TOOELE CITY CORPORATION

RESOLUTION 2026-77

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AND RATIFYING CHANGE ORDER NO. 2 TO THE AGREEMENT WITH BROKEN ARROW, INC., FOR THE SEVENTH STREET STORM DRAIN IMPROVEMENTS (500 NORTH TO BIRCH STREET).

WHEREAS, during heavy storm events, Tooele City experiences significant storm water flows along that segment of Seventh Street located between 500 North and Birch Street, which results in street flooding and related traffic challenges and road damage; and,

WHEREAS, the City solicited public bids for construction of the 2026 Seventh Street Storm Drain Project (the "Project") in accordance with the procedures of §11-39-101 *et seq.*, Utah Code Annotated, and the Tooele City Purchasing Policies and Procedures; and,

WHEREAS, Tooele City has enacted a Storm Water Fee, and created a storm water enterprise fund funded by that Fee, for the purpose of mitigating storm water conveyance and flooding within City limits, and has collected sufficient funds to pay for the Project; and,

WHEREAS, on June 3, 2026, the City Council approved Resolution 2026-30, approving and ratifying an agreement with Broken Arrow, Inc., for the completion of the Project; and,

WHEREAS, the City Administration approved and entered into Change Order No. 1 with Broken Arrow, Inc., in the amount of $13,873.86 (below the $30,000 threshold for City Council review), for an additional phase of the Project; and,

WHEREAS, the City desires to continue the Project, to include additional demolition and disposal of existing asphalt and road base, furnishing and installing new asphalt and road base, and looping an existing sewer lateral ("Asphalt and Sewer Phase"), and desires to sole-source the work on the Asphalt and Sewer Phase to Broken Arrow, Inc., as a Change Order No. 2 to the Project, for several reasons:

- Broken Arrow, Inc. was the lowest responsible responsive bidder for the first phase of the Project.
- Awarding the change order to Broken Arrow, Inc. for the Asphalt and Sewer Phase will maintain the project consistency and standard received with the Project.
- The City desires the same product standard for the Asphalt and Sewer Phase.
- The Change Order will maximize efficiency in completion of and cost savings to the City.

WHEREAS, Section VIII of the Tooele City Purchasing Policies and Procedures

provides for the approval of change orders, as follows:

> VIII. CHANGE ORDERS. The City recognizes that change orders are a normal component of the procurement process...
>
> A. Modifications to approved contracts shall be deemed change orders when the Mayor and Purchasing Agent determine that: 1. The modification is related in some manner to the same or similar project approved in the contract, and 2. Treating the modification as a change order would maximize efficiency in completion of and cost savings to the City.
>
> B. Change Order approval process: ... 2. Individual change orders $30,000 and above shall be approved by the Mayor and City Council after consultation with the responsible department head...provided the change order is within the approved project budget.

WHEREAS, using Broken Arrow, Inc., for the Asphalt and Sewer Phase will "maximize efficiency in completion of and cost savings to the City for the Project"; and,

WHEREAS, the work for the Asphalt and Sewer Phase is similar and related to the work completed for the Project, and is therefore a "similar project"; and,

WHEREAS, Broken Arrow, Inc., has submitted a change order cost proposal of $68,794.00 for the Asphalt and Sewer Phase (see Exhibit A); and,

WHEREAS, the Mayor's signing of the change order was necessary as time was of the essence, and thus was in the best interest of the City:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby approves and ratifies Change Order No. 2 with Broken Arrow, Inc., a change order to the Project, in the amount of $68,794.00, for completion of the Asphalt and Sewer Phase.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this 4th day of November, 2026.

TOOELE CITY COUNCIL

(For) (Against)

Melodi Gochis

Justin Brady

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

ATTEST:

Shilo Baker, City Recorder

SEAL

Approved as to Form:

Matthew C. Johnson, City Attorney

EXHIBIT A

Broken Arrow, Inc.
Change Order No. 2 Request Form

CHANGE ORDER REQUEST FORM

GENERAL CONTRACTOR

Broken Arrow Inc.
8960 Clinton Landing Road
Lakepoint, Utah 84074
Main Office: (801) 355-0527
Fax Number: (801) 252-7501

Project Manager: Sonny Smith
Contact Number: (435) 241-588

Date: September 24, 2026

TO:

Tooele City Corporation
90 North Main Street
Tooele, UT 84074

CHANGE DIRECTIVE NO. 2

Project:	2026 Seventh Street Storm Drain
JOB #:	BC2619
Address:	Seventh Street (500 N. to Birch St.)
Start Date:	May 26, 2026
Finish Date:	TBD

DESCRIPTION

This Change Order references additional work outside of the original contract agreement and/or adjusts items within the current contract agreement. The description includes the following:

1.	ADD - Additional Demolition and Disposal of Existing Asphalt and Base (8,315 SF x $1.29)	$	10,726.35
2.	ADD - Additional Furnish and Install New 5" Minimum Asphalt and 8" Minimum Thickness Roadbase (8,315 SF x $6.31)	$	52,467.65
3.	ADD - Loop Existing Sewer Lateral (4 EA x $1,400.00)	$	5,600.00
	Total Amount:	**$**	**68,794.00**

COST AND DURATION SUMMARY

Original Contract Amount:	$	889,881.84	Summary of Orders		Amount	Contract Calendar Days	
Previous Change Order(s):	$	13,873.86	Change Order No. 1	$	13,873.86	Revised Contract Calendar Days	
This Change Order:	$	68,794.00	Change Order No. 2	$	68,794.00	Previous Finish Date	
Adjusted Contract Amount:	$	972,549.70	Change Order No. 3			New Finish Date	

CONTRACT SUMMARY:

Upon signature approval of this Change Order, the contract is hereby modified to include the changes specified herein, and this change order is hereby made a part of the titled contract. The work shall be performed and completed in accordance with the contract documents and the project schedule shall be adjusted as required to allow sufficient time to complete the additional work. Payment terms shall follow the contract agreement terms. This Change Order shall include labor and materials to complete the work as described. The terms and other provisions of the original agreement and/or purchase order which are not expressly changed above are to remain

ACCEPTED BY:

Broken Arrow Inc. Date Project Owner Representative Date