

Introduced by: Mayor  
Date: 03/13/01  
Action: Adopted as Amended  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2001-028 (MAYOR) SUBSTITUTE**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH  
CORNELL COMPANIES INC. FOR PLANNING AND PROMOTION OF THE PRISON  
PROJECT**

**WHEREAS,** the borough assembly passed Resolution 2001-016 authorizing the negotiation of a contract to assist the borough administration with the planning, promotion, and potentially the design, construction, and operation of an 800-1000 bed medium security correctional facility; and

**WHEREAS,** Ordinance 2000-59 required that the assembly must approve by resolution any such contract before it may take effect; and

**WHEREAS,** the administration is in the process of negotiating a contract with Cornell Companies Inc. and in the interim requests approval of the assembly to enter a Memorandum of Understanding with Cornell expressing both parties' intent to continue in good faith and due diligence to promote legislative approval of the project;


**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Memorandum of Understanding between Cornell Companies Inc. and the Kