

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE EXECUTION OF AMENDMENT 1 TO THE PHASE 2 CONTRACT PRICE AMENDMENT FOR THE WASTEWATER TREATMENT FACILITY EXPANSION PROJECT AND ISSUANCE OF A CORRESPONDING LIMITED NOTICE TO PROCEED

WHEREAS, the City of Republic, Missouri, (“City” and/or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and,

WHEREAS, pursuant to an Abatement Order on Consent (“Consent Order”) between the City and the Missouri Department of Natural Resources (“MDNR”), the City is required to bring its wastewater treatment system (“WWTS”) into compliance within a specific timeline set in the Consent Order; and

WHEREAS, the City is currently in the process of making the necessary improvements to the WWTS under the Consent Order, estimated to cost the City a total of approximately \$150 million; and

WHEREAS, on February 15, 2022, via Resolution 22-R-09, the Council authorized the City to engage Burns & McDonnell Engineering Co., Inc. (“Engineer”) to provide engineering design and construction services on five (5) separate Phase 1 projects as part of the various improvements to the WWTS; and

WHEREAS, in Resolution 22-R-09, the Council acknowledged the City’s intent to engage Engineer for five (5) additional projects to be known as “Phase 2”, for the construction of the designed improvements following completion of Phase 2; and

WHEREAS, on February 18, 2022, the City and Engineer entered into a ‘Progressive Design-Build Agreement for Water and Wastewater Projects - Wastewater Treatment Facility Expansion Project’ (“Master Agreement”) for the design and construction of the required improvements to the City’s WWTS; and

WHEREAS, the City and Engineer later executed a ‘Phase 2 Contract Price Amendment,’ as required under the Master Agreement, which governs the prices and specifications for the work in Phase 2; and

WHEREAS, the City has now received a contract guaranteed maximum price (“GMP”) for the WWTS improvements at \$94,944,300.00; and

WHEREAS, while the City has secured a portion of funding for the WWTS improvements, additional source funding is required in order to fully fund the WWTS improvements without additional financial burden on the taxpayers; and

WHEREAS, with authorization of Council, the City intends to apply for State Revolving Loan funds in order to obtain the funds needed for completion of the remaining work included in Phase 2; and

WHEREAS, the City’s application for SRF funds requires issuance of a limited notice to proceed up to, but not to exceed, \$25,800,000, which will secure the City’s ability to obtain the materials and contractor pricing included in the GMP; and

WHEREAS, the Phase 2 Contract Price Amendment must be amended to reflect the GMP and other corresponding terms related to the City’s issuance of the limited notice to proceed; and

WHEREAS, based upon presentation by City staff and review of all pertinent materials submitted, the Council believes it is in the City’s best interest to authorize execution of ‘Amendment 1’ to the Phase 2 Contract Price Amendment and authorize the City’s issuance of corresponding limited notice to proceed up to the not-

to-exceed amount of \$25,800,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

- Section 1.** The City Administrator, or his designee, on behalf of the City, is authorized to execute 'Amendment 1' to the Phase 2 Contract Price Amendment, to be in substantially the same form as that attached hereto as "Attachment 1", and provide or execute any other documents required to effect execution of said agreement.
- Section 2.** The City Administrator, or his designee, on behalf of the City, is authorized to issue a Limited Notice to Proceed, in an amount up to but not exceeding a total of \$25,800,000, in connection with the City's application for SRF funding to be used toward completion of Phase 2 of the wastewater treatment system improvements.
- Section 3.** The City Administrator, or his designee, on behalf of the City, is authorized to take all other necessary and reasonable steps to implement this Resolution.
- Section 4.** The whereas clauses are hereby specifically incorporated herein by reference.
- Section 5.** This Resolution shall become effective on and after the date of passage and approval as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2024.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: