

RESOLUTION NUMBER 2013 – 041

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BROWNSVILLE TEXAS AND THE CITY OF LAWRENCE, KANSAS TO PURCHASE TRANSIT BUSES.

WHEREAS, the City of Brownsville, acting as the lead agency in a joint procurement, entered into a contract with Gillig LLC of Hayward, CA for delivery of a maximum of 75 Heavy Duty Wheelchair-Lift-Equipped Fixed Route Transit Buses; and

WHEREAS, under the terms of said contract the City of Brownsville may assign a quantity of said buses to other agencies under a cooperative agreement; and

WHEREAS, the city of Lawrence, Kansas is requesting the opportunity to purchase buses through said contract;

WHEREAS, Chapter 791 of the Texas Government Code authorizes local governments to contract, to the greatest possible extent, with one another and with agencies of the state to increase the efficiency and effectiveness of local governments;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Brownsville, Texas:

THAT the City Manager, or his designee, is authorized to execute an Inter-local Agreement between the City of Brownsville, Texas, and the City of Lawrence, Kansas.

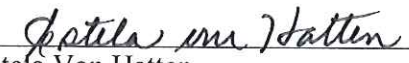
THAT the purpose of the Inter-local Agreement is to assign the City of Lawrence, Kansas the option to purchase buses through the City of Brownsville, Texas's contract with Gillig LLC of Hayward, CA.

PASSED AND APPROVED ON the 2nd of July 2013.



Antonio Martinez
Mayor

Attest:


Estela Von Hatten
City Secretary/Local Registrar



**AGREEMENT
BETWEEN CITY OF BROWNSVILLE
AND
THE CITY OF LAWRENCE, KANSAS**

This agreement is made this 28th day of MAY, 2013 between the City of Brownsville, Texas and the City of Lawrence, Kansas.

Pursuant to the authority granted by each city's respective state laws, providing for the cooperation between governmental bodies, the parties hereto, in consideration of the premises and mutual promises contained herein, agree as follows:

WHEREAS, the contract is made under the authority of Sections 791.001 -- 791.029 of the Texas Government Code for the City of Brownsville, Texas, and Section 12-2908 of the Kansas Statutes Annotated for the City of Lawrence, Kansas; and

WHEREAS, the parties, in performing governmental functions or in paying for the performance of governmental functions hereunder shall make that performance or those payments from current revenues legally available to that party;

WHEREAS, the governing bodies of each party find that the subject of this contract is necessary for the benefit of the public and that each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this contract; furthermore, the governing bodies find that the performance of this contract is in the common interest of both parties, and that the division of cost fairly compensates the performing party for the services under this contract.

I.

The City of Lawrence, Kansas hereby makes, constitutes and appoints the City of Brownsville, Texas its true and lawful purchasing agent for the purchase of the transit buses using the practices as allowed by the State of Texas Procurement Law. The City of Brownsville will forward a copy of all bid documents for the City of Lawrence records. The City of Lawrence agrees that the City of Brownsville shall serve as purchasing agent for the procurement of these buses, and agrees that the bidding shall be conducted by the City of Brownsville according to its usual bidding procedures and in strict accordance with the State of Texas Procurement Law.

II.

The City of Lawrence agrees that all specifications for the procurement of the buses shall be determined by joint agreement of the City of Brownsville and the City of Lawrence.

III.

The City of Lawrence agrees to pay the successful vendor for all buses purchased for the City of Lawrence pursuant to this agreement. The successful vendor shall bill the City of Lawrence directly for all buses purchased by the City of Lawrence, and the City of Lawrence shall be responsible for vendor's compliance with all specifications and delivery time frames of the buses purchased.

Robert A. Nugent, Public Transit Administrator is hereby designated as the official representative to act for the City of Lawrence in all matters relating to this agreement.

IV.

This agreement shall take effect upon execution of both parties.

VI.

This agreement shall be in effect from the date of execution and shall terminate upon the City of Lawrence taking possession of, and accepting, the buses from Vendor, unless earlier terminated by the parties.

IN WITNESS WHEREOF, parties hereto have caused this agreement to be executed by their authorized officers the day and year first above written.

CITY OF LAWRENCE

CITY OF BROWNSVILLE

BY: [Signature]
SIGNATURE

BY: [Signature]
SIGNATURE

Michael Dever
(PRINT NAME)

Charlie Gable
(PRINT NAME)

TITLE: Mayor

TITLE: City Manager

DATE: May 28, 2013

DATE: 7/3/13