

**RESOLUTION NO. 4057**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A MONTANA DEPARTMENT OF COMMERCE TREASURE STATE ENDOWMENT PROGRAM CONTRACT AMENDMENT.**

*WHEREAS*, the Montana Department of Commerce and the City have entered into Montana Department of Commerce Contract #MT-TSEP-CG-15-744 on October 29, 2014, and desire to extend the term of said agreement until March 31, 2018 to allow for project completion.

*NOW THEREFORE BE IT RESOLVED* by the City Council of Miles City, Montana, as follows:

1. The “Montana Department of Commerce Treasure State Endowment Program Contract Amendment #MT-TSEP-CG-15-744A,” attached hereto as Exhibit “A”, and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City 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.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 13<sup>TH</sup> DAY OF JUNE, 2017.**

  
\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

  
\_\_\_\_\_  
Lorrie Pearce, City Clerk

COMMERCE CONTRACT # MT-TSEP-CG-15-744A

**MONTANA DEPARTMENT OF COMMERCE  
TREASURE STATE ENDOWMENT PROGRAM  
CONTRACT AMENDMENT #MT-TSEP-CG-15-744A**

This Contract Amendment is entered into by and between the City of Miles City, Montana, (the Grantee) and the Montana Department of Commerce (the Department), and located at 301 South Park, Helena, Montana.

The Grantee and the Department mutually agree to amend Contract # **MT-TSEP-CG-15-744** executed on October 29, 2014 as follows:

1. Section 5 is amended to read as follows:

**Section 5. EFFECTIVE DATE AND TIME OF PERFORMANCE**

- (a) This Contract shall take effect upon execution by the parties and will terminate upon approval of Grantee's final Request for Reimbursement by the Department, unless terminated earlier in accordance with the terms of this Contract.
  - (b) All authorized expenses to be reimbursed must be incurred by the Grantee between May 6, 2013 and March 31, 2018. All Requests for Reimbursement must be submitted to the Department within 60 days of final Project close-out.
  - (c) The activities to be performed by the Grantee will be completed according to the implementation schedule set forth in Exhibit A-I. The Grantee may modify the implementation schedule set forth in Exhibit A-I only upon obtaining the prior written approval of the Department.
  - (d) The Department may grant a Contract extension upon request by the Grantee if the Department determines, in its sole discretion, that the Grantee has demonstrated progress toward completion of the Project; has engaged in a good faith effort to comply with the duties, terms, and conditions of this Contract, and that the failure to comply with any of those services, duties, terms, or conditions resulted from circumstances beyond the Grantee's control. A written request for an extension must be submitted at least 60 days prior to the termination date of the Contract.
2. Exhibit A - Amended. Exhibit A has been amended. Please refer to Amended Exhibit A-I, which is attached to the Contract and specifically incorporated herein by this reference. Amended Exhibit A-I supersedes and replaces previous versions of Exhibit A in its entirety.

COMMERCE CONTRACT # MT-TSEP-CG-15-744A

3. All other provisions of the Contract remain in full force and effect.

**CITY OF MILES CITY**

John Hollowell 5/23/2017  
John Hollowell, Mayor Date

**ATTEST:**

Lorrie Pearce  
Lorrie Pearce, Clerk and Recorder

**APPROVED AS TO FORM:**

Daniel Rice  
Daniel Rice, City Attorney

**DEPARTMENT OF COMMERCE:**

 5/24/2017  
Pam Haxby-Cote, Director Date  
Montana Department of Commerce

COMMERCE CONTRACT # MT-TSEP-CG-15-744A

Amended Exhibit A-1  
 CITY OF MILES CITY  
 IMPLEMENTATION SCHEDULE

TASK	QUARTERS, 2016				QUARTERS, 2017			
	1st JFM	2nd AMJ	3rd JAS	4th OND	1st JFM	2nd AMJ	3rd JAS	4th OND
<b>PROJECT DESIGN</b>								
Advertise for & Select Engineer								
Commence Final Design	X	X						
Complete Project Design		X						
Submit Plans to DEQ		X						
Prepare Bid Documents		X						
Finalize Acquisition		X						
<b>ADVERTISEMENT FOR CONST. BID</b>								
Review Contract Requirements		X						
Public Bid Advertisement		X						
Open Bids & Examine Proposals		X						
Request Contr. Debarment Review			X					
Select Contractor & Award Bid			X					
Conduct Pre-Const. Conference			X					
Issue Notice to Proceed to Contractor			X					
<b>PROJECT CONSTRUCTION</b>								
Begin Construction			X					
Monitor Engineer & Contractor			X	X	X	X	X	X
Conduct Labor Compliance Reviews				X	X	X	X	X
Hold Const. Progress Meetings				X	X	X	X	X
Final Inspection								X
<b>PROJECT CLOSE OUT</b>								
Submit Final Drawdown					2018			
Project Completion Report/Final Completion					2018			