



## Board of Aldermen Request for Action

**MEETING DATE:** 8/5/2025

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 1495, awarding Bid No. 25-11 to Foster Trenching and Contracting Inc. for the Church Street and Mill Street watermain Project.

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### **REQUESTED BOARD ACTION**

A motion to approve Resolution 1495, awarding Bid No. 25-11 to Foster Trenching and Contracting Inc. for the Church Street and Mill Street watermain project in the amount of \$133,938, with an additional \$10,000 force account, for a total project cost not to exceed \$143,938.

### **SUMMARY**

The Church Street and Mill Street Watermain project includes replacing an old cast iron watermain along Church Street from Bridge Street west to Mill Street, and on Mill Street from Church Street south to Main Street. Additionally, the sewer service line outside City Hall will be replaced.

The City opened bids for the Church Street and Mill Street Watermain project on April 22, 2025. The lowest bidder was Legacy Underground Construction with a bid of \$106,656, and the Board awarded the contract on May 6, 2025 by Resolution 1326.

On July 3, Legacy Underground Construction notified the City that they would not be able to complete the project due to a lack of staffing and resources. They have not signed the contract and have officially withdrawn. The next two lowest bidders were contacted but confirmed they were no longer able to perform the work and the original bids expired after 60 days.

As a result, the City had to rebid the project. A total of two bids were received.

The lowest bidder was Foster Trenching and Contracting Inc at \$133,938. Everett Foster with Foster Trenching and Contracting Inc. has completed utility infrastructure work for the Greyhawke subdivision. They have also performed work for the City in the past and have successfully completed those projects. Based on their experience and past performance, staff recommends awarding Bid #25-11 to Foster Trenching and Contracting Inc.

The City opened bids on July 29, 2025. We received two bids:

<b>Contractor</b>	<b>Bid</b>
Tunks Construction	\$198,672
Foster Trenching and Contracting Inc	\$133,938

**PREVIOUS ACTION**

May 6, 2025 – Resolution 1326 awarded Bid No. 25-11 to Legacy Underground Construction (later withdrew)

**POLICY ISSUE**

Infrastructure Maintenance

**FINANCIAL CONSIDERATIONS**

On May 6, 2025, the Board approved Bill No. 3061-25 (Budget Amendment #8), increasing the CWWS Fund expenditure by \$102,156 and the General Fund by \$4,500.

A budget amendment of \$4,500 to the General Fund is requested to cover the increased cost of the City Hall sewer line replacement.

A budget amendment to the CWWS Fund is requested to cover the additional cost of the waterline replacement portion of the project, in the amount of \$22,782.

A force account of \$10,000 is also requested for any unforeseen conditions and issues that are encountered during construction for a total project cost not to exceed \$143,938.

**ATTACHMENTS:**

☐ Ordinance

☒ Resolution

☐ Staff Report

☒ Other: Letter from Legacy

☐ Contract

☐ Plans

☐ Minutes

## **RESOLUTION 1495**

### **A RESOLUTION AWARDING BID NO. 25-11 TO FOSTER TRENCHING AND CONTRACTING INC. FOR THE CHURCH STREET AND MILL STREET WATERMAIN PROJECT IN THE AMOUNT OF \$133,938 WITH AN ADDITIONAL \$10,000 FORCE ACCOUNT, FOR A TOTAL PROJECT COST NOT TO EXCEED \$143,938**

**WHEREAS**, the City opened bids on April 22, 2025, for Bid No. 25-11, Church Street and Mill Street Watermain Project, and originally awarded the contract to Legacy Underground Construction; and

**WHEREAS**, on July 3, 2025, Legacy Underground Construction notified the City that it would not be able to complete the project due to a lack of manpower and officially withdrew before signing the contract; and

**WHEREAS**, the next lowest bidders were contacted but could not perform the work, and the bids expired after 60 days, requiring the City to re-advertise and open new bids; and

**WHEREAS**, new bids were opened on July 29, 2025, and staff has reviewed the bids per the City's Purchasing Policy and recommends awarding Bid No. 25-11 to Foster Trenching and Contracting Inc, in the amount of \$133,938.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI:**

**THAT** Bid No. 25-11 is hereby awarded to Foster Trenching and Contracting Inc in the amount not to exceed \$133,938 for the Church Street and Mill Street Watermain Project with a force account of \$10,000 for a total project cost of \$143,938.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, this 5<sup>th</sup> day of August, 2025.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



July 8<sup>th</sup>, 2025

Re: RFP #25-11

Church and Mill Water Main Extension & City Hall Sewer Service

Attn: Chuck Soules

Legacy Underground construction was the low bidder and contractor chosen to perform the above-mentioned project. Please let this letter be a formal request to forfeit this contract.

There were two decisions that led to this decision. Once being that Legacy has a project going on that has a significant time constraint, which we are going to need all the manpower we have. The second is that we do not want to fail on this project, due to lack of manpower. We take great pride in producing a quality product for our customers.

Please take this request into consideration, we value the City of Smithville and hope to have opportunities in the future.

Thank You,

*David Scaggs*  
President