

Open Citizen Comment Procedure

- 1) Public Hearings – Any citizen is allowed to ask questions and/or make comments during any public hearing scheduled for a particular issue.
- 2) “Citizen Communication” – Public comment can be provided on any item on the agenda or on issues affecting the City not on the agenda. Public comments should generally be limited to 3-5 minutes. Citizens are encouraged (but not required) to contact City Administration one week prior to the meeting, preferably in writing, to be placed on the agenda. Doing so provides Council an opportunity to give consideration to the issue/comment.

Rolla City Council Meeting
Tuesday, January 20, 2015
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilwoman Sue Eudaly

I. PUBLIC HEARINGS

None.

II. SPECIAL PRESENTATIONS

- A) Third Quarter 2014 Tourism Report (Ms. Stevie Kearse, Executive Director,
Rolla Area Chamber of Commerce)

III. OLD BUSINESS

None.

IV. NEW BUSINESS

- A) New Police Chief Profile/Advertisement – (City Administrator John Butz) – **Information Only**
B) **Motion** Approving Animal Shelter Development/Fund Raising Committee –
(City Administrator John Butz) - **Motion**

V. CLAIMS and/or FISCAL TRANSACTIONS

- A) **Motion** Approving the Surplus Sold Assets Through GovDeals –
(City Administrator John Butz) - **Motion**
B) **Motion** Awarding Bid for Two Dump Trucks – (Public Works Director Steve Hargis) - **Motion**

VI. MAYOR/CITY COUNCIL COMMENTS

VII. CITIZEN COMMUNICATION

- A) Open Citizen Communication

VIII. COMMENTS FOR THE GOOD OF THE ORDER

IX. CLOSED SESSION

Pursuant to Section 610.021 RSMo. the City Council will discuss the following issues in Closed Session:

- A) Real Estate
- B) Personnel

X. ADJOURNMENT

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz, City Administrator ACTION REQUESTED: Information Only

ITEM/SUBJECT: New Police Chief Profile/Advertisement

BUDGET APPROPRIATION: \$500

DATE: January 20, 2015

COMMENTARY:

The Police Chief Search Committee held their initial meeting to review the formal selection process on December 11th. It was decided at that time to survey RPD employees and City officials on the desired traits and values of our new chief. A total of 40 surveys were submitted and they have been compiled in the attached forms.

Not surprising, key characteristics and traits for the next chief were integrity, leadership, advocate, personable, strong communicator, and emotional stability. Those traits/skills were then incorporated into the Position Profile, which is used to help advertise the opening. Once finalized we anticipate advertising the position for 6-8 weeks (until filled) in several websites and various organizations including MML, MO Police Chiefs Association, MO National Academy, etc.

No action needed.

ITEM NO. IV.A.1.



Police Chief Search

The Rolla Community

Rolla, Missouri (population 19,651) was established in 1861 and is the county seat of Phelps County (Pop 44,000) in south central Missouri. Rolla is located on Highway 44 and State Highway 63 and conveniently situated 100 miles from St. Louis, Springfield and Columbia, Missouri.

Rolla is home to the Missouri University of Science & Technology (S&T) and the Phelps County Regional Medical Center (PCRMC.)

Fort Leonard Wood, a Maneuver Support Center of Excellence for the United States Army is 25 miles to the west in adjoining Pulaski County. Rolla boasts a vibrant regional business community, quality public and private schools, well-respected public safety services and a quality parks system.

City Government

The City of Rolla is a Third Class City governed by a mayor and twelve council members (among six wards). Mayor Louis J. Magdits, IV was elected in April 2014 following 20+ years on City Council.

City Council members serve two year staggered terms and have a reputation for stability and cooperation. The Mayor and Council hire a City Administrator whose duty it is to oversee the daily operations of a \$28 million budget employing nearly 200 full-time employees.

All department directors including the Chief of Police report directly to the City Administrator.

City of Rolla Police Department



Rolla Police Department Responsibilities

The Rolla Police Department is made up of 35 certified law enforcement officers responsible for crime prevention, criminal investigations, Animal Control, traffic/parking enforcement, Volunteers in Police Service (V.I.P.S.), Merchant Warning System, Neighborhood Watch, the Special Weapons and Tactics (S.W.A.T.) team, the Narcotics Division, a Housing Officer, the Explorer Post, and four civilian support staff.

