, the sub-recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained under the 2016 Notice of Funding Opportunity, Missouri 2016 EMPG Program Manual, OHS Administrative Guide, and OHS Information Bulletins.

Article XXXVI – Other Special Conditions

1. Sub-recipients are required to ensure that all EMPG funded personnel complete the following DHS/FEMA training courses within twelve (12) months of hire and record proof of completion, IS 100, IS 120, IS 200, IS 230, IS 235, IS 240, IS 241, IS 242 IS 244, IS 700, IS 800 and L-146 HSEEP*.
2. Sub-Recipients of 2016 EMPG funding are required to ensure that all EMPG funded personnel actively participate in three (3) exercises during the performance period. Jurisdictions must identify planned quarterly activity to meet these requirements on the 2016 EMPG application and Status Reports. Failure to comply with this requirement could result in claim payments being held until the requirement is met.
3. Subrecipients are required to use WebGrants (<https://dpsgrants.dps.mo.gov/>) to submit Quarterly Status Reports and Claim Requests. Sub-recipients are encouraged to submit Claim Requests throughout the quarter to allow for more up-to-date tracking of grant progress and prevent reimbursement delays.

Status Reports and Claim Requests for each billing period are due to SEMA as follows:

a. Quarter 1 (January 1 to March 31) and Quarter 2 (April 1 to June 30): Due July 15, 2016

b. Quarter 3 (July 1 to September 30): Due October 15, 2016

c. Quarter 4 (October 1 to December 31): Due January 31, 2017

4. Subrecipients must maintain an annual Training and Exercise Plan (TEP) and participate in Threat and Hazard Identification and Risk Assessment (THIRA) updates.

5. Provide a copy of the Federal Funds Schedule for your city. Because you indicated on your EMPG application that your agency did not exceed the \$750,000.00 Federal Funds threshold, a listing of your City's Federal Funds for 2015 will be required by July 15, 2016.

*EMPG funded exercise officers and management personnel involved in the design and evaluation of exercises must complete L-146 HSEEP within 24 months of hire and record proof of completion.

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



AGENDA ITEM # 7

Ordinance accepting the contract with Hunter Chase for the Main Street and Jackson Street Sidewalk Project. (1st and 2nd read) Discussion/Vote.

Sponsored by the Director of Development.

First Reading: 07-25-2016

Second Reading: 07-25-2016

Council Bill No. 16-23

Ordinance No. 160725B

AN ORDINANCE

AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A MUNICIPAL AGREEMENT WITH HUNTER-CHASE ASSOCIATES FOR THE PURPOSE OF CONSTRUCTING SIDEWALK IMPROVEMENTS.

WHEREAS, in accordance with Chapter 70, Section 70.210 and Section 70.220 of RSMo; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI, AS FOLLOWS:

Section 1 – The Board of Aldermen of the City of Willard hereby authorize the Mayor to execute the agreement between the City of Willard and Hunter-Chase Associates for the construction of erosion and sediment control, traffic control, demolition, removals, earthwork, utility adjustments, signage, approximately 386-lineal feet of new sidewalk, driveway approach/crossings, pavement marking, fine grading, and seeding; and,

Section 2 – Said agreement will be in the form attached hereto as Exhibit "A"; and,

Section 3 – This ordinance will be in full force and effect from and after passage.

_____, Mayor

Attest: _____, City Clerk

Approved as to form: _____, City Attorney

READ TWO (2) TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE 25TH DAY OF JULY, 2016.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

ABSTAINED

JAMIE BUCKLEY

SAMUEL SNIDER

DONNA STEWART

LARRY WHITMAN

SAM BAIRD

DAVID ROGGENSEES

NOTICE TO CONTRACTORS

Sealed bids, addressed to City of Willard, 224 W. Jackson, Willard, Missouri 65781 for the proposed work will be received by the City of Willard until 10:00 o'clock A.M. (daylight savings local time) on Tuesday, June 7th, 2016 at the office of the 224 W. Jackson, Willard, Missouri 65781, and at that time will be publicly opened. Bids should be delivered to: 224 W. Jackson, Willard, Missouri 65781.

(1) **PROPOSED WORK:** The proposed work, hereinafter called the work, includes:

the construction of erosion and sediment control, traffic control, demolition, removals, earthwork, utility adjustments, signage, 386 +/- LF concrete sidewalk/ driveway approach/crossings, pavement marking, fine grading, and seeding.

