

**BILL NO.: 4788**

**ORDINANCE NO.: \_\_\_\_\_**

**Introduced by: City Manager Irvin**

**AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SPENCER CONTRACTING FOR PAVING OF CERTAIN STREETS ACCORDING TO BID #902**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:**

**Section 1.** That the Mayor is hereby authorized to enter into and execute an agreement with Spencer Contracting to complete repairs and paving of Evans Lane and Hern Drive as stated in Bid #902

**Section 2.** The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2020

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2020

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ **day of** \_\_\_\_\_ **2020**

\_\_\_\_\_  
Babatunde Deinbo, Mayor

ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved as To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Mayor Deinbo	Aye ___	Nay ___	Absent ___	Abstain ___

# REPORT TO CITY COUNCIL



To: Honorable Mayor of Berkeley and City Council  
From: Debra M. Irvin, City Manager  
Date: July 15, 2020  
Subject: Approval of Bid #902 – Paving of Certain Asphalt Streets

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A bid opening was held on July 15, 2020 at 10:00 a.m. in the Berkeley Council Chambers for the Paving of Certain Asphalt Streets. There were three (3) companies that submitted sealed bids. The results are as follows:

1. **Byrne & Jones** - Totaling: \$86,553.85
  - Corner of Evans Lane - \$11,027.32
  - Repair and Paving Hern Drive - \$75,526.53
2. **Spencer Contracting Co** - Totaling: \$66,463.32
  - Corner of Evans Lane - \$6,171.66
  - Repair and Paving Hern Drive - \$60, 291.66
3. **XL Contracting** - Totaling: \$134,509.90
  - Corner of Evans Lane - \$9,974.00
  - Repair and Paving Hern Drive - \$124,535.50

## **RECOMMENDATION**

I am recommending **Spencer Contracting Co**; to make the repairs as stated in **Bid 902**, they are the lowest and most responsive bidder, per the bid opening. They have successfully worked in the city before on pervious paving and concrete work.

## **SUPPORTING DOCUMENTS**

Please find attached the Proposed Contract Agreement and the bid results from the July 15, 2020 at 10:00 a.m. Bid Opening.

## **IMPACT ON BUDGET**

Totaling: \$66,463.32

## **BUDGET ACCOUNT**

35-33-7109

## **RECOMMENDED CITY COUNCIL ACTION**

Approval of the paving Contract Agreement with *Spencer Contracting Co*

Respectfully submitted,

# PROJECT AGREEMENT

THIS AGREEMENT made this \_\_\_\_\_ day \_\_\_\_\_ 2020, by and between the City of Berkeley (a municipal corporation organized and existing under the laws of the State of Missouri), hereinafter called the "Owner" and \_\_\_\_\_ (a partnership, corporation or an LLC) hereinafter called the "Contractor" and the City of Berkeley, Missouri.

WITNESSETH, that the Contractor and the City of Berkeley, Missouri for the considerations stated herein agree as follows:

STATEMENT OF WORK: The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, and services and perform and complete all work required for the demolition and removal of a certain residential structures within the City of Berkeley, Missouri; and site restoration, traffic control measures and any and all required supplemental work for completion of the project in accordance with the Contract documents.

The Contractor must contact the City at least five (5) working days prior to start of project so that residents can be notified of project commencement date.

The Contractor shall receive direct pay from the Saint Louis County Community Development Office for the performance of the contract in current funds, for work performed at the prices stipulated on the attached bid for the work completed subject to any additions and deductions mutually agreed upon by both parties of this agreement.

CONTRACT: The executed Contract documents consist of the documents furnished to each bidder and the Contractor for this project.

IN WITNESS WHEREOF, the parties hereto have caused this **AGREEMENT** to be executed in **one (1) original and three (3) copies** on the day and year first above written.

Contractor: \_\_\_\_\_

City of Berkeley, Missouri

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Street: \_\_\_\_\_

Street: 8425 Airport Road

City: \_\_\_\_\_

City: Berkeley, MO 63134

Attest:

Attest:

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

BID #2

COPY

COMPANY INFORMATION FORM

MILL AND PAVE HERN DRIVE  
CITY OF BERKELEY, MISSOURI

Please print legibly, except where signature is required.

Date: July 15, 2020

Company Name: Spencer Contracting Co.

Company Address: 3073 Arnold Tenbrook Rd. Arnold, MO 63010

Phone Number: (314)843-5166

E-mail Address: tony@spencercontracting.com

Website: http://www.spencercontracting.com/

Authorized Officer: Anthony Spencer- President

Signature: *Anthony M. Spencer Pres.*

Title: President

Cell Phone Number: (314) 843-5166

# TOTAL BID PRICE FORM

## BID 902 - FOR CERTAIN STREET REPAIRS CITY OF BERKELEY, MISSOURI

Date: July 15, 2020

Deanna Jones, City Clerk  
City of Berkeley Missouri  
8425 Airport Road  
Berkeley, Missouri 63134

To Whom It May Concern:

1. The undersigned, having familiarized (himself) (themselves) (itself) with the existing conditions of the project affecting the cost of work, and with the Contract documents, hereby proposes to furnish all supervision, technical personnel, labor, materials, machinery, tools, appurtenances, equipment and services, including utility, transportation services (including all incidentals) required to perform the street repair in connection with the work within the City of Berkeley.
2. In submitting this bid, the bidder understands that the right is reserved by the City to reject any and all bids. Basis of award will be the total base bid of the lowest, responsible & the best qualified bidder. If written notice of acceptance of this bid is mailed or delivered to the undersigned within hundred & eighty (180) days after the opening thereof, or any time thereafter before the bid is withdrawn, the undersigned agrees to execute and deliver an agreement in the prescribed form and furnish the required bonds & insurance certificate within ten (10) days after the Agreement is presented to him for signature.
3. Security in the sum of 10%  
Dollars (\$ 6,646.33 ) in the form of BID BOND  
is submitted herewith in accordance with the INVITATION FOR BIDS.
4. The bidder is prepared to submit a financial and experience statement upon request.
5. The total bid price should include the costs for removal of the existing pavement, replacement of the pavement, forming of curbs, removal and replacement of driveway approaches, any other work associated with the project, and any permit cost from the City of Berkeley.
6. TOTAL BID PRICE: \$ 66,463.32 Dollars and thirty two Cents (\$ 66,463.32 )  
*Sixty six thousand four hundred sixty three*

# BID FORM

Project No: 902

The following proposals are hereby provided by: (Name of company) Spencer Contracting Co.  
hereinafter called "BIDDER")

To: Deanna Jones, City Clerk, City of Berkeley, 8425 Airport Road, Berkeley, MO. 63134

The BIDDER, in compliance with the invitation to bid for the City of Berkeley Project "CERTAIN STREET ASPHALT," having examined the plans, specifications and related documents and being familiar with all of the conditions surrounding the proposed project including the availability of materials and labor, hereby propose to furnish all equipment, tools, labor, materials, supplies, and whatever else is needed to complete the project in accordance with the plans and specifications, within the time set forth therein, and at the prices stated on the bid form located on the following page.

The total price shall include all equipment, labor, materials, supplies and whatever else is needed to complete the item.

In addition, additional spaces have been provided for items which the BIDDER determines need to be separated from the items listed. Regardless of whether or not separate items are listed, the BIDDER is still obligated to complete the entire project according to the plans, specifications and related documents, and will also meet or exceed the general industry standards in the construction industry for the work completed.

The BIDDER shall supply 4 (four) copies of the **Bid #902: MILL AND PAVE HERN DRIVE**

The BIDDER understands that the owner reserves the right to reject any or all bids, or any combination thereof, and to waive any informality in the bidding.

The BIDDER agrees that this bid shall be good and may not be withdrawn for a period of hundred and eighty (180) calendar days after the scheduled closing time for receiving bids. The bid will be awarded after receiving approval from City Council for this project. The work will be completed by no later than September 30, 2020.

SIGNATURE Anthony M. Spencer DATE July 15, 2020

ADDRESS 3073 Arnold Tenbrook Rd. CITY Arnold

STATE Missouri ZIP 63010

EMAIL tony@spencercontracting.com

OFFICE PHONE ( 314 ) 843-5166 CELL ( 314 ) 843-5166

ATTEST Jessica Vylstok

## Bid Proposal Form

Proposals have: (HEREIN AFTER CALLED "BIDDER")

TO: The City of Berkeley Missouri, 8425 Airport Road, Berkeley, MO 63134

The bidder, in compliance with your invitation for the: **Bid #902 "MILL AND PAVE HERN DRIVE"** Having examined the specifications with related documents and being familiar with all of the conditions surrounding the proposed project including the availability of materials and labor, hereby propose to furnish all equipment, labor, materials, and supplies, and to complete the project in accordance with the specifications, within the time set forth therein, and at the prices stated below:

N/W CORNER EVANS LANE					
ITEM NO.	DESCRIPTION	Quantity	UNIT	UNIT PRICE	TOTAL
1.	N/W CORNER OF Evans @ Hern two (2) sections- 33 x 17 Concrete Slabs	62.34	S.Y.	99.-	\$ 6171.66
<b>TOTAL - EVANS LANE</b>					\$ 6171.66

Contractor to strike-thru listed quantity and insert proper numbers for successful project.

