

RESOLUTION NO. 2021-06R

A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LUTHER, OKLAHOMA, APPROVING AND AUTHORIZING A FULL-SERVICE MAINTENANCE PLAN CONTRACT, BY AND BETWEEN THE TOWN OF LUTHER, OKLAHOMA, AND MAGUIRE IRON, A SOUTH DAKOTA CORPORATION, FOR THE INSPECTION, DRAINAGE, DISINFECTION, PAINTING, AND GENERAL MAINTENANCE OF THE TOWN'S ONE HUNDRED FIFTY THOUSAND GALLON ELEVATED WATER TOWER; PROVIDING FOR APPROVAL OF THIS MULTI-YEAR CONTRACT PURSUANT TO SECTION 19, TITLE 61 OF THE OKLAHOMA STATUTES; ACKNOWLEDGING THAT THE TOWN IS NOT OBLIGATED TO MAKE ANY PAYMENT IN ANY YEAR IN AN AMOUNT EXCEEDING THE INCOME AND REVENUE PROVIDED FOR SUCH YEAR AND PROVIDING FOR TERMINATION IN ANY YEAR THAT THE TOWN DOES NOT APPROPRIATE AND ENCUMBER SUFFICIENT FUNDS TO SATISFY ITS ANNUAL OBLIGATIONS; AND WAIVING FORMAL COMPETITIVE BIDDING PURSUANT TO SECTION 19, TITLE 61 OF THE OKLAHOMA STATUTES

WHEREAS, Section 19, Title 61, of the Oklahoma Statutes allows municipalities to enter into multi-year contracts for painting and other maintenance of water storage tanks and appurtenant facilities if the contract contains a contingency provision whereby the municipality is not obligated to make any payment, in any year, in an amount exceeding the income and revenue provided for such year; and

WHEREAS, Section 19, Title 61, of the Oklahoma Statutes further allows that notwithstanding the provisions of Section 101, et seq. of Title 61 of the Oklahoma Statutes, a municipality entering into a multi-year contract for painting and other maintenance of water storage tanks and appurtenant facilities may, or may not, at its option, require that the work be bid pursuant to the provisions of the Public Competitive Bidding Act of 1974; and

WHEREAS, the Town of Luther's one hundred fifty thousand gallon elevated water tower is in need of painting and maintenance; and

WHEREAS, Maguire Iron is well-qualified to paint the tower and maintain it over a five-year period of time and is willing to do so.

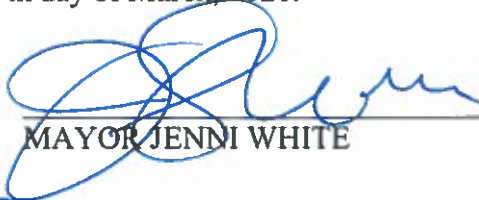
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LUTHER, OKLAHOMA, THAT a Full-Service Maintenance Plan Contract with Maguaire Iron for the inspection, drainage, disinfection, painting, and general maintenance of the Town's one hundred fifty thousand gallon elevated water tower is hereby approved and authorized for execution.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT approval of this multi-year contract is accomplished pursuant to Section 19, Title 61 of the Oklahoma Statutes and, specifically, that pursuant to the terms of this contract, the Town is not obligated to make any payment in any year in an amount exceeding the income and revenue provided for such year.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT pursuant to the terms of this contract, termination will occur in any year that the Town does not appropriate and encumber sufficient funds to satisfy its annual obligation.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT formal competitive bidding is hereby waived pursuant to Section 19, Title 61 of the Oklahoma Statutes.

PASSED AND APPROVED this 9th day of March, 2021.


MAYOR JENNI WHITE

ATTEST:


ACTING TOWN CLERK



Approved as to form and legality:


TOWN ATTORNEY