(2) **COMPLIANCE WITH CONTRACT PROVISIONS:** The bidder, having examined and being familiar with the local conditions affecting the work, and with the contract, contract documents, including the Missouri Highways and Transportation Commission's "Missouri Standard Specifications for Highway Construction, 2011, their revisions, and the request for bid, including appendices, the special provisions and plans, hereby proposes to furnish all labor, materials, equipment, services, etc., required for the performance and completion of the work. All references are to the Missouri Standard Specifications for Highway Construction, as revised, unless otherwise noted.

The following documents are available on the Missouri Department of Transportation web page at www.modot.mo.gov under "Business with MoDOT" "Standards and Specifications". The effective version shall be determined by the letting date of the project.

General Provisions & Supplemental Specifications

These supplemental bidding documents contain all current revisions to the bound printed versions and have important legal consequences. It shall be conclusively presumed that they are in the bidder's possession, and they have been reviewed and used by the bidder in the preparation of any bid submitted on this project.

Please note that within the above-listed documents, the term "Commission" shall be replaced with the term, "City of Willard", and the term "Engineer" is a reference to the Engineer of Record from Olsson Associates.

The contracting authority for this contract is **City of Willard**.

(3) **PERIOD OF PERFORMANCE:** If the bid is accepted, the bidder agrees that work shall be diligently prosecuted at such rate and in such manner as, in the judgment of the engineer, is necessary for the completion of the work within the time specified as follows in accordance with Sec 108:

Calendar Days: 45

Completion Date: August 26, 2016

(4) **LIQUIDATED DAMAGES:** The bidder agrees that, should the bidder fail to complete the work in the time specified or such additional time as may be allowed by the engineer under the contract, the amount of liquidated damages to be recovered in accordance with Sec 108 shall be as follows:

Liquidated damages per day \$ 475.00

(5) **BID GUARANTY:** The bidder shall submit a Bid Guaranty meeting the requirements of Section 102 of the Missouri Standard Specifications for Highway Construction. A sample project bid bond form is included in the bid book. The bidder shall mark the box below to identify the type of Bid Guaranty.

- Paper Bid Bond
- Cashier's Check

(6) **CERTIFICATIONS FOR FEDERAL JOBS:** By signing and submitting this bid, the bidder makes the certifications appearing in Sec. 102.18.1 (regarding affirmative action and equal opportunity), Sec. 102.18.2 (regarding disbarment, eligibility, indictments, convictions, or civil judgments), Sec. 102.18.3 (regarding anti-collusion), and Sec. 102.18.4 (regarding lobbying activities). Any necessary documentation is to accompany the bid submission, as required by these sections. As provided in Sec. 108.13, the contracting authority may terminate the contract for acts of misconduct, which includes but is not limited to fraud, dishonesty, and material misrepresentation or omission of fact within the bid submission.

(7) **ANTIDISCRIMINATION:** The Contracting Authority hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, businesses owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, ancestry, or national origin in consideration for an award.

(8) **FEDERAL AND STATE INSPECTION:** The Federal Government is participating in the cost of construction of this project. All applicable Federal laws, and the regulations made pursuant to such laws, shall be observed by the contractor, and the work will be subject to the inspection of the appropriate State or Federal Agency in the same manner as provided in Sec 105.10 of the Missouri Standard Specifications for Highway Construction with all revisions applicable to this bid and contract.

(9) **PREVAILING WAGE (FEDERAL AND STATE):** This contract requires payment of the prevailing hourly rate of wages for each craft or type of work required to execute the contract as determined by the Missouri Department of Labor and Industrial Relations, and requires adherence to a schedule of minimum wages as determined by the United States Department of Labor. For work performed anywhere on this project, the contractor and the contractor's subcontractors shall pay the higher of these two applicable wage rates. The applicable state wage rates for this contract are detailed in "Annual Wage Order No. 22", that is attached to this bidding document. The applicable federal wage rates for this contract are the effective Davis-Bacon federal wage rates posted the tenth day before the bid opening date and are attached herein.

These supplemental bidding documents have important legal consequences. It shall be conclusively presumed that they are in the bidder's possession, and they have been reviewed and used by the bidder in the preparation of any bid submitted on this project.

(10) **WORKER ELIGIBILITY REQUIREMENTS:** Execution of the construction contract for this project is dependent upon the awarded bidder providing an Affidavit of Compliance AND E-Verify Memorandum-of-Understanding (MOU) between the bidder and Department of Homeland Security to the Contracting Authority as required by section 285.530 RSMo. The cover page and signature page of the E-Verify MOU and the Affidavit must be submitted prior to award of this contract.

