

**RESOLUTION NO. 3581**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO PURCHASE A 4x4 UTILITY WORK MACHINE FROM RIVERSIDE MARINE & CYCLE, LLC, A MONTANA LIMITED LIABILITY COMPANY, D/B/A BOBCAT OF MILES CITY.**

*WHEREAS*, the City has advertised for and accepted bids for the purchase of a 4x4 Utility Work Machine;

*AND WHEREAS* Riverside Marine & Cycle, LLC, a Montana limited liability company, d/b/a Bobcat of Miles City, of 2323 South Haynes, Miles City, 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 Bobcat Company model Toolcat 5600 F-series and 68" Angle Broom 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 26<sup>TH</sup> DAY OF FEBRUARY, 2013.**

  
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C.A. Grenz, Mayor

ATTEST:

  
\_\_\_\_\_  
Rebecca Stanton, City Clerk

## **CONTRACT**

THIS CONTRACT, effective the 26<sup>th</sup> day of February, 2013, by and between the City of Miles City, hereinafter called the "OWNER," and Riverside Marine & Cycle, LLC, a Montana limited liability company, d/b/a Bobcat of Miles City, 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 a 2013 4x4 Utility Work Machine, hereinafter called "EQUIPMENT," pursuant to a bid package advertised by OWNER on January 25, 2013; January 31, 2013; and February 7, 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 one current model year 4x4 Utility Work Machine conforming to the bid package hereinbefore referenced, and designated by DEALER to be a current model year Bobcat Toolcat 5600 F-Series machine and 68" Angle Broom.

1. **INCORPORATION OF BID PACKAGE.** The City of Miles City 2013 4x4 Utility Work Machine 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 FORTY THREE THOUSAND SEVEN DOLLARS and 00/100 (\$43,007.00), said payment being due upon delivery of the Equipment to OWNER.

3. DELIVERY. DEALER shall make the Equipment ready for pickup by OWNER on February 27, 2013, or as soon thereafter as OWNER is able to accept the same.

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:

Rebecca Stanton

Rebecca Stanton, City Clerk

**“DEALER”**

Riverside Marine & Cycle, LLC  
d/b/a Bobcat of Miles City

By: Matthew Lothspeich

~~Matthew~~ Lothspeich, Member

Roger



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**CITY OF MILES CITY**  
**OFFICE OF THE CITY ATTORNEY**

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513 Main Street, P.O. Box 728  
Miles City, MT 59301  
Telephone: 406-232-4070  
Fax: 406-232-4093

**DANIEL Z. RICE**  
City Attorney

February 21, 2013

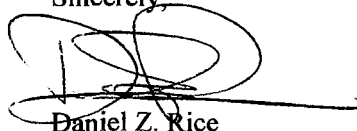
Mayor C. A. Grenz  
17 South 8<sup>th</sup>  
Miles City, Montana 59301

Re: Resolution 3581 – Approval of Contract

Dear Mayor,

I have drafted a Contract between the City of Miles City and Riverside Marine & Cycle, LLC d/b/a Bobcat of Miles City for the purchase of a 4x4 Utility Work Machine and brush, in the amount of \$43,007.00. As required by Ordinance for all contracts in excess of \$25,000.00, I am submitting this written approval of the aforementioned contract.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Z. Rice", is written over a horizontal line. The signature is stylized and somewhat cursive.

Daniel Z. Rice