

BILL NO.: 4765

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

Introduced by: City Manager Irvin

**AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED AGREEMENT WITH NEMO FISHERIES**

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

- Section 1.** The Mayor is hereby authorized to execute the attached Agreement with Nemo Fisheries for Live Fish serving to Mathison Lake Park according to Bid #897 for one-year and two one-year extensions.
- 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 upon its passage.

1st Reading this 17<sup>th</sup> day of February 2020  
2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2020  
3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2020

\_\_\_\_\_  
Theodore Hoskins, Mayor

ATTEST:

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

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

Final Roll Call:			
Mayor Hoskins	Aye	___	Nay ___ Absent ___ Abstain ___
Councilwoman Hoskins	Aye	___	Nay ___ Absent ___ Abstain ___
Councilwoman Mitchell	Aye	___	Nay ___ Absent ___ Abstain ___
Councilwoman Williams	Aye	___	Nay ___ Absent ___ Abstain ___
Councilwoman-at-Large Greene	Aye	___	Nay ___ Absent ___ Abstain ___
Councilman Hindeleh	Aye	___	Nay ___ Absent ___ Abstain ___
Councilwoman Anthony	Aye	___	Nay ___ Absent ___ Abstain ___

# REPORT TO CITY COUNCIL



To: Honorable Mayor of Berkeley and City Council

From: Charles Tammons, Parks Supervisor

From: Debra M. Irvin, City Manager

Date: February 12, 2020

Subject: Approval of Bid #897, 2020-2022 Live Fish for Ramona Lake

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A bid opening was held on February 10, 2020 at 10:00 a.m. in the Berkeley Council Chambers for the three-year 2020-2022 Live Fish Contract for Mathison Lake. There were only two (2) companies that submitted sealed bids. The results are as follows:

**1. Nemo Fisheries, Cody Smith, 28880 Hwy 19, Perry MO 63462**

Deliver 600 lbs. of Catfish once a month at a cost of \$2.25 per pound from May to October, and a single delivery of Blue Gill \$8.50 per pound for the June Fishing Derby; for a grand total of \$9,975 for the 2020 season; \$10,290-2021 season; and \$10,290-2021 season.

**2. Harrison's Fishery, Inc., Rt. 2, Box 61, Hurdland, MO 63547, Phone # (660) 423-5482**

Deliver 600 lbs. of Catfish once a month at a cost of \$2.50 per pound, from May to October, and a single delivery of Blue Gill \$7.00, for the June Fishing Derby for a grand total of \$13,500.00 the 2020 season; \$10,425-2021 season; and \$10,500-2021 season.

## **RECOMMENDATION**

I am recommending **Nemo Fisheries, Cody Smith, 28880 Hwy 19, Perry MO 63462**; for the three-year Fishing contract, they are the lowest and most responsive bidder, per the bid opening. They have provided live fish for us in previous fishing seasons.

## **SUPPORTING DOCUMENTS**

Please find attached the Proposed three-year Contract Agreement for Nemo Fisheries and the bid results from the February 10, 2020 at 10:30 a.m. Bid Opening.

## **IMPACT ON BUDGET**

**\$9,975**

## **BUDGET ACCOUNT**

**02-50-6224**

## **RECOMMENDED CITY COUNCIL ACTION**

Approval of the three-year Fish Contract Agreement with **Nemo Fisheries, 28880 Hwy 19, Perry MO 63462**

