

RESOLUTION NO. 644

**A RESOLUTION APPROVING A CONTRACT WITH MISSOURI PETROLEUM AND
AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE SAME
ON BEHALF OF THE CITY OF SUNSET HILLS.**

WHEREAS, the City has determined that it is necessary to contract with Missouri Petroleum to provide asphalt maintenance services; and

WHEREAS, following review by City staff, the City wishes to enter into an agreement with Missouri Petroleum for asphalt maintenance services; and

WHEREAS, the Board of Aldermen of the City of Sunset Hills, Missouri has determined it is in the best interest of the City to enter into a Contract Agreement (the "Agreement") with Missouri Petroleum for asphalt maintenance services in substantially the form attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, MISSOURI, AS FOLLOWS:

Section 1: The Board of Aldermen of the City of Sunset Hills, Missouri, hereby approves the Contract Agreement in the amount of \$75,642.77 with Missouri Petroleum in substantially the form attached hereto as Exhibit A. The terms of the Agreement shall be substantially similar to, and no less favorable to the City, than the terms reflected within the attached Exhibit A.

Section 2: The City shall and the Mayor, City Administrator and other appropriate officers, agents and employees of the City are hereby authorized to execute the Agreement, in substantially the form as Exhibit A incorporated herein by reference, and to take such further actions and execute and deliver such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3: The Board of Aldermen hereby further authorizes, only in the case of unforeseen circumstances requiring a change order, an additional expenditure of funds as follows a 10% contingency allowance, up to \$15,000, remaining in compliance with the City's purchasing policy:

Account #10-5020-9208 in the amount of \$75,642.77

Section 4: This Contract is subject to the requirements of Section 292.675 RSMo. and the OSHA requirements and obligations, including, but not limited to, completion of the 10-hour Outreach Training Program and, Contractor shall be subject to the penalties in Subsection 292.675.4 RSMo which are hereby incorporated herein by reference and made a part of this resolution for all purposes.

Section 5: Payment to Contractor is subject to compliance with (1) Contractor's execution of such acknowledgements as the City may require regarding compliance with all OSHA training and safety requirements, including, but not limited to, completion of the 10-hour Outreach Training

Program and shall be subject to penalties for failure to comply in accordance with Section 292.675 RSMo.; (2) Contractor's execution of an affidavit confirming its compliance with Section 285.530 of the Revised Statutes of Missouri in regard to not knowingly employing any person who is an unauthorized alien, (3) Contractor's compliance with Section 107.170 of the Revised Statutes of Missouri pertaining to the Payment Bond requirement on any project with estimated costs in excess of Fifty Thousand Dollars (\$50,000.00), as applicable, (4) Contractor's compliance with Section 290.210 of the Revised Statutes of Missouri in regard to the Missouri Prevailing Wage Law, as applicable, (5) Contractor's compliance with Section 34.353 of the Revised Statutes of the State of Missouri as it pertains to using products manufactured or produced in the United States, (6), Contractor's compliance with Section 285.232 of the Revised Statutes of the State of Missouri in regard to requiring a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument, if appropriate, and (7) Contractor's compliance with Section 208.009 of the Revised Statutes of Missouri as it pertains to the proof of lawful presence.

Section 6: The portions of this Resolution shall be severable. In the event that any portion of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution shall be deemed valid, unless the court finds the valid portions of this Resolution are so essential and inseparably connected with and dependent upon the void portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED by the Board of Aldermen this 13th day of September 2022.

Mayor

ATTEST:

City Clerk/City Administrator