A sample Affidavit of Compliance can be found at the Missouri Attorney General's website at the following link:

http://ago.mo.gov/forms/Affidavit_of_Compliance.pdf

All bidders must also be enrolled in the E-Verify Program, and include their MOU prior to contract execution. Bidders who are not enrolled will need to go to the following website link and select "Enroll in the Program" to get started. After completing the program, they will receive their E-Verify MOU with Department of Homeland Security. This document will need to be printed out and kept on file so that a copy can be attached to the Affidavit of Compliance.

http://www.dhs.gov/files/programs/gc_1185221678150.shtm

This requirement also applies to subcontractors and contract labor, but this contract only requires submittal of the verification documents for the prime contractor. It is the prime contractor's responsibility to verify the worker eligibility of their subcontractors in order to protect their own company from liability as required by section 285.530 RSMo.

(11) **OSHA TEN HOUR TRAINING REQUIREMENTS:** Missouri Law, 292.675 RSMO, requires any awarded contractor and its subcontractor(s) to provide a ten-hour Occupational Safety and Health Administration (OSHA) Construction Safety Program (or a similar program approved by the Missouri Department of Labor and Industrial Relations as a qualified substitute) for their on-site employees (laborers, workmen, drivers, equipment operators, and craftsmen) who have not previously completed such a program and are directly engaged in actual construction of the improvement (or working at a nearby or adjacent facility used for construction of the improvement). The awarded contractor and its subcontractor(s) shall require all such employees to complete this ten-hour program, pursuant to 292.675 RSMO, unless they hold documentation on their prior completion of said program. Penalties, for Non-Compliance include contractor forfeiture to the Contracting Authority in the amount of \$2,500, plus \$100 per contractor and subcontractor employee for each calendar day such employee is employed beyond the elapsed time period for required program completion under 292.675 RSMO.

(12) **BUY AMERICA REQUIREMENTS:** Construction contracts shall assure compliance with Section 165 of the Surface Transportation Assistance Act of 1982, Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 23 CFR 635.410 regarding Buy America provisions on the procurement of foreign products and materials. On all contracts involving Federal-aid, all products of iron, steel, or a coating of steel which are incorporated into the work must have been manufactured in the United States. The Contracting Authority may allow minimal amounts of these materials from foreign sources, provided the cost does not exceed 0.1 percent of the contract sum or \$2,500, whichever is greater. The Contractor certifies that these materials are of domestic origin. Additional information regarding the "Buy America" requirements can be found at:

<http://www.fhwa.dot.gov/programadmin/contracts/b-amquck.cfm>

(13) **ADDENDUM ACKNOWLEDGEMENT:** The undersigned states that the all addenda (if applicable) have been received, acknowledged and incorporated into their bid, prior to submittal. For paper bids, staple addenda to the bid in the appropriate part of the bid.

(14) **SIGNATURE AND IDENTITY OF BIDDER:** The undersigned states that the following provided information is correct and that (if not signing with the intention to bind themselves to become the responsible and sole bidder) they are the agent of, and they are signing and executing this, as the bid of

Hunter Chase + Associates, Inc, which is the correct LEGAL NAME as stated on the contractor questionnaire.

a) The organization submitting this bid is a(n) (1) individual bidder, (2) partnership, (3) joint venturer (whether individuals or corporations, and whether doing business under a fictitious name), or (4) corporation. Indicate by marking the appropriate box below.

sole individual

partnership

joint venture

corporation, incorporated under laws of state of Missouri

b) If the bidder is doing business under a fictitious name, indicate below by filling in the fictitious name

Executed by bidder this 6 day of June 2016.

THE BIDDER CERTIFIES THAT THE BIDDER AND ITS OFFICIALS, AGENTS, AND EMPLOYEES HAVE NEITHER DIRECTLY NOR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THIS BID, AND THAT THE BIDDER INTENDS TO PERFORM THE WORK WITH ITS OWN BONAFIDE EMPLOYEES AND SUBCONTRACTORS, AND DID NOT BID FOR THE BENEFIT OF ANOTHER CONTRACTOR.

THE BIDDER ACKNOWLEDGES THAT THIS IS AN UNSWORN DECLARATION, EXECUTED UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND/OR FALSE DECLARATION UNDER THE LAWS OF MISSOURI, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS. THE FAILURE TO PROVIDE THIS CERTIFICATION IN THIS BID MAY MAKE THIS BID NON-RESPONSIVE, AND CAUSE IT TO BE REJECTED.

Revised 9-23-2013

THE BIDDER CERTIFIES THAT THE BIDDER'S COMPANY KNOWINGLY EMPLOYS ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS AND ALL PROVISIONS OF MISSOURI EXECUTIVE ORDER NO. 07-13 FOR CONTRACTS WITH THE CONTRACTING AUTHORITY.