Respectfully submitted,  
Charles Tammons

**BID NO. 897 "SPECIFICATIONS FOR LIVE FISH TO STOCK MATHISON LAKE PARK" was opened and read**

**Signed: Sheila Swinney**



Pg.No.		Item Description	Name of Bidder:	Name of Bidder:	Name of Bidder:	Name of Bidder:
			NEMO FISHERIES	HARRISON FISHERY, INC.		
			Bid Bond: Yes ___ No ___	Bid Bond: Yes ___ No ___	Bid Bond: Yes ___ No ___	Bid Bond: Yes ___ No ___
5		BID FORM	X	X		
6		2020 FISH BID SHEET	\$9,975.00	\$10,350.00		
7		2021 FISH BID SHEET	\$10,290.00	\$10,425.00		
8		2022 FISH BID SHEET	\$10,290.00	\$10,500.00		
9		3-YEAR PROJECT AGREEMENT	X	X		
12		BIDDER'S COMPANY INFORMATION	X	X		
13		AFFIRMATIVE ACTION STATEMENT	X	X		
14		AFFIRMATIVE ACTION/PRIME	X	X		
16		VENDOR QUESTIONNAIRE WORK AUTHORIZATION		X		
17		AFFIDAVIT		X		
		W-9	X	X		
		TOTAL BID	\$30,555.00	31,275.00		
		NO. of Copies	1	1		

BID FORM  
CITY OF BERKELEY, MISSOURI

COPY

Date: 1-28-2020

City of Berkeley Missouri  
Deanna Jones, City Clerk  
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 and transportation services required to perform a three-year service agreement under "Bid # 897 "2019-2022 Live Fish for Mathison Lake Stock" 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 qualified bidder. If written notice of acceptance of this bid is mailed or delivered to the undersigned within thirty (30) 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.
3. The bidder is prepared to submit a financial and experience statement upon request.
4. The bidder will submit to the City of Berkeley a Bid Bond in the amount of 10% of total cost.
5. TOTAL BID 2020 PRICE: \$ 9,975
6. TOTAL BID 2021 PRICE: \$ 10,290
7. TOTAL BID 2022 PRICE: \$ 10,290



## 2020 FISH BID SHEET

**BID NO: 897**

The unit price per pound of live Catfish between two and a half pounds to six pounds (2 ½ - 6) pound per fish

The unit price per pound of live Blue Gill between three quarters and one (3/4-1) pound per fish (*June delivery only*)

Delivery Date	Catfish (C)	Blue Gill ((BG)	Unit Price Per Pound	Total
March 30, 2020	600 pounds	NONE	\$ 2.25	\$ 1,350
May 4, 2020	600 pounds	NONE	\$ 2.25	\$ 1,350
June 1, 2020	300 pounds	300 pounds	(C)\$ 2.25	\$ 675
			(BG)\$ 8.50	\$ 2,550
July 13, 2020	600 pounds	NONE	\$ 2.25	\$ 1,350
August 10, 2020	600 pounds	NONE	\$ 2.25	\$ 1,350
September 14, 2020	600 pounds	NONE	\$ 2.25	\$ 1,350
<b>TOTAL BID PRICE</b>				<b>\$ 9,975</b>

Date: 1-28-2020

BIDDER: NEMO Bait and Fisheries

By: (Print Name) Brandon Hangust

Title: Fisheries Biologist

Aquaculture License # No Number on MO Bait Dealer

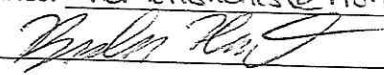
Date License Expires: 12-31-20

Business Tel. # (573) 565-3271 Fax # (573) 565-3457

Cell # (573) 721-2410

Address: 25850 Hwy 19, Perry, MO 63462

E-Mail Address: nemofisheries@hotmail.com

Signature: 

### 3-YEAR PROJECT AGREEMENT

THIS AGREEMENT made as of the 28<sup>th</sup> day of January in the year 2020, by and between the City of Berkeley, MO (hereinafter call the Owner) and NEMO Boat and Fisheries (Hereinafter called the Contractor) for a period not to exceed three (3) years (2020-2022).

WITNESSETH; that the Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

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, services, materials, supplies, etc. needed to perform and complete all work required for the BID # 897 "LIVE FISH FOR MATHISON LAKE STOCK", and any and all required supplemental work for completion of the project in accordance with the Plans, Specifications, and all Contract Documents.

The Contractor must either notify the City of Berkeley at least one (1) business day prior to deliveries or provide a schedule and notify the City of Berkeley one (1) business day prior to doing the work for any changes in the schedule. The City of Berkeley will then have the option of having an employee present to inspect and accept delivery of fish.

