

RESOLUTION NO. 3600

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO PURCHASE A JOHN DEERE 210 GLC HYDRAULIC EXCAVATOR FROM RDO EQUIPMENT CO., A DELAWARE CORPORATION REGISTERED TO DO BUSINESS IN MONTANA.

WHEREAS, the City has advertised for and accepted bids for the purchase of a Hydraulic Excavator;

AND WHEREAS RDO Equipment Co., a Delaware corporation registered to do business in Montana, of Billings, Montana was the lowest responsible bidder for such project;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The Contract for the purchase of a John Deere 210 GLC Hydraulic Excavator, attached hereto as Exhibit "A," is hereby approved and adopted by this Council subject to final written approval of the City Attorney.


2. The Mayor of the City of Miles City, upon written approval of the City Attorney, is hereby empowered and authorized to execute said Contract on behalf of the City of Miles City and bind the City of Miles City thereto; and

3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Contract and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 11th DAY OF JUNE, 2013.


C.A. Grenz, Mayor

ATTEST:


Lorrie Pearce, City Clerk

CONTRACT

THIS CONTRACT, effective the 12th day of June, 2013, by and between the City of Miles City, hereinafter called the "OWNER," and RDO Equipment, hereinafter called the "DEALER," who represents that it is licensed and registered to do business in the State of Montana.

W I T N E S S E T H:

WHEREAS, the OWNER intends to purchase from Dealer (John Deere 210 GLC Hydraulic Excavator), hereinafter called "EQUIPMENT," pursuant to a bid package advertised by OWNER on April 26, 2013 ; May 2, 2013 ; and May 9, 2013 ; wherein DEALER was the lowest responsible bidder.

NOW, THEREFORE, THE OWNER and DEALER for the consideration herein set forth, agree as follows:

THE DEALER AGREES to furnish John Deere 210 GLC Hydraulic Excavator conforming to the bid package hereinbefore referenced.

1. **INCORPORATION OF BID PACKAGE.** The City of Miles City Hydraulic Excavator Bid Package, and all requirements and specifications contained therein, is hereby incorporated into this Contract as if fully set forth herein. DEALER represents and warrants that the equipment being furnished by it is in strict compliance with the requirements and specifications contained in said bid package.

2. **PURCHASE PRICE.** The total purchase price for the Equipment hereinbefore described shall be Ninety-four Thousand Eight Hundred and 00/100 (\$ 94,800.00), said payment being due upon delivery of the Equipment to OWNER.

3. DELIVERY. Equipment shall be delivered by DEALER to OWNER on or before September 30, 2013.

4. PARAGRAPH HEADINGS. The paragraph headings herein are for convenience only and do not define, limit or construe the contents of such paragraphs.

5. TIME AND BINDING EFFECT. It is mutually agreed that the time of payment shall be an essential part of this contract and that all of the terms and conditions herein contained shall extend to and be obligatory upon the heirs, executors, administrators, personal representatives and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have made and executed this Contract on the day and year first above written.

“OWNER”

The City of Miles City, Montana

By: C.A. Grenz
C.A. Grenz, Mayor

ATTEST:

X Loise Peace
_____, City Clerk

“DEALER”

Chuck Coams
By: Chuck Coams
Territory Mgr (title)