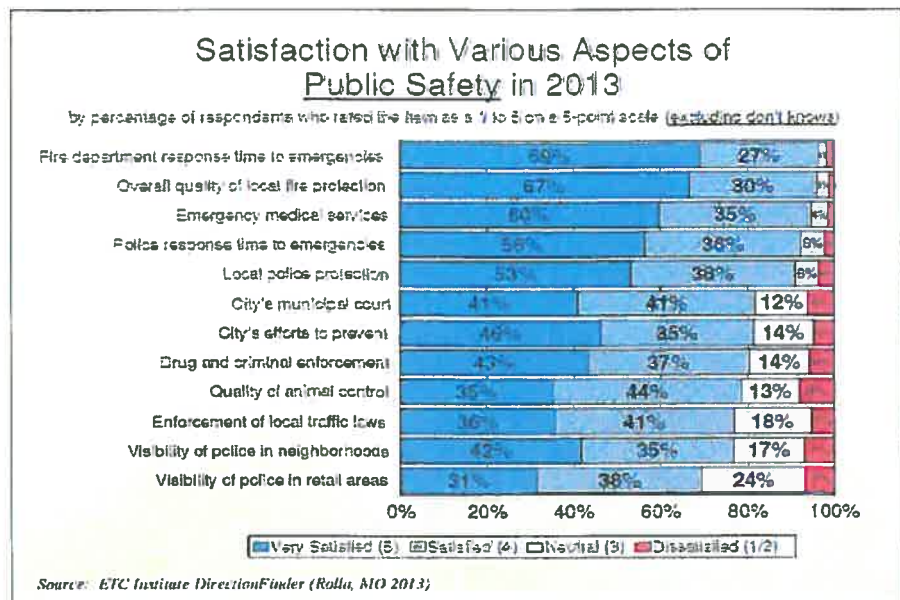
The Department also serves as the public safety answering point for a countywide Enhanced 911 System. Sixteen telecommunicators provide service and protection for all of Phelps County. The Department is highly respected for its dedication and service.

TJ. A. 2

Minimum Qualifications for Police Chief

- Extensive knowledge of law enforcement practices and procedures; 5 years progressive supervisory/management experience.
- Certified by the Peace Officer Standards and Training Commission (POST) of the State of Missouri for law enforcement personnel working in a rural county or have the ability to obtain such certification prior to commencement of employment.
- Posses a valid driver’s license and have a good driving record.
- Be able to undergo and pass a medical examination, drug screening and background investigation.

The Rolla Police Department is made up of 35 certified law enforcement officers responsible for crime prevention.



Police Chief Responsibilities

- The daily operations of law enforcement and emergency communications
- The development of a vision for the Rolla Police Department within the context of the needs of the community; always looking for opportunities to benefit the community and to resolve challenges facing the department
- The development of department policies, guidelines, rules and regulations and their fair and impartial application to all members of the department and the community
- The creation and maintenance of good working relationships with area law enforcement agencies, emergency medical providers, Missouri S&T and other educational systems, and PCRMC
- The creation and maintenance of effective communication with elected officials, the city management team and within the department.

IV.A.3.

The Ideal Candidate for Police Chief

- Be a strong manager and a leader who is a highly ethical individual with unquestioned integrity and one who possess the ability to cultivate and build trust within the department, city government and the community.
- Understand, recognize and respect the management and governance of city government and how the Rolla Police Department fits into overall city functions and the larger management team.
- Possess a management style that is collaborative in nature but someone who also expects to be held accountable for the actions of subordinate personnel and the performance of the department.
- Be sensitive to the needs of the community, city government and employees of the department.
- Have the ability to evaluate resources that are available, understand that resources are not unlimited, and decide how to best utilize those resources in a cost-effective manner.
- Be committed to the concept that the citizens are customers and that the public is to be treated with respect at all times. The ideal candidate needs to believe in and truly practice the concept of community oriented policing.
- Have a working knowledge of general management skills including basic accounting principles, budget development and management; knowledge of personnel practices including FLSA; have a working understanding of the Missouri Sunshine Law and records management.

The ideal candidate for the position will be a strong manager and a leader who is a highly ethical individual.



Police Chief Salary

The City of Rolla is offering a competitive salary commensurate with experience, along with a comprehensive benefit package (health, dental and retirement).

(Salary range \$57,000 - \$75,000)

How to Apply

Interested applicants should forward a cover letter and resume to:

City of Rolla
 City Administrator John Butz
 Rolla City Hall
 P.O. Box 979
 Rolla, MO 65401

admin@rollacity.org

For more about us, please visit our webpage at:

www.rollacity.org

T.V. A. P.

Questionnaire - City of Rolla Police Chief Search

Qualifications and Expectations for Police Chief

Mandatory	Desirable	Unnecessary	
7	(14)	6	Bachelor of Science in Field Related to Public Safety
3	(11)	(11)	FBI Academy Graduate or Similar Police Program
3	(15)	10	Emergency Management Certification
(22)	4	0	POST Certified in Missouri
11	(15)	0	Prior Command Experience in Public Safety
7	(14)	4	Prior Experience as Police Chief of 2nd in Command
9	(16)	1	Prior Experience Developing Department Budgets
2	(21)	3	Prior Experience in Human Resource Management
2	(21)	2	Prior Experience in Purchasing
7	(17)	2	Prior Experience in Pro-active Community Policing

Characteristics, Skills, and Traits for a New Police Chief

(Ranked from 1-5 with 1 being the highest)

	1	2	3	4	5
Strong Leader	(9)	8	0	0	3
Advocate for Depa	(6)	3	1	4	6
Vision and Initiative	4	1	2	2	6
Emotional Stability	(6)	1	2	1	3
Integrity, Honesty, Ethical	(15)	2	2	1	3
Firm but Fair in Decision Making	(5)	2	4	4	6
Responds to Authority	3	2	3	0	1
Informed, Unbiased Judgment	4	2	1	1	2
Knowledge of Best Practices	5	0	3	2	1
Knowledge of EMS Protocols	1	1	4	1	1
Communication Skills (Oral)	1	3	1	5	4
Personable to Interact with Others	(6)	3	1	3	4
Conscientious Work Habits	3	3	2	2	2
Human Resource Skills	3	2	1	2	1
Budgeting and Purchasing Skills	3	2	4	4	1

Evaluation of Department Performance

	Excellent	Good	Average	Fair	Poor	No Opinion
Police Service	(12)	11	1	1	0	0
Preventative Patrol	6	6	(9)	2	0	2
Traffic Enforcement	7	(6)	7	4	1	1
Criminal Investigations	(13)	12	1	0	0	1
Neighborhood Watch/VIPS	(14)	10	2	1	0	0
S.W.A.T.	8	(11)	5	0	0	2
Parking Enforcement	(13)	6	6	1	0	0
Juvenile Investigation	3	6	(10)	1	0	6
Crime Prevention Efforts	7	(5)	7	6	0	1
Police Equipment	5	(11)	7	2	0	1
Officer Training	7	(12)	3	1	0	2
Animal Control Services	7	(15)	2	1	0	1
Community Policing	4	8	(10)	0	0	2
Other						
Public Perception	8	(14)	2	2	1	0
Public Relations	9	(12)	2	2	0	0
Mutual Aid Relations	(12)	9	1	1	0	2

Questionnaire - City of Rolla Police Chief Search

Qualifications and Expectations for Police Chief

Mandatory	Desirable	Unnecessary	
6	3	4	Bachelor of Science in Field Related to Public Safety
4	3	6	FBI Academy Graduate or Similar Police Program
1	6	6	Emergency Management Certification
9	4	0	POST Certified in Missouri
9	4	0	Prior Command Experience in Public Safety
5	3	3	Prior Experience as Police Chief of 2nd in Command
5	7	1	Prior Experience Developing Department Budgets
2	9	2	Prior Experience in Human Resource Management
2	10	1	Prior Experience in Purchasing
3	8	2	Prior Experience in Pro-active Community Policing

Characteristics, Skills, and Traits for a new Police Chief

(Ranked from 1-5 with 1 being the highest)