The City of Berkeley will pay the Contractor for the performance of the contract in current funds, for the total quantities of work performed at the unit prices stipulated on the attached bid for the several respective items of work completed subject to additions and deductions mutually agreed upon by both parties of this agreement.

Payments will be made within 30 days after the City approves the final inspection of the project, and the contractor submits a final invoice. The final invoice shall not be deemed as received until after the City approves the completion of the project. Send monthly invoices to [irvin@ci.berkeley.mo.us](mailto:irvin@ci.berkeley.mo.us) or mail to City Hall, 8425 Airport Road, Berkeley, MO 63134.

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

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in two (2) Original copies on the day and year first above written.

Attest: \_\_\_\_\_

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

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

Attest:

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

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

#### CONTRACTOR

By: Brandon Hanglert

Title: Fisheries Biologist

Street: 28880 Hwy 19

City/State/Zip: Perry, MO 63462

#### CITY OF BERKELEY, MISSOURI

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

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

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

City/State/Zip: \_\_\_\_\_

Veterinary Diagnostic Laboratory  
College of Veterinary Medicine  
1333 Gortner Avenue  
St. Paul, MN 55108

**Diagnostic Summary Report**

800-605-8787  
612-625-8787  
Fax: 612-624-8707  
e-mail: vdl@umn.edu

**Accession Number:** D19-029697

**Owner:** NEMO FISHERIES  
28880 HWY 19  
BOX 337  
PERRY, MO 63562

**Received Date:** 08/21/2019**Site:****Reference:****Species:** Fish**Premises ID:****Breed:** \*

Black crappie  
Bluegill  
+ Additional

**Date(s) Sampled:****Age:** **Sex:**

**Submitted by:** Dr. V.M. Wilt  
Paris Veterinary Clinic  
25010 Bus. Hwy 24  
Paris, MO 65275  
US

**Weight:****Testing Summary**

Laboratory/Procedure	Ordered	Count	Result	Quantifier	Interpretation	Result Value	Entered	Completed
Bacteriology								
Aerobic Culture-Kidney	08/22/2019	10	No Sig Grwth				08/26/2019	08/26/2019
Parasitology								
Parasite exam - Heterosporis-Muscle	08/22/2019	150	NEG				09/24/2019	09/24/2019
Virology								
Virus Isolation CCO - 25°C-Tissue	08/22/2019	2	Negative	Passage two on CCO			09/19/2019	09/19/2019
Virus Isolation EPC - 15°C-Tissue	08/22/2019	30	Negative	Passage two on EPC			09/19/2019	09/19/2019
Virus Isolation EPC - 25°C-Tissue	08/22/2019	19	Negative	Passage two on EPC			09/19/2019	09/19/2019
Virus Isolation FHM - 25°C-Tissue	08/22/2019	2	Negative	Passage two on FHM			09/19/2019	09/19/2019

**Remarks/Interpretations****Updates** [09/25/2019 14:01:02](#)

**Specimen:** Ten Channel Catfish, 10 Bluegill, 5 Hybrid Bluegill, 5 Redear Sunfish, 5 Green Sunfish, 5 Yellow Perch, 5 Black Crappie, 10 Goldfish, 25 Golden Shiners, 50 Fathead Minnows, 5 Grass Carp, 5 Large Mouth Bass, 5 Hybrid Striped Bass, and 5 Koi Carp were collected by Dr. Wilt on 08/20/19 on behalf of NEMO Fisheries. Samples were received at the University of Minnesota Veterinary Diagnostic Laboratory and initially processed on 08/21/19.

**Parasitology:** Each fish was examined by gross visual inspection for *Heterosporis* sp.



UNIVERSITY OF MINNESOTA

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Parasitology Results: All fish Negative for *Heterosporis* sp.

**Bacteriology:** Aerobic culture of the kidney of 10 individual channel catfish testing specifically for *Edwardsiella ictaluri*.

