



MEMORANDUM

Council Agenda
Item No. IX. BP
8/15/2023

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Water Utilities Trust authorizing the General Manager of the Oklahoma City Water Utilities Trust to receive and approve Securities applications in lieu of retainage and The City of Oklahoma City Treasurer to take possession and to secure Securities endorsed or assigned to the Oklahoma City Water Utilities Trust designated as "owner" in the construction contract documents as authorized by Oklahoma law; and authorizing the General Manager of the Oklahoma City Water Utilities Trust and the Treasurer of The City of Oklahoma City to negotiate such Securities to the extent necessary to cause the construction contract to be fulfilled.

Background:

Oklahoma State Statutes, Section 113.2 of the Oklahoma Competitive Bidding Act, Title 61, allows for retainage to be withheld in public construction projects; it also allows for the withdrawal of said retainage after the deposit of Securities.

The current procedures require the Trustees to approve Securities applications and The City of Oklahoma City (City) to authorize the City Treasurer to take possession and secure Securities in lieu of retainage.

Recently, contractors have expressed interest in simplifying the current procedures for approval of Securities.

Upon review of the State Statutes and procedures for the same, staff recommends authorizing the General Manager of the Oklahoma City Water Utilities Trust (OCWUT) to receive and approve Securities applications in lieu of retainage and authorizing the Treasurer to take possession and to secure Securities endorsed or assigned to OCWUT designated as "owner" in the construction contract documents. The procedures will also allow the General Manager and the City Treasurer to negotiate such Securities to the extent necessary to cause the construction contract to be fulfilled.

Review:

Utilities Department

Recommendation: Joint Resolution be adopted.