Strong Leader	10
Advocate for Depart	8
Vision and Initiative	4
Emotional Stability	5
Integrity, Honesty, Ethical	12
Firm but Fair in Decision Making	9
Responds to Authority	1
Informed, Unbiased Judgment	5
Knowledge of Best Practices	4
Knowledge of EMS Protocols	0
Communication Skills (Oral)	8
Personable to Interact with Others	7
Conscientious Work Habits	2
Human Resource Skills	0
Budgeting and Purchasing Skills	3

Evaluation of Department Performance

	Excellent	Good	Average	Fair	Poor	No Opinion
Police Service	5	8	0	2	0	0
Preventative Patrol	1	8	4	1	0	0
Traffic Enforcement	1	8	3	0	0	0
Criminal Investigations	6	5	3	0	0	1
Neighborhood Watch/VIPS	7	4	1	0	0	0
S.W.A.T.	5	3	1	1	0	2
Parking Enforcement	3	5	2	0	0	2
Juvenile Investigation	0	5	2	2	0	2
Crime Prevention Efforts	0	5	2	2	0	2
Police Equipment	2	5	3	0	1	1
Officer Training	0	8	2	0	0	1
Animal Control Services	1	8	2	0	0	1
Community Policing	2	7	2	0	0	0
Other						
Public Perception	0	10	2	0	0	0
Public Relations	0	11	1	0	0	0
Mutual Aid Relations	5	4	0	0	0	3

IV. A.6.

{Draft}

Police Chief

The City of Rolla, MO (pop 19,656) is looking for an individual with a high level of professional ethics, integrity, proven leadership skills and outstanding communication skills to serve as its new Police Chief. The Chief will be responsible for planning, organizing, directing, and coordinating the activities of a 35-member police department as well as overseeing the Animal Control Division and the Communication Division (County-wide dispatching services).

Qualified applicants should possess at least five years of progressive supervisory experience with extensive knowledge of police principles and budgeting. A Bachelor's Degree or FBI National Academy experience is strongly preferred. Salary range of \$57,000 – 75,000 plus excellent benefits. The City of Rolla is an Equal Opportunity Employer and reserves the right to reject any and all applications. All submissions will be held in confidence.

For further questions regarding this position, please contact John D. Butz, Rolla City Administrator, (573)426-6948. Position open until filled. A cover letter and resume with references must be submitted to:

Rolla City Hall
Attn: Job Opening Police Chief
901 N. Elm St.
PO Box 979
Rolla, MO 65401
Email: admin@rollacity.org

Position profile available at www.rollacity.org

(**Post Date:** 1/16/2015 12:00:00 PM)

IV.A.7.

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz, City Administrator ACTION REQUESTED: Motion

ITEM/SUBJECT: Animal Shelter Development/Fund Raising Committee

BUDGET APPROPRIATION: \$ N/A DATE: January 20, 2015

COMMENTARY:

The projected cost of a new animal shelter, based on the 5,600 SF preliminary design by Shelter Planners of America, is \$2 million. With a substantial donation from Mr. Bob Eck, the community will still need \$1.6 – 1.8 million to proceed. City funds being what they are indicate the City can continue to fund Animal Control approximately \$175,000/year for operating costs but can provide little to no funding for construction. Consequently a grass roots effort at raising the required funds is needed.

Council recently approved a 3 committee approach to a successful conclusion but the Development/Fund Raising Committee is key. The following names/volunteers are submitted to develop a fund-raising strategy and then to implement same:

- | | |
|------------------|-----------------|
| Chairman | Wayne Parry |
| City Council Rep | Sue Eudaly |
| City Rep | John Butz |
| County Rep | Larry Stratman |
| PCHS Rep | Shannon Coatney |
| PCAWL Rep | Shelby O'Keefe |
| Media Rep | Lee Buhr |
| Community Rep | Judy Cavender |

The effort will require other volunteers for implementation but volunteers/subject matter experts will be added as the fund-raising effort progresses.

ITEM NO. IV.B.1.

Rolla Animal Shelter Strategy

November 2014

Mission:

The City of Rolla operates the primary animal shelter for the Rolla/Phelps County area and has done so since the 1970's out of an effective but inferior shelter facility. The facility is inspected annually from the MO Dept. of Agriculture and despite positive reviews on City staffing and maintenance efforts the list of building and operational deficiencies is substantial. In addition the current facility is located in the middle of an 8 acre tract owned by the City located southeast of Hwy 63 and I-44 off Sharp Rd. The City has had the property listed for sale through Investment Realty since 2007. Relocation and reconstruction of a modern, compliant animal care facility is greatly needed.