Bacteriology Results: No Significant Growth for all samples. These results are sufficient for a Negative test determination for *Edwardsiella ictaluri*.

**Virology:** Tissue homogenates (THs) of 150 fish (30 pools) were cultured on the EPC cell line at 15°C, THs of the 10 channel catfish (2 pools) were cultured on the CCO cell line at 25°C, THs of all 10 goldfish (2 pools), 25 golden shiners (5 pools), 50 fathead minnows (10 pools), 5 grass carp (1 pool), and 5 koi carp (1 pool) were cultured on the EPC cell line at 25°C, and THs of 5 largemouth bass (1 pool), 5 hybrid striped bass (1 pool) were cultured on the FHM cell line at 25°C. All cell cultures/virus isolations were conducted as per the AFS-Fish Health Section Bluebook guidelines (which involves two passages on cells totaling at least 28 days of incubation). In addition, each pool of fish referenced above included 5 fish of the same species.

Virology Results: Negative for all samples; no virus isolated. These results are sufficient for a Negative test determination for Viral Hemorrhagic Septicemia Virus for all fish, Channel Catfish Virus for all channel catfish, Spring Viremia of Carp Virus for all goldfish, golden shiners, fathead minnows, grass carp, and koi carp, and Largemouth Bass Virus for all largemouth bass and hybrid striped bass.

**Final Report**

9/25/19

Alexander E. Primus, DVM, PhD  
Fish Health Diagnostician



**BIDDER'S COMPANY INFORMATION**  
**CITY OF BERKELEY, MISSOURI**

Please print legibly, except where signature is required.

Company Name: NEMO Bait and Fisheries

Company Address: 28880 Hwy 19, Perry, MO 63462

Phone Number: 573-565-3271

E-mail Address: nemofisheries@hotmail.com

Website: www.stocklake.com

Authorized Officer: Brandon Hanguist

Signature: 

Title: Fisheries Biologist

## AFFIRMATIVE ACTION STATEMENT

### THE CITY OF BERKELEY, MISSOURI is an EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

We acknowledge that we will hire and develop qualified people, solely on merit and qualifications, without regard to race, color, creed, religion, sex, national origin, ancestry, handicaps or age.

While acknowledging an obligation to the community to reaffirm its Fair Employment Policy, we also reaffirm our support for the various Presidential Executive Orders and regulations of the Equal Employment Opportunity Commission. In addition, we support the applicable provisions contained in the Civil Rights Acts, the Equal Pay Law, the Age Discrimination and Employment Act and the Missouri Act against Discrimination. The regulations, acts, orders and laws provide that discrimination based on race, color, creed, religion, sex, national origin, ancestry, handicaps or age is prohibited.

Our policy can be implemented only through the efforts of everyone within the company. A simple statement is not enough without full support. It is hoped that through an Equal Opportunity Plan, a fair and equitable program might be practiced. Through such a plan, applicants and employees should feel they could become an active part of the company without fearing reprisals due to extraneous factors not related to merit or qualifications.

Signed by Buddy Hunt

Position Fisheries Biologist

Date: 1-28-2020



# Request for Taxpayer Identification Number and Certification

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give Form to the  
requester. Do not  
send to the IRS.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>HOBBIE HUT LLC VINCE A SMITH</b>	
2 Business name/disregarded entity name, if different from above <b>dba/ NEMO BAIT &amp; FISHERIES</b>	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ <b>S</b> Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶	
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
5 Address (number, street, and apt. or suite no.) See instructions. <b>28880 HWY 19 P O BOX 337</b>	Requester's name and address (optional)
6 City, state, and ZIP code <b>PERRY, MO 63462</b>	
7 List account number(s) here (optional)	

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
			-				-	
or								
Employer identification number								
2	6	-	0	0	2	0	2	5

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ <i>[Signature]</i>	Date ▶ February 07, 2020
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
  - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
  - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
  - Form 1099-S (proceeds from real estate transactions)
  - Form 1099-K (merchant card and third party network transactions)
  - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
  - Form 1099-C (canceled debt)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.