HERN DRIVE - HALF SIDE OF STREET					
ITEM NO.	DESCRIPTION	Quantity	UNIT	UNIT PRICE	TOTAL
1.	1 1/2" Type C- Bituminous Asphalt Wearing Surface (Leveling Course)	250	S.Y.	9.-	\$ 2250.-
2.	2" Type "X" Bituminous Asphalt Wearing Surface (Overlay)	2925	S.Y.	9.-	\$ 26,325.-
3.	2" Milling of Existing Asphalt base Court	2925	S.Y.	3.60	\$ 10,530.-
4.	Petro-Mat (placed in accordance with manufacturing's specifications, including the required tack coat)	<del>3073</del> 2925	S.Y.	2.90	\$ 8,482.50
5.	Install asphalt curb	1172 <del>2345</del>	L.F.	7.-	\$ 8,211.-
6.	Driveway Approach -1	37.34	S.Y.	14.-	\$ 522.76
7.	Driveway Approach -1	168	S.Y.	14.-	\$ 2352.-
8.	Driveway Approach -1	115.60	S.Y.	14.-	\$ 1618.40
<b>TOTAL - HERN DRIVE</b>					\$ 60,291.66

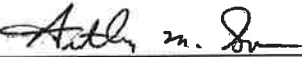
<b>TOTAL PROJECT COSTS- Evans and Hern Drive</b>	\$ 66,463.32
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The above unit prices shall include all labor, materials, incidentals etc. The above quantities could be increased or decreased, and the contractor will be paid on actual quantities.

The bidder shall supply 4 (four) copies of the Bid # 902 "MILL AND PAVE HERN DRIVE" for our review and decision.

Bidder understands that the owner reserves the right to reject any or all bids, or any combination thereof, and to waive any informality in the bidding.

The bidder agrees that this bid shall be good and may not be withdrawn for a period of hundred and eighty (180) calendar days after the scheduled closing time for receiving bids.

  
\_\_\_\_\_  
(Signature) Printed Name Anthony Spencer

Spencer Contracting Co.  
\_\_\_\_\_  
Company Name

3073 Arnold Tenbrook Rd. Arnold, MO 63010  
\_\_\_\_\_  
Address

tony@spencercontracting.com  
\_\_\_\_\_  
Email

Arnold, MO 63010  
\_\_\_\_\_  
City, State and Zip Code

President  
\_\_\_\_\_  
Title

(314)843-5166  
\_\_\_\_\_  
Telephone #

(314)843-6106  
\_\_\_\_\_  
Fax #

http://www.spencercontracting.com/  
\_\_\_\_\_  
Company's Website

July 15, 2020  
\_\_\_\_\_  
Date





3073 Arnold Tenbrook Road  
Arnold, MO 63010  
Phone 314-843-5166  
Fax 314-843-6106

### **AFFIRMATIVE ACTION POLICY**

It is the policy of Spencer Contracting Company not to discriminate against any employee or any applicant for employment because of age, race, religion, color, sex, national origin, disability or veteran status.

This policy shall include, but not be limited to the following:

- Hiring, placement, upgrading, transfer, demotion or promotion
- Recruitment, advertising or solicitation for employment
- Treatment during employment
- Rates of pay or other forms of compensation
- Selection for training, including apprenticeship and on the job training
- Layoff or termination

It is the policy of this company to achieve and maintain full compliance with all applicable statutes, regulations and executive orders on equal opportunity and affirmative action.

The Equal Opportunity Officer for Spencer Contracting Company is:

Pat Buttner  
3073 Arnold Tenbrook Road  
Arnold, MO 63010  
Cell: 314-302-4152

All personnel who are responsible for hiring and promoting employees and for the development and implementation of programs or activities are directed to support this program. They shall provide leadership in implementing affirmative action goals and initiatives.

Spencer Contracting Company employs the following trades people:

**Carpenters Laborers Operators Cement Masons**

Timothy J. Spencer  
Vice President