



City of Grand Island

Tuesday, July 26, 2005

Council Session

Item G13

#2005-209 - Approving Termination and Release Agreement with Northwest Electric on Blower Repair for Waste Water Treatment Plant

Staff Contact: Steve Riehle, City Engineer/Public Works Director

Council Agenda Memo

From: Steven P. Riehle, P.E., Director of Public Works

Meeting: July 26, 2005

Subject: Repair of Aeration Basin Blower at WWTP

Item #'s: G-13

Presenter(s): Steven P. Riehle, P.E., Director of Public Works

Background

One of the aeration basin blowers at the Waste Water Treatment Plant is inoperative. Resolution 2004-273 authorized issuing a purchase order to Northwest Electric Inc. to repair the unit. After opening the unit and analyzing the extent of the necessary repairs, Northwest Electric concluded that they did not have the expertise and necessary resources.

Discussion

Accordingly, Administration recommends rescinding Resolution 2004-273 and the Purchase Order authorizing Northwest Electric to perform the blower repairs, and authorize the Mayor to sign a termination agreement with Northwest Electric. Administration recommends contracting with Gardner Denver, the factory authorized service center, to perform the repairs for an estimated cost of \$38,750.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Make a motion to approve rescinding Resolution 2004-273, and authorize the Mayor to sign a termination agreement with Northwest Electric and approve issuance of a purchase order to Gardner Denver for the necessary repairs.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends rescinding Resolution 2004-273, and authorizing the Mayor to sign a termination agreement with Northwest Electric and approve issuance of a purchase order to Gardner Denver for the necessary repairs.

Sample Motion

Move to approve rescinding Resolution 2004-273, and authorize the Mayor to sign a termination agreement with Northwest Electric and approve issuance of a purchase order to Gardner Denver for the necessary repairs.

TERMINATION AND RELEASE AGREEMENT

This Termination and Release Agreement ("Agreement") is entered into this 6th day of July 2005, by and between the City of Grand Island, a Nebraska municipal corporation ("Grand Island"), and Northwest Electric, Inc., a Nebraska corporation ("Northwest") (Grand Island and Northwest are sometimes hereinafter referred to collectively as the "Parties"). In consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Purchase Order. On November 9, 2004, Northwest received from Grand Island the Purchase Order attached hereto as Exhibit "A" and incorporated herein by this reference (the "Purchase Order").

2. Mutual Release. Northwest and Grand Island, in consideration of the terms and conditions agreed to below, release one another, and one another's respective shareholders, directors, officers, agents, employees, servants, agents, successors and assigns from any and all claims, rights, obligations, liabilities, causes of action, demands and damages they have or may claim in law or in equity, known or unknown, arising out of directly or indirectly or relating in any manner to the Purchase Order or the work performed thereunder.

3. Counterparts. This Agreement may be executed simultaneously in one or more multiple originals and on telecopy counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed on the date first written above.

CITY OF GRAND ISLAND,
a Nebraska municipal corporation

By: _____

Its: _____

NORTHWEST ELECTRIC, INC.,
a Nebraska corporation

By: Larry Lutz

Its: President

RESOLUTION 2005-209

WHEREAS, on October 26, 2004, by Resolution 2004-273, the City Council of the City of Grand Island approved emergency procurement procedures for Northwest Electric Inc. of Lincoln, Nebraska, to repair an aeration basin blower at the Wastewater Treatment Plant; and

WHEREAS, upon analyzing the extent of the necessary repairs to the aeration basin blower, Northwest Electric concluded they did not have the expertise and appropriate resources to make the necessary repairs; and

WHEREAS, it is recommended that a termination agreement be approved with Northwest Electric, and that Resolution 2004-273 be rescinded; and

WHEREAS, it is further recommended that Gardner Denver of Peachtree, Georgia, the factory authorized service center be authorized to perform the necessary repairs at an estimated cost of \$38,750.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a termination agreement with Northwest Electric of Lincoln, Nebraska, is hereby approved for the repair of an aeration basin blower at the Wastewater Treatment Plant; and that the Mayor is hereby authorized and directed to execute such Termination Agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED, that Resolution 2004-273 is hereby rescinded.

BE IT FURTHER RESOLVED, that Gardner Denver of Peachtree, Georgia, is hereby approved to make such necessary repairs to the aeration basin blower in the estimated amount of \$38,750.

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Adopted by the City Council of the City of Grand Island, Nebraska, July 26, 2005.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2005	☐ City Attorney