

RESOLUTION NO. 2011-10

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, ARIZONA, APPROVING THE CONTRACT AWARD TO WILSON ENGINEERS, LLC (“ENGINEER”) FOR DESIGN AND ENGINEERING SERVICES FROM PRELIMINARY DESIGN THROUGH THE BIDDING PROCESS FOR CONSTRUCTION OF THE SEWER SYSTEM IMPROVEMENTS AND FACILITIES TO BE FUNDED THROUGH A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA (“WIFA”); APPROVING AND DIRECTING CITY STAFF TO FINALIZE THE CONTRACT; AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR OTHER RELATED MATTERS; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to authority of Title 9, Article 5, Arizona Revised Statutes, the City of Willcox, Arizona (the “City”) operates a sewer system (the “System”); and

WHEREAS, pursuant to authority of Resolution No. 2001-01, adopted by the Mayor and Council on January 23, 2001, as amended (collectively, the “Bond Resolution”), the City has issued City of Willcox, Arizona Sewer Revenue Bonds, Series 2001A and 2001B (collectively, the “2001 Bonds”) which are payable from the “Net Revenues” (as defined in the Bond Resolution) of the System; and

WHEREAS, pursuant to authority of Resolution No. 2010-92, adopted by the Mayor and Council on August 30, 2010, the City entered into a Loan Agreement with the Water Infrastructure Finance Authority of Arizona (“WIFA”); and

WHEREAS, the City approved the WIFA Loan in the amount of \$1,000,000 for these professional services; has issued a Request for Qualifications (“RFQ”); has received nine RFQ responses thereto; has assembled an evaluation team that evaluated the responses pursuant to written criteria; has performed the evaluation; the team established the top three submittals; and based on evaluation results “Engineer” was selected as the top submittal; and

WHEREAS, the City has determined that the Engineering Services can be financed on advantageous terms through the loan from the Water Infrastructure Finance Authority of Arizona pursuant to Section 9-571, Arizona Revised Statutes; and

WHEREAS, the Mayor and Council desire to have this item presented on February 21st, 2011 at the Regular Council Meeting; and

WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely acceptance and award of the Contract, and that this Resolution be effective immediately upon its passage and adoption.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

Section 1. This Mayor and Council hereby find and determine that it will be beneficial to the citizens of the City of Willcox for the City to award and enter into a Contract with “Engineer” to perform engineering and design services as presented.

Section 2. The Mayor is authorized to execute the Contract documents and City staff is directed to finalize the Contract documents and related Exhibits.

Section 3. For the payment of these services, City staff are directed and authorized to utilize WIFA Loan funds for such purposes.

Section 4. The appropriate officials and officers of City are hereby authorized and directed to take all actions necessary or reasonably required by the parties to carry out the intent of this Resolution.

BE IT FURTHER RESOLVED by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this 21st day of February, 2011.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 02-24-2011

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina G. Whelan, CMC
City Clerk, Cristina G. Whelan, CMC

/s/ Hector M. Figueroa
City Attorney, Hector M. Figueroa

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