

RESOLUTION NO. 6328

**RESOLUTION SELECTING OF THE THIRD GENERATION ELECTRIC BID IN
RESPONSE TO REQUEST FOR BIDS FOR NORTH PEORIA STREET LIGHTING
PROJECT, AND AUTHORIZE NEGOTIATIONS FOR CONTRACT FOR
INSTALLATION OF LIGHTING IMPROVEMENTS ON NORTH PEORIA AVENUE,
BETWEEN EAST PINE STREET AND
EAST APACHE STREET, TULSA, OKLAHOMA**

WHEREAS, the Tulsa Development Authority (hereinafter referred to as Authority), a public body corporate, is designated and authorized to administer provisions of Tax Increment District Number Four (a/k/a North Peoria TIF), according to the Plan as prepared and formatted according to Title 62 O.S., Section 854, paragraphs 1, 4, 7, 13 and 17; and,

WHEREAS, TDA has previously issued a Request for Bids for the North Peoria Street Lighting Project (the "Project") pursuant to the competitive bidding process for the installation of improvements in accordance with the plans and specifications prepared by D. W. Gates, d/b/a Gates Engineering Services (the "Plans") and has received responses thereto; and,

WHEREAS, it has been determined by the Board of Commissioners of the Tulsa Development Authority (TDA) that the bid from THIRD GENERATION ELECTRIC in the amount of \$381,611.43 is the lowest and best responsible bid and that therefore is in the best interest of the TDA, the City of Tulsa and the citizens of the City that the Tulsa Development Authority (TDA) select the bid submitted by THIRD GENERATION ELECTRIC, and to authorize negotiations between TDA and THIRD GENERATION ELECTRIC for a Contract for the installation of the Project on and along North Peoria Avenue, between East Pine Street and East Apache Street, according to the Plans.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TULSA DEVELOPMENT AUTHORITY, that:

Section 1. The Board of Commissioners of the Tulsa Development Authority (TDA) hereby selects the bid from THIRD GENERATION ELECTRIC in the amount of \$381,611.43 as the lowest and best responsible bid from those bid submitted for the Project under the competitive bidding process conducted by TDA.

Section 2. The Board of Commissioners of the Tulsa Development Authority (TDA) does hereby authorize negotiations between TDA and THIRD GENERATION ELECTRIC for a Contract for the installation of the Project on and along North Peoria Avenue, between East Pine Street and East Apache Street, according to the Plans.

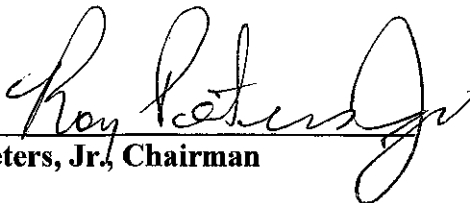
Section 3. That this authorization to negotiate a contract is contingent and conditioned upon the prior receipt by the Tulsa Development Authority of the written acknowledgement and agreement by the appropriate owner, partner, member, officer and/or manager of THIRD GENERATION ELECTRIC, on behalf of itself, and its owners, officers, managers, members and successors:

- (1) That no contract with Tulsa Development Authority for installation of improvements for the Project shall be in effect, unless and until, such contract shall have been approved by a majority vote of the Tulsa Development Authority Board of Commissioners in a public meeting; and,
- (2) That either party (i.e. TDA or THIRD GENERATION ELECTRIC), except as otherwise limited by the bidding documents, shall have the right to terminate the negotiations at any time without cause and without any further liability to the other, including within such exclusion of liability, without limitation, any costs, fees or other expenses incurred by either party in the course of preparation for and/or participation in such negotiations.

Section 4. This Resolution shall take effect immediately.

PASSED and ADOPTED this 6th day of April, 2017.

TULSA DEVELOPMENT AUTHORITY

By: 
Roy Peters, Jr., Chairman

Approved as to legal form and adequacy:


Jot Hartley, General Counsel
The Hartley Law Firm, PLLC