JAVA Resolution 10-0114-04

JAVA

Joint Antelope Valley Authority

WHEREAS, the Joint Antelope Valley Authority (JAVA), a joint administrative entity created under the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. § 13-801 et. seq.) by agreement of April 15, 2000 as amended (JAVA Interlocal Agreement) between the Board of Regents of the University of Nebraska, a public body corporate and governing body of the University of Nebraska (University), the City of Lincoln, Nebraska, a municipal corporation (City), and the Lower Platte South Natural Resources District, a political Subdivision of the State of Nebraska (LPSNRD) is now implementing under the JAVA Interlocal Agreement the Phase One Priority Projects of Antelope Valley Amended Draft Single Package; and

WHEREAS, JAVA has previously approved by-laws, administrative resolution, policies and guidelines for the implementation of the Phase One Priority Projects.

NOW THEREFORE, be it resolved by the Administrative Board of the Joint Antelope Valley Authority as follows:

1. The Chairperson is hereby authorized to execute and approve contracts as approved by the Project Manager, Legal Counsel and Purchasing Agent in connection with Antelope Valley Q to Y Phase II Landscaping Project including the Agreement with **Nebraska Nursery and Color Gardens** for JAVA Specification no. 09-271 (Bid Amount $ **59,796.67**) in accordance with the Administrative Board's by-laws and to administer the same including executing the necessary forms, approvals and documents contemplated therein and specifically including written amendments to the same; provided that the board shall receive timely reports of all amendments on an ongoing basis (regardless of the amount) showing the net change for each and a cumulative total of all changes as compared to the original contract amount. In addition, to the extent specifications and contracts were advertised, bid and let or contracts (and amendments thereto) were executed or awarded prior to the effective date of this Resolution, the same are hereby expressly ratified and approved by the board on behalf of the Authority.

2. Accordingly, the expenditure and allocating of JAVA funds for such purposes is hereby authorized and the requirements of the by-laws of the Board are hereby incorporated into this approval and the JAVA board does hereby grant final approval of the contracts as in conformance with all applicable requirements of the board.

3. The Chairperson is authorized to sign and execute the same on behalf of the Authority. In addition, the Chairperson is authorized to approve minor, typographical, or technical changes to conform to the originals as approved by JAVA Legal Counsel. In the event a contract agreement cannot be finalized with the successful bidder, the Chairperson is authorized to accept the recommendation of the Project Manager, Legal Counsel and Purchasing Agent in regards to awarding the contract to alternate bidders and to execute an agreement with the same.

4. There is hereby appropriated cash balances and lawfully available appropriations including all money now credited or which will be credited to the Antelope Valley – Phase 1 Construction Fund for payment as needed to implement the contracting and project expenses for the JAVA responsibilities in the Agreement. Accordingly, the JAVA treasurer is hereby authorized to accept the transfer of funds from the related City CIP project/s (reference 780108) and other sources as appropriated to the associated JAVA project (reference 880108).

5. The same shall be kept on file with the official records of the Authority as provided in the by-laws.

Dated this 14th Day of January, 2010.

Introduced by: Figard

Approved by Unanimous Vote of Johnson, Jackson, and Figard after public hearing on this 14th Day of January 2010.

Signed:

Vice Chairperson

Joint Antelope Valley Authority

Glenn Johnson, Chairperson

Approved as to form and Legality

Legal Counsel