Check this box ONLY if the bidder REFUSES to make any or all of these certifications. The bidder may provide an explanation for the refusal(s) with this submittal.

Mary Beth Hartman

Signature of Bidder's Owner, Officer, Partner or Authorized Agent

Mary Beth Hartman

Please print or type name and title of person signing here

Attest:

Don Zimmerman

Secretary of Corporation if Bidder is a Corporation

Affix Corporate Seal (If Bidder is a Corporation)

NOTE: If bidder is doing business under a fictitious name, the bid shall be executed in the legal name of the individual, partners, joint ventures, or corporation, and registration of fictitious name filed with the secretary of state, as required by sections 417.200 to 417.230 RSMo. If the bidder is a corporation not organized under the laws of Missouri, it shall procure a certificate of authority to do business in Missouri, as required by section 351.572 et seq RSMo. A certified copy of such registration of fictitious name or certificate of authority to do business in Missouri shall be filed with the Missouri Highways and Transportation Commission, as required by the standard specifications.

(15) **TRAINEES:** By submitting this bid, the bidder certifies that the bidder is familiar with the Training Provision in the Missouri Highways and Transportation Commission's "General Provisions and Supplement Specifications" which are available on the Missouri Department of Transportation web page at www.modot.mo.gov under "Business with MoDOT" "Standards and Specifications". The number of trainee hours provided under this contract will be 0 slots at 1000 hours per slot or 0 hours.

(16) **SUBCONTRACTOR DISCLOSURE:** Requirements contained within Sec 102.7.12 of the Missouri Standard Specification for Highway Construction shall be waived for this contract.

(17) **PROJECT AWARD:** This project will be awarded to the lowest, responsive, responsible bidder.

(18) **MATERIALS INSPECTIONS:** All technicians who perform, or are required by the FHWA to witness, such sampling and testing shall be deemed as qualified by virtue of successfully completing the requirements of EPG 106.18 Technician Certification Program, for that specific technical area.

(19) **PRIME CONTRACTOR REQUIREMENTS:** The limitation in Sec 108.1.1 of the Missouri Standard Specifications for Highway Construction that "the contractor's organization shall perform work amounting to not less than 40 percent of the total contract cost" is waived for this contract. Instead, the less restrictive terms of the Federal Highway Administration's rule at Title 23 Code of Federal Regulations (CFR) § 635.116(a) shall apply, so that the contractor must perform project work with its own organization equal to and not less than 30 percent of the total original contract price. Second-tier subcontracting will not be permitted on this contract. All other provisions in Sec 108.1.1 et seq. of the Missouri Standard Specifications for Highway Construction shall remain in full force and effect, and shall continue to govern the contractor and its subcontractors, in accordance with the provisions of Title 23 CFR § 635.116.

(20) **SALES AND USE TAX EXEMPTION:** The City of Willard, a tax exempt entity, will furnish a Missouri Project Exemption Certificate as described in Section 144.062 RSMo to the awarded contractor who in turn may use the certificate to purchase materials for a specific project performed for the tax exempt entity. Only the materials and supplies incorporated or consumed during the construction of the project are exempt. The certificate will be issued to the contractor for a specific project for a defined period of time.

ITEMIZED BID: The bidder should complete the following section in accordance with Sec 102.7. The bidder proposes to furnish all labor, materials, equipment, services, etc. required for the performance and completion of the work, as follows:

CITY OF WILLARD
224 W. Jackson
Willard, MO 65781
#STP-5944(802)
SIDEWALK IMPROVEMENTS - MAIN STREET & JACKSON STREET

FORM OF PROPOSAL

To: City of Willard
224 W. Jackson
Willard, MO 65781

From: Hunter Chase, hereinafter called the "Bidder", having contract examined and being fully informed and familiar with the local conditions and with the contract documents including the drawings, the Notice to Contractor, Instructions to Bidders, the General Conditions and the body of the technical specifications including:

Addenda Number 1 through 2 inclusive

Hereby offer to furnish all labor, supervision, materials, equipment, tools, services and all other items necessary for the performance and the completion of the construction described in the contract documents known as Sidewalk Improvements - Main Street & Jackson Street Improvements in accordance with the PLANS AND SPECIFICATIONS, heretofore in the City of Willard office, at the following prices to be paid in cash, to-wit:

SCHEDULE A - GENERAL					
ITEM NO.	DESCRIPTION	UNIT TYPE	NO. UNITS	UNIT PRICE	EXTENDED PRICE
A 1	Mobilization	ls	1	\$ 4,000	\$ 4,000
A 2	Gravel Filter Bag Outlet Protection	ea	1	\$ 60.	\$ 60.
A 3	Compost Filter Sock	lf	20	\$ 10.	\$ 200.
A 4	Traffic Control - Channelizer	ea	24	\$ 8.00	\$ 192.
A 5	Traffic Control - Shoulder Work Ahead Sign (W21-7) 36"x36" - 2 Total	sf	18	\$ 9.00	\$ 162.
A 6	Traffic Control - Protective Vehicle	ea	2	\$ 1.00	\$ 2.00
A 7	Traffic Control - Truck Mounted Attenuator (TMA)	ea	2	\$ 500.	\$ 1,000.
A 8	Traffic Control - Truck or Trailer Mounted Arrow Panel	ea	2	\$ 1.00	\$ 2.00
A 9	Traffic Control - Sidewalk Closed Ahead Sign (R9-S) 12"x24" - 3 Total	sf	6	\$ 8.00	\$ 48.00
A 10	Construction Staking	ls	1	\$ 2,700	\$ 2,700
A 11	Miscellaneous Utility Adjustments	ls	1	\$ 190.	\$ 190.
SCHEDULE A TOTAL					8,556.

SCHEDULE B - DEMOLITION BASE BID					
ITEM NO.	DESCRIPTION	UNIT TYPE	NO. UNITS	UNIT PRICE	EXTENDED PRICE
B 1	Pavement & Base Removal	sy	102	\$ 11.00	\$ 1,122.
B 2	Concrete Driveway Approach Removal	sy	8	\$ 30.00	\$ 240.
B 3	Sidewalk Removal	sy	211	\$ 10.00	\$ 2,110.
B 4	Miscellaneous Removals	ls	1	\$ 1,700	\$ 1,700
B 5	Undergrading	cy	20	\$ 45.00	\$ 900
SCHEDULE B TOTAL					6,072.

SCHEDULE C - NEW STREET AND SIDEWALK CONSTRUCTION BASE BID					
ITEM NO.	DESCRIPTION	UNIT TYPE	NO. UNITS	UNIT PRICE	EXTENDED PRICE
C 1	4" Concrete Turndown Sidewalk with and without Slop (including 4" Type 1 aggregate base)	sy	185	\$ 65.00	\$ 12,025.
C 2	6" Concrete Driveway Approach (including 4" Type 1 Aggregate Base)	sy	8	\$ 80.00	\$ 640.
C 3	Concrete ADA Curb Ramps - (including 6" thick concrete on 4" Type 1 aggregate base, and ADA detectable warning strips with grout complete in place)	sf	185	\$ 11.70	\$ 2,164.50
C 4	Sidewalk Underdrain	ea	1	\$ 700.	\$ 700.
C 5	Full Depth Pavement Repair (including excavation of unsuitable soil and pavement, compacted subgrade, 4" thick Type 1 aggregate base, 7" concrete base course and 2" asphalt surface course)	sy	101	\$ 60.00	\$ 6,060.
C 6	Aluminum Handrail	lf	120	\$ 55.00	\$ 6,600
SCHEDULE C TOTAL					28,306.50

SCHEDULE D - SIGNAGE AND STRIPING BASE BID					
ITEM NO.	DESCRIPTION	UNIT TYPE	NO. UNITS	UNIT PRICE	EXTENDED PRICE
D 1	Sign Relocation (temporary and permanent)	ea	3	\$ 120.	\$ 360.
D 2	24" Wide White (Stop Bar) Type 2 Preformed Marking Tape	lf	10	\$ 50.	\$ 500.
D 3	6" Wide White (Crosswalk Marking) Type 2 Preformed Marking Tape	lf	52	\$ 12.00	\$ 624.
SCHEDULE D TOTAL					1,484.

SCHEDULE E - NEW LANDSCAPE CONSTRUCTION BASE BID					
ITEM NO.	DESCRIPTION	UNIT TYPE	NO. UNITS	UNIT PRICE	EXTENDED PRICE
E 1	Seed & Mulch (miscellaneous areas)	sf	68	\$ 2.50	\$ 170.
SCHEDULE E TOTAL					170

TOTAL - SCHEDULE A - GENERAL					8,556
TOTAL - SCHEDULE B - DEMOLITION BASE BID					6,072
TOTAL - SCHEDULE C - NEW STREET AND SIDEWALK CONSTRUCTION BASE BID					28,306.50
TOTAL - SCHEDULE D - SIGNAGE AND STRIPING BASE BID					1,484.
TOTAL - SCHEDULE E - NEW LANDSCAPE CONSTRUCTION BASE BID					170
Total					44,588.50