Challenge:

While the need is well demonstrated in the Shelter Needs Assessment and Feasibility Study prepared by Shelter Planners of America (Sept 2014) the timing could not be worse with respect to City resources. With a capital cost estimate of \$2 million and projected annual operating costs approaching \$300,000 the City has no funding capacity (capital or operating) to support a new, expanded animal care program. The City's current operation costs approximately \$170,000 per year to operate and the City can commit that to a new facility. In lieu of traditional local tax support the challenges (options) for additional funding would need to come from substantial charitable contributions, increased user fees/services, and regional cooperation from other taxing entities. The City does not have experience in doing capital fund-raising campaigns so an entire grass roots strategy would be required to move forward. Through the generous donation of the late Mr. Bob Eck the City has received the first, significant contribution to "Animal Care" in the amount of \$440,000 which has been deposited in a special reserve account.

IV. B. 2.

Organizational Planning Structure & Responsibilities:

Capital Campaign Committee:

Goal: Responsible for coordinating a capital fund-raising campaign of raising \$1.6 – 2 million for the construction of a new animal shelter and seed funding for perpetual care.

Expected Timeline: January 2015 – December 2016

Deliverables:

- 1) Recommend formation of charitable giving foundation
- 2) Develop fund-raising strategy and plan
- 3) Identify and solicit major potential donors
- 4) Initiate and coordinate public campaign
- 5) Develop planned giving program for perpetual care

Project Development Committee:

Goal: Responsible for working with consultants/architects on the project scope, site development and construction once the project is funded.

Expected Timeline: Initiate preliminary design when fund-raising achieves 60% of goal. Initiate final design when fund-raising achieves 80% of goal. General review of construction (10 – 12 months).

Operational Committee:

Goal: Responsible for budgeting operational support for a new animal care shelter and for identifying funding for sustained support beyond the City's available investment of \$170,000 per year. Development of a strong volunteer program will be instrumental in the long-term success and viability.

Expected Timeline: Initiate financial pro forma and draft operating budget when final design is completed. Review operational policies and guidelines during construction.

Capital Campaign

Chairman –

City Rep – John Butz

Council Rep -

PCHS Rep –

PCAWL Rep -

Public Agency – County?

Comm Rep –

Comm Rep –

Campaign Adv – Judy Cavender?

Media Rep

Project Development

Chairman

City Rep – Steve Hargis

Council Rep -

PCHS Rep

PCAWL Rep

Public Agency –

Comm Rep –

Construction Rep -

Operational Committee

Chairman – John Redshaw?

City Rep – RPD

Council Rep -

PCHS Rep

PCAWL Rep –

Public Agency – County?

Comm Rep –

Veterinarian Rep –

IV. B. 4.

Name of Board to Serve – Animal Shelter Development/Fund-Raising Committee

Citizens Name: Shannon Coatney Address: Rolla

Email: shannonmarie82@bmail.com

Status: (New Appointment – Re-Appointment) New Appointment (x)

INFORMATION

Shannon considers herself a native of Rolla having attended Rolla schools Kindergarten through high school graduation in 2000. Following high school, she studied journalism at Missouri State University and remained in southwest Missouri working for various news publications including the Joplin Globe and the Neosho Daily News before returning to the Rolla area in 2010. Upon her return she took employment as a reporter at the Rolla Daily News where she was happily able to quickly become involved in her hometown community once again. Currently, Shannon is the Communications and Marketing Coordinator at Meramec Regional Planning Commission, which includes close work with the Meramec Regional Community Foundation and Community Foundation of the Ozarks. She also serves as president of the Phelps County Humane Society and is the proud owner of two dogs and a cat, each of which are named after one-hit-wonders of the 90s.

IV.B.5.

