

RESOLUTION 2024-40

A RESOLUTION AUTHORIZING THE CITY OF MOUNT PLEASANT, TENNESSEE, TO EXECUTE AND ENTER INTO A SECOND AMENDMENT TO ITS ENGINEERING CONTRACT WITH BARGE DESIGN SOLUTIONS, INC. TO PROVIDE PRELIMINARY AND FINAL DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, AND CONSTRUCTION FIELD REPRESENTATION FOR THE CONSTRUCTION OF WASTEWATER TREATMENT PLANT IMPROVEMENTS

6TH AMENDMENT TO BARGE ENGINEERING CONTRACT

WHEREAS, Resolution 2018-44 (December 5, 2018) authorized the City of Mount Pleasant to execute and enter into a revised agreement with Barge Design Solutions, Inc. for professional services related to the wastewater treatment plant and system improvements (“Barge Engineering Contract”); and,

WHEREAS, City of Mount Pleasant and Barge have entered into several amendment to the Barge Engineering Contract; and,

WHEREAS, because of reasons outside the control of the City of Mount Pleasant or Barge Design Solutions, the project has been delayed. Specifically, the Contractor has exceeded its contract time for completion of the project. The delay requires Barge to perform additional engineering services and extends the time that Barge has to oversee the construction for the wastewater treatment plant and system improvements; and,

WHEREAS, these changes modify the services of the engineer, payment to the engineer, and times for rendering engineering services, and such modifications necessitate an amendment to the Barge Engineering Contract; and

WHEREAS, Barge Design Solutions, Inc. has presented its Amendment to Owner-Engineer Agreement, Amendment No. 06 attached hereto and incorporated herein as Exhibit A; and,

WHEREAS, it appears that the terms and conditions of the Amendment to Owner-Engineer Agreement, Amendment No. 06, Exhibit A, are reasonable, appropriate, and in the best interests of the City of Mount Pleasant; and,

WHEREAS, USDA, Rural Development has approved Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MOUNT PLEASANT, TENNESSEE, AS FOLLOWS:

Section 1. That the Amendment to Owner-Engineer Agreement, Amendment No. 06 with Barge Design Solutions attached hereto and incorporated as Exhibit A is approved and the City of Mount Pleasant, Tennessee is hereby authorized to execute Exhibit A.

Section 2. If any one or more of the provisions of this Resolution, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 3. This Resolution shall take effect immediately.

Approved and adopted this _____ day of _____, 2024.

WILLIAM F. WHITE, JR., MAYOR

ATTEST:

LEGAL FORM APPROVED:

SHIPRAH COX, RECORDER

KORI BLEDSOE JONES, ATTORNEY