

RESOLUTION NO. 1317

A RESOLUTION RATIFYING THE DECISION OF THE CITY MANAGER TO GRANT GREAT AMERICAN INSURANCE COMPANY AN ADDITIONAL NINETY (90) DAYS FROM APRIL 6, 2020 UNTIL JULY 6, 2020 TO COMMENCE PERFORMANCE OF THE TIGER HILL SOLDIER PILE RETAINING WALL CONTRACT #171703 OR MAKE A SATISFACTORY ARRANGEMENT FOR CONTINUATION OF CONTRACT #171703

WHEREAS, on March 3, 2020 the City of Broken Arrow terminated contract number 171703 with Stronghand LLC for the Tiger Hill Soldier Pile Retaining Wall effective March 3, 2020. The City of Broken Arrow notified Stronghand LLC's Performance Bond Surety, Great American Insurance Company, of the termination, and tendered the remaining obligations of the Contractor under the Contract to the Performance Bond Surety to take over and correct and complete the Work; and commence performance of the Contract or make a satisfactory arrangement for the continuance of the Contract within twenty (20) working days from the Notice of Termination. Pursuant to the contract and service of the notice of termination, Great American Insurance Company had a deadline of April 6, 2020 to either take over and complete the work, or make a satisfactory arrangement for continuance of the Contract; and

WHEREAS, Great American Insurance Company, in light of the COVID-19 pandemic, declarations of a national health emergency from the federal government, executive orders from the State of Oklahoma, and emergency declarations Broken Arrow, Great American Insurance Company has stated its ability to conduct its investigation has been impacted. Great American Insurance Company has advised it is continuing its investigation, but needs additional time, and requested an extension of ninety (90) days, making the deadline July 6, 2020; and

WHEREAS, on March 28, 2020, City Manager, Michael Spurgeon granted Great American Insurance Company's request for an extension of time to conduct their investigation under the terms of the Contract; and

WHEREAS, the City Council has determined that such an extension of time is reasonable under the circumstances; and

WHEREAS, it is the desire of the Council to ratify the decision of the City Manager to extend the response time under the Contract with Great American Insurance Company.

NOW, THEREFORE, BE IT RESOLVED that Great American Insurance Company is provided an additional ninety (90) days from April 6, 2020 to July 6, 2020 to commence performance of the Tiger Hill Soldier Pile Retaining Wall Contract #171703 or make a satisfactory arrangement for continuation of contract #171703.

APPROVED by the Mayor of the Council of the City of Broken Arrow, Oklahoma this 7th day of April, 2020.

ATTEST:

Mayor

City Clerk

REVIEWED as to form and legality this 7th day of April, 2020.

City Attorney