RESOLUTION APPROVING THE PASS THROUGH OF FUNDS TO EMERY COUNTY TO BE RECEIVED BY THE COALITION FOR COMBUSTION TESTING PERFORMED FOR DRAX UNDER PURCHASE ORDER P130963, AND RELATED MATTERS.

WHEREAS, pursuant to Resolution 2020-05F the Coalition Board approved a framework agreement with Drax Power Limited a corporation of England and Wales for combustion testing with the L1500 equipment that was transferred from the University of Utah to the San Rafael Energy Research Center; and

WHEREAS, the Drax framework agreement is a master agreement under which it was anticipated that Drax would order combustion testing with the L1500, but the framework agreement itself did not actually order any work to be performed; and

WHEREAS, Emery County has taken measures to hire and/or retain consultants capable of operating combustion tests with the L1500; and

WHEREAS, the Coalition has received a purchase order dated November 2, 2020, under purchase order number P130963 from Drax in the amount of $67,000 for combustion testing with the L1500 at the San Rafael Energy Research Center, which purchase order is attached hereto, along with the proposal for combustion testing that was provided to Drax by Dr. Andrew Fry who is consulting with Emery County and who has also assisted the Coalition related to combustion testing at the research center; and

WHEREAS, after consultation it is deemed best to perform the initial combustion testing and research for Drax purchase order P130963 under the existing framework agreement between the Coalition and Drax; and

WHEREAS, Emery County will incur the expenses for materials, utilities and labor, including consultants like Dr. Fry, with respect to purchase order P130963 from Drax; and

WHEREAS, the Coalition desires to pass through the funds it will receive under purchase order P130963 from Drax to Emery County to pay for the costs and expenses related to the combustion testing to be performed at the San Rafael Energy Research Center for Drax; and

WHEREAS, Emery County has informed the Coalition that such an arrangement would be agreeable to Emery County:
NOW, THEREFORE, be it resolved by the Governing Board of the Seven County Infrastructure Coalition, Utah as follows:

1. The Governing Board approves and authorizes the pass through of funds from purchase order P130963 from Drax Power Limited in an amount not to exceed $67,000 to pay for costs and expenses that Emery County will incur related to the operation of the L1500 and the performance of the combustion testing ordered by Drax. Emery County will be responsible for the cost of all technical expertise and all expenses that may be incurred related to purchase order P130963 from Drax and the associated combustion testing.

2. The Coalition Board authorizes the Executive Director to sign such contracts and agreements with Emery County to effect the approval and pass through authorized in paragraph one and the Board further authorizes the attestation of the Executive Director’s signature and application of the Coalition seal to the same.

3. All parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

4. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.
APPROVED AND ADOPTED this November 13, 2020.

Motion by Commissioner ______________ and Seconded by Commissioner ________________.

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

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Co-Chair Brad Horrocks

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Co-Chair, Lynn Sitterud

(COALITION SEAL)

ATTEST:

______________________________
Eric Johnson, Legal Counsel