

RESOLUTION NO. R20-20

A RESOLUTION APPROVING A TASK ORDER BETWEEN THE CITY OF LAUREL AND THE DEPARTMENT OF JUSTICE NATURAL RESOURCE DAMAGE PROGRAM (“NRDP”) FOR CONSTRUCTION OF A CAMPGROUND AT RIVERSIDE PARK.

BE IT RESOLVED by the City Council of the City of Laurel, Montana:

Section 1: Approval. The Task Order and Attachments between the Parties is attached hereto and incorporated herein as part of this resolution, and are accepted and hereby approved by the City Council.

Section 2: Execution. The Mayor and City Clerk/Treasurer of the City of Laurel are hereby given authority to accept and execute the attached Task Order and Attachments on behalf of the City.

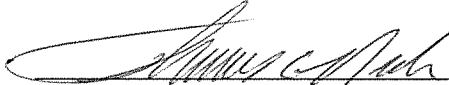
Section 3: Effective date. The effective date for the Task Order is upon adoption and approval of this resolution.

Introduced at a regular meeting of the City Council on April 14, 2020, by Council Member Klose.

PASSED and APPROVED by the City Council of the City of Laurel this 14th day of April 2020.


APPROVED by the Mayor this 14th day of April 2020.

CITY OF LAUREL



Thomas C. Nelson, Mayor

ATTEST:



Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:



Sam Painter, Civil City Attorney

TASK ORDER 3

City of Laurel Riverside Park Campground Construction

This Task Order is entered into between the Department of Justice, Natural Resource Damage Program (NRDP) and the City of Laurel (Contractor), as authorized by NRDP Contract No. 700122 (Agreement).

1. PURPOSE

The purpose of this Task Order is to outline the tasks necessary for the Contractor to construct a campground at Riverside Park.

A Scope of Work is detailed further in **Attachment A**. Any changes to Scope of Work tasks require written approval of the NRDP Project Manager.

2. EFFECTIVE DATE AND PERIOD OF PERFORMANCE

This Task Order will take effect upon the signature of both parties and terminate on **March 31, 2021**, unless terminated earlier in accordance with the terms of this Task Order.

3. COMPENSATION

In consideration for the services to be provided, the NRDP will pay Contractor an amount **not to exceed \$288,850**, as estimated in **Attachment B, Budget** for this Task Order. Contractor will submit monthly invoices conforming to Agreement requirements, as well as Contractor's name, address, and Agreement and Task Order numbers, to NRDP for costs actually incurred, unless no work was performed during the billing period. Invoices of subcontractors will be submitted without mark-up by Contractor. Progress reports will be submitted with all invoices (including subcontractor invoices) that clearly identify the work performed, including hours, dates and personnel. Contractor must not exceed the costs specified in this section without prior written authorization in the form of a fully executed task order modification. NRDP has thirty (30) days to pay invoices, as allowed by 17-8-242, MCA. Contractor will submit invoices to the Natural Resource Damage Program, P.O. Box 201425, Helena, MT 59620-1425, or by email to DOJNRDPInvoice@mt.gov.

4. SUBCONTRACTING

Contractor will procure a licensed construction contractor for the work in accordance with the terms of Title 18, Chapter 2, MCA, and other applicable procurement laws and regulations for public works.

NRDP must pre-approve in writing of any services to be performed by a subcontractor or any supplies to be procured by Contractor. Contractor is responsible for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors,

and for the acts and omissions of persons employed directly by Contractor. All Contractor procurement of subcontractors and supplies must comply with applicable Montana procurement laws and regulations. Prior to obtaining any subcontracted services or supplies in the amount of \$5,000 or more, Contractor must obtain NRDP's written approval of the procurement method, subcontractor, subcontract, the subcontract price, the subcontractor agreement, and, as applicable, labor rates, overhead rates and any subcontractor fee. Contractor will use an NRDP-provided template or form for the procurement if requested. Contractor must submit documentation of the NRDP-approved procurement with the invoice that includes subcontractor costs or supplies. NRDP may require documentation of publication of the procurement and submittal of forms, as applicable.

5. PROJECT MANAGERS AND SERVICE OF NOTICES

- A. The Project Manager identified below will manage the day-to-day project activities on behalf of the NRDP.

The Project Manager for this Task Order is:

Alicia Stickney
1720 9th Ave
Helena, MT 59601
Phone: (406) 444-1346
E-mail: aliciastickney@mt.gov

- B. The Contractor Project Managers identified below will manage the day-to-day project activities on behalf of the Contractor.