Name of Board to Serve – Animal Shelter Development/Fund-Raising Committee

Citizens Name: Shelby O’Keefe Address: 607 North Cedar Street, Rolla

Phone # 217-454-1536

Status: (New Appointment – Re-Appointment) (PCAWL representative) New Appointment (x)

INFORMATION

I have lived in the Rolla area since March 2014; however my in-laws are from Rolla and I am familiar with the area through them. I went to the University of Missouri-Columbia for my undergraduate degree in Graphic Design and currently I am enrolled in an online Masters program through the University of Illinois-Springfield. I am working towards a Masters in Public Administration with a certificate in Nonprofit Management. The last few years my husband and I lived in Virginia and I actively volunteered for two local animal shelters in the area and this is what sparked my interest to return to school to pursue nonprofit work.

IV. B.6.

12/2/14

Dear John Butz..

I would like to submit my name the proposed animal shelter committee..

I have worked at ktrr radio for the last 11 years and have been in radio for over 30 years ...I have lived in Rolla since June of 1984...I have adopted at least four dogs from the shelter during that time, and they have been terrific..Giving back to my community is very important to me and my love of Rolla and hounds , cats and other creatures that need our help is my passion

Thank you for considering me for this position ...If more info is needed please let me know...

Sincerely



Lee Buhr

Sold Asset Report

Rolla, MO

Date range: 07/01/2014 - 12/31/2014

ID	Description	Buyer	Sold Amount	Net Results	Auction Ended	Make
145	Xerox 3030 Copier	Greg Mrozowicz	\$13.00	\$8.00	07/02/2014 19:13	Xerox
147	2000 Chevrolet C7H064 - Dump Truck	Larry Clark	\$5,540.00	\$5,124.50	08/20/2014 19:13	Chevrolet
148	Lifefitness Ab Crunch Machine	James Dugger	\$406.00	\$375.55	09/10/2014 19:13	Lifefitness
149	Lifefitness Back Extension Machine	James Dugger	\$315.01	\$291.38	09/10/2014 19:28	Lifefitness
150	Lifefitness Glute Machine	James Dugger	\$31.00	\$26.00	09/10/2014 19:43	Lifefitness
151	Lifefitness Rear Deltoid / Pectoral Fly Machine	James Dugger	\$430.00	\$397.75	09/10/2014 19:58	Lifefitness
152	Sci Fit RST7000 workout machine	Richard Boyd	\$455.00	\$420.88	09/10/2014 20:13	Sci Fit
153	Life Fitness Cable Crossover SM-21	Gareno Mackey	\$347.00	\$320.98	10/30/2014 19:13	Life Fitness
155	1998 Chevrolet C/K 3500 Reg. Cab 4WD	Joe Mattox	\$2,255.00	\$2,085.88	12/29/2014 19:13	Chevrolet
156	Target Walk behind saw	William Hiers	\$352.00	\$325.60	12/22/2014 18:03	Target
157	3 chain saws	Larry Caudill	\$152.00	\$140.60	12/22/2014 18:07	Various
158	Honda Water Pump	michael wagner	\$153.00	\$141.53	12/22/2014 18:09	Honda
159	Truck bed tool boxes (2)	Robert Holt	\$50.00	\$45.00	12/22/2014 18:13	Various
161	Chevy truck rear bumper	Tom Obermoeller	\$79.00	\$73.08	12/22/2014 18:15	Chevy
162	Wacker Packer	michael wagner	\$326.00	\$301.55	12/22/2014 18:17	
164	Fence posts & Barbed wire	Victor Richards	\$349.01	\$322.83	12/22/2014 18:22	
165	Fuel tank - vehicle mounted	Larry Caudill	\$22.00	\$17.00	12/22/2014 18:23	
166	Tailgate & bumpers	Larry Caudill	\$90.00	\$83.25	12/22/2014 18:25	
167	Asphalt Roller	felipe llano	\$3,205.00	\$2,964.63	12/22/2014 18:28	Wacker
169	Chevy Truck Bed - 2004	Russell Adams	\$401.00	\$370.93	12/22/2014 18:30	Chevy
170	Flat bed for pickup truck	Gary Page	\$361.00	\$333.93	12/22/2014 18:32	
171	Sweepster Broom for Bobcat	larry jones	\$652.00	\$603.10	12/22/2014 18:35	Sweepster
			\$15,984.02	\$14,773.95		

V.A.2.

