JAVA Resolution 10-1104-03

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 and the related NDOR resolution (attached) as approved by the Project Manager, Legal Counsel and Purchasing Agent in an amount **not to exceed $5,774,958.45 with Hawkins Construction Company, Omaha** in connection with the Antelope Valley K to Q Roadway project, JAVA Project No. 880109 including agreements for construction 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, Control No. 11215k, 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 780111, CM-55(142) CN 11215a) and other sources as appropriated to the associated JAVA project (reference 880109).

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

Dated this 4th Day of November, 2010. Introduced by: _____

Approved by Unanimous Vote of _____, _____, and _____ after public hearing on this 4th Day of November, 2010.

Signed: **Joint Antelope Valley Authority**

_____ _____

Vice Chairperson Glenn Johnson, Chairperson

Approved as to form and Legality

_____

Legal Counsel

RESOLUTION

WHEREAS, there has been signed by the City of Lincoln on the 15th day of July, 2004, and the State on the 5th day of August, 2004, an agreement providing for the construction of a Federal Aid Project described as follows: On a new alignment, North/South roadway from "K" Street to 95' North of "Q" Street.

, and

WHEREAS, in the above agreement, the Board has pledged sufficient funds to finance its share of the cost of the construction of this project identified as CM-55(142), and

WHEREAS, the above mentioned agreement provided that the Board would pay all costs not paid for with Federal or State funds, and

WHEREAS, the State received bids for the construction of this project on October 21, 2010 at which time Five bids were received for the construction of this proposed work, and

WHEREAS, the following contractor(s) for the items of work listed has been selected as the low bidder(s) to whom the contract(s) should be awarded:

Hawkins Construction Company; Omaha, Nebraska
Grading, Concrete Pavement, Culverts, Water Main, Seeding, Electrical, Signing and General Items:
$5,774,958.45

NOW THEREFORE, in consideration of the above facts, the Board of Directors of the Joint Antelope Valley Authority (JAVA), by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, JAVA hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.

2. The Board of Directors hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.

3. The Board of Directors hereby authorizes the Chairperson to sign the contract(s) with the above mentioned contractor(s) for the above mentioned work.

4. The Board of Directors does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.

DATED THIS _____ DAY OF _____, A.D. _____

BOARD OF DIRECTORS OF THE

JOINT ANTELOPE VALLEY AUTHORITY

ATTEST:

_____
(Chairperson)

_____

Board Member _____
moved the adoption of said resolution.

Roll Call: _____ yea, _____ nay.

Resolution adopted, signed and billed as adopted.

CON1-PK