

RESOLUTION NO. 32-2015

A RESOLUTION EXERCISING FERGUS COUNTY'S SELF-GOVERNING POWERS AND THEREBY AUTHORIZING THE DENTON PARK DISTRICT TO CONTRACT DIRECTLY WITH INTERSTATE ENGINEERING COMPANY WITHOUT GOING THROUGH THE SOLICITATION PROCESS SET OUT IN TITLE 18, CHAPTER 8, PART 2, REGARDING THE SOLICITATION OF ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES

WHEREAS, Fergus County is a charter government, authorized to exercise self-governing powers when necessary, when such is deemed in the best interests of government operations and in the best interests of the citizens of Central Montana; and Fergus County recognizes in some circumstances that the application of state statutes can hinder the timely performance of governmental functions; and

WHEREAS, the Denton Park District Board is in need of engineering services to develop plans and specifications for the renovation of the Denton swimming pool, and the Board has recently contracted with Interstate Engineering who has an office in Billings, Montana, to view the Denton Pool and make recommendations regarding construction needs and to further assess and provide an opinion on the work recently done on the pool by WATCO Pools and Spas of Billings, Montana, and such work has been completed and a report received; and

WHEREAS, there are statutes which regulate the selection of engineering, architectural, and land surveying services by local governments, and such statutes are found in Title 18, Chapter 8, Part 2, Montana Code annotated, and such statutes generally provide that local governments wishing

such services will publically advertise their needs for particular projects, or for categories or types of services needed; then following advertising, local governments are then directed to select a service provider and directly negotiate a contract for the necessary services; and

WHEREAS, the application of the cited statutes will unnecessarily delay the renovation project of the Denton Pool, and the Board believes the Denton Park District should directly negotiate with Interstate Engineering for engineering services for renovation of the Denton Pool for the following reasons:

1. Interstate Engineering is currently working of the renovation of the Lewistown swimming pool, and in reference to such project will be in the Central Montana area at times during the expected renovation of the Denton swimming pool.

2. Interstate Engineering has extensive experience in the renovation of swimming pools.

3. Mr. Brian Milne, of Interstate Engineering is familiar with the Denton Swimming Pool, since he has recently visited the site in connection with preparation of the report described above.

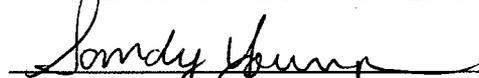
WHEREAS, the Montana Legislature has declared that local governments with self-governing powers must nonetheless follow the provisions of certain kinds of statues, with a listing of such statutes found in Title 7, Chapter 1, part 1; and the statutes dealing with the solicitation of engineering, architectural, and land surveying services are not contained in such listing;

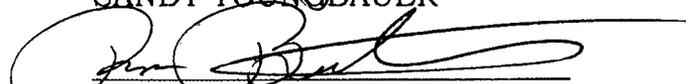
NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby exercises its self-governing powers to declare that the Denton Park District shall be authorized to directly negotiate a contract with Interstate Engineering for design and construction services for the renovation of the Denton swimming pool; and

BE IT FURTHER RESOLVED that the Board finds and concludes that the authority granted herein to the Denton Park District is in the best interests of the people in the Denton community, and further that application of the state statutes regarding solicitation of engineering, architectural, and land surveying services, in this instance is unnecessary and imposes requirements that hinder the selection and negotiation process.

PASSED AND APPROVED this 18 day of November, 2015.

BOARD OF COMMISSIONERS:


SANDY YOUNGBAUER


ROSS BUTCHER


CARL SEILSTAD

ATTEST:


RANA WICHMAN, Clerk & Recorder
PASSED AND APPROVED ETC.