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Bid Award

ITEM/SUBJECT: Dump Trucks

BUDGET APPROPRIATION (IF APPLICABLE) \$196,600 DATE: 1/20/15

COMMENTARY:

Attached is information regarding State Bids for a 2016 Dump Truck.

We are requesting to participate in the cooperative purchase of two dump trucks using the MoDOT bid for dump trucks. We will surplus the existing dump truck through Gov Deals.

The Street Department dump truck will be part of a lease purchase with the roller awarded at a previous meeting. We are anticipating receiving approximately \$20,000 each for the existing dump trucks.

The units are planned replacements in the Street and Sewer Departments. Total price for each dump truck is \$140,508.47. The Street Department unit will be purchased utilizing a lease purchase including the roller. The two combined would be \$140,508.47 plus \$73,217.00 less the estimated \$20,000 for the surplus truck for a total of \$193,725.47. The unit in Sewer will be purchased out of existing revenues.

Staff recommends City Council approve the purchase of two dump trucks from Vanguard Truck Center of St. Louis for \$140,508.47 each as set out in RFB 3- 140214RJ Dump Trucks in the agreement between Missouri Highways and Transportation Commission and Truck Centers Incorporated.

ITEM NO. V.B.1.



V.B.2.

CCO Form: GS01A
Approved: 2/93 (TLP)
Revised: 12/12 (AR)
Modified:

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
FLEET CONTRACT AGREEMENT**

THIS AGREEMENT is made and entered into by and between the Missouri Highways and Transportation Commission, (hereinafter, "Commission"), and Truck Centers Incorporated (hereinafter, "Contractor").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual promises, covenants, and representations contained herein, the parties agree as follows:

(1) CONSIDERATION: Consideration for this Agreement shall be the acceptance of the Contractor's bid and the award of this contract to the Contractor by the Commission.

(2) CONTRACTOR'S DUTIES: The Contractor shall furnish and supply to the Commission, at the Contractor's expense, those **Dump Trucks** as set out in **RFB 3-140214RJ Dump Trucks** (hereinafter, "Bid") and listed in the Contractor's response to the Bid for which the Contractor's response to the Bid has been accepted, and which are shown in Exhibit 1. Both the Bid issued by the Commission, and any amendments thereto, and the Contractor's response to the Bid to the extent it applies only to the designated items listed in Exhibit 1, are incorporated in their entirety by reference into this Agreement. The Contractor shall comply with all provisions of the Bid and the specifications in the Bid, as these documents are incorporated by reference into this Agreement.

(3) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the state of Missouri. The Contractor shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(4) PAYMENT: The Commission agrees to pay the Contractor in a manner and in the amounts provided in the bid and specifications. Except as otherwise specifically provided for in the bid, payment(s) will be made within thirty (30) days of the delivery of the equipment.

(5) AMENDMENT: Any change in the Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of Contractor and Commission.

(6) ASSIGNMENT: The Contractor shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(7) BANKRUPTCY: Upon filing for any bankruptcy or insolvency proceeding by or

V. B. 3.

against the Contractor, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel the Agreement or affirm the Agreement and hold the Contractor responsible for damages.

(8) CANCELLATION: The Commission may cancel the Agreement at any time for a material breach of contractual obligations or for convenience by providing Contractor with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Contractor.

(9) AUDIT OF RECORDS: Contractor must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(10) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or respecting its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(11) CONTRACT PERIOD: The initial contract period is from contract execution to 4/30/2015.

(12) RENEWAL INFORMATION: The contract shall not bind, not purport to bind, the Commission for any contractual commitment in excess of the original contract period. The Commission shall have the right, at its sole option, to extend the contract for five additional one year periods, or any portion thereof. In the event that the Commission exercises its options to extend the contract, such extension must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Contractor and the Commission.

(13) EXECUTIVE ORDER: The Contractor shall comply with all the provisions of Executive Order 07-13, issued by the Honorable Matt Blunt, Governor of Missouri, on the sixth (6th) day of March, 2007. This Executive Order, which promulgates the State of Missouri's position to not tolerate persons who contract with the state engaging in or supporting illegal activities of employing individuals who are not eligible to work in the United States, is incorporated herein by reference and made a part of this Agreement.

(A) By signing this Agreement, the Contractor hereby certifies that any employee of the Contractor assigned to perform services under the contract is eligible and authorized to work in the United States in compliance with federal law.

(B) In the event the Contractor fails to comply with the provisions of the Executive Order 07-13, or in the event the Commission has reasonable cause to believe that the Contractor has knowingly employed individuals who are not eligible to work in the United States in violation of federal law, the Commission reserves the right to impose such contract sanctions as it may determine to be appropriate, including but not limited to

contract cancellation, termination or suspension in whole or in part or both.

(14) INDEMNIFICATION: The Contractor shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Contractor's performance of its obligations under this Agreement.

[Remainder of Page Intentionally Left Blank.]

IN WITNESS WHEREOF, the parties have entered into this agreement on the date last written below.

Executed by the Contractor this 14th day of April, 2014.

Executed by the Commission this 24 day of April, 2014.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

Debra A. Harvey
Assistant Chief Engineer

Truck Centers Incorporated

By *Michael J. Yates*
Title *President*

Attest:

Pamela
Secretary to the Commission

Attest:

By _____
Title _____

Approved as to Form:

Adela P. ...
Commission Counsel

(CORPORATE SEAL)

V.B.G.



Vanguard Truck Center of St. Louis

NEW VEHICLE PURCHASE ORDER

1/5/2015

(DATE)

MoDot/City Of Rolla

(PURCHASER)

901 North Elm Street

(ADDRESS)

Rolla Mo 65401

(CITY, STATE, ZIP)

Telephone(s) 573-308-4065

Fax Number 0

The undersigned Purchaser hereby orders from Vanguard Truck Center of St. Louis (hereinafter call the "Company")

1 New vehicle(s), Make Mack Model GU533 Year 2016 as described in the attached Specifications Covering Order for New Chassis VIN No. TBD. Said vehicle(s) are to be delivered on or about _____ according to the following terms and conditions:

This order is Subject to the Price in Effect at the Time of Delivery. See Third to last Paragraph on Reverse Side Hereof:

Price per Vehicle	\$	<u>140,867.47</u>
Misc. Charges Des.	\$	<u>0.00</u>
Federal Retail Excise Tax	\$	<u>-359.00</u>
Net Trade Allowance	(\$	<u>0.00</u>)
State Sales Tax	\$	<u>0.00</u>
City/County Sales	\$	<u>0.00</u>
Lic. Fee Type _____ Wt. _____	\$	<u>0.00</u>
Total Price	\$	<u>140,508.47</u>
Total Price for <u>1</u> Vehicles	\$	<u>140,508.47</u>
Less Total Prepayment	\$	<u>0.00</u>
Balance of Purchase Price	\$	<u>140,508.47</u>

Trade Calculations	
Trade Value	\$ <u>0.00</u>
Trade Payoff	\$ <u>0.00</u>
Net Trade Allowance	\$ <u>0.00</u>
Description of Trade	
Year: <u>0</u> Make <u>0</u> Model <u>0</u>	
Vin#: _____	<u>0</u>
Mileage: _____	<u>0</u>

THE COMPANY MAKES NO WARRANTIES AS TO SAID VEHICLE(S), EXPRESS, IMPLIED OR IMPLIED BY LAW, EXCEPT THE MANUFACTURER'S STANDARD VEHICLE WARRANTY, A COPY OF WHICH HAS BEEN DELIVERED TO THE PURCHASER, WHICH IS NOT INCORPORATED HEREIN BY REFERENCE. THE COMPANY SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE COMPANY SHALL NOT BE LIABLE FOR CONSEQUENTIAL DAMAGES, INCLUDING, BUT NOT LIMITED TO, LOSS OF INCOME. THE TERMS AND CONDITIONS ON THE REERSE SIDE HEREOF ARE A PART OF THIS AGREEMENT. THE PURCHASER ACKNOWLEDGES HAVING READ THIS AGREEMENT, INCLUDING SUCH TERMS AND CONDITIONS. ALL VEHICLES ARE SUBJECT TO PRIOR SALES. NO VEHICLES ARE HELD MORE THAN 5 DAYS WAITING FOR CREDIT APPROVAL.

Date _____ 20_____

(SIGNATURE OF OFFICER, PARTNER OR OWNER WITH TITLE)

(SALES REPRESENTATIVE)

(APPROVED BY)

V.B. 7.