The Contractor Project Managers for this Task Order are:

Kurt Markegard
City of Laurel
P.O. Box 10
Laurel, MT 59044
Phone: (406) 860-5785
E-mail: kmarkegard@laurel.mt.gov

Matt Wheeler
City of Laurel
P.O. Box 10
Laurel, MT 59044
Phone: (406) 208-1885
E-mail: mwheeler@laurel.mt.gov

- C. Written notices, reports, and other information required to be exchanged between the parties must be directed to the respective Project Managers.

6. EXECUTION.

The parties through their authorized agents have executed this Task Order on the dates set out below.

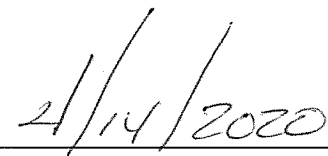
STATE OF MONTANA
DEPARTMENT OF JUSTICE
NATURAL RESOURCE DAMAGE PROGRAM

Harley Harris Program Manager 1720 9th Avenue PO Box 201425 Helena, MT 59620	Date
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Approved for legal content by:

Thad Adkins NRDP Legal Counsel	Date
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CITY OF LAUREL

 Thomas C. Nelson Mayor P.O. Box 10 Laurel, MT 59044	 Date
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6. EXECUTION.


The parties through their authorized agents have executed this Task Order on the dates set out below.

STATE OF MONTANA
DEPARTMENT OF JUSTICE
NATURAL RESOURCE DAMAGE PROGRAM


Digitally signed by Harley
Harris
Date: 2020.04.17 09:43:05

Ha -06'00' Date
Program Manager
1720 9th Avenue
PO Box 201425
Helena, MT 59620

Approved for legal content by:


Digitally signed by Thad Adkins
Date: 2020.04.16 13:11:49 -06'00'

Thad Adkins Date
NRDP Legal Counsel

CITY OF LAUREL


Digitally signed by Thomas C. Nelson
Date: 4/14/2020

Thomas C. Nelson Date
Mayor
P.O. Box 10
Laurel, MT 59044

**ATTACHMENT A
SCOPE OF WORK****City of Laurel Riverside Park Campground Construction****BACKGROUND**

The City of Laurel (Contractor) proposed to construct a campground at Riverside Park as part of the preparation of the recreation project priority plan. The Recreation Project Priority Plan was completed as part of the implementation of the *Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill* prepared by the U.S. Department of the Interior, through the Bureau of Land Management and U.S. Fish and Wildlife Service, and the State of Montana through the Department of Justice Natural Resource Damage Program (NRDP). The priority plan identifies preferred recreation projects and funding amounts to meet the restoration plan goal of providing additional recreational human use opportunities to offset those lost due to the July 1, 2011 ExxonMobil Pipeline Company Yellowstone River Oil Spill. These projects were approved by Governor Bullock on May 30, 2018 as part of the Yellowstone River Recreation Project Priority Plan. The purpose of this Task Order is to make the approved funds available to the City of Laurel in accordance with plan requirements.

TASKS

Contractor will perform the following tasks:

Task 1: Construct Campground

The Contractor will procure a construction contractor following state procure requirements and, where applicable and not contradictory to state requirements, City of Laurel procurement requirements and policies, to construct a campground according to the plans and specifications in the project manual for the Riverside Park Campground. The project manual was prepared in March 2020 by KLJ, Inc., and is incorporated herein by reference. Contractor will only invoice NRDP for eligible items that were approved in the Yellowstone River Recreation Project Priority Plan. Contractor will provide a copy of the construction completion report to NRDP upon project completion.

Task 2: Administration and Task Order Management

The Contractor will prepare and provide NRDP with progress reports based on the above tasks and submit detailed invoices according to these tasks.

SCHEDULE AND DELIVERABLES

Contractor will provide deliverables to NRDP according to the following schedule:

1. Task 1: One electronic copy of the construction completion report and construction record drawings on or before December 31, 2020.
2. Task 2: One (1) electronic copy of each Progress Report due with each invoice.

BUDGET

The project budget is in Attachment B.

**ATTACHMENT B
BUDGET**

Cost Estimate of Project Components

Budget Item	NRDP Funding	Other Funding	Total Funding
Construct Campground	\$288,850	\$34,691	\$323,541
Total	\$288,850	\$34,691	\$323,541

Preliminary cost estimates for eligible campground development components were: sanitation facilities (\$92,000), campground (\$198,720), picnic facilities (\$139,200), parking improvements (\$30,000), a 5,500 linear foot trail (\$31,000), tree and shrub plantings (\$9,000), and lighting (\$76,000) for a total of \$575,920. The City of Laurel may use match funds for the water line and electric hookups for the campground. The City of Laurel has approximately \$150,000 of match funding to put to campground future costs. Other funding described above is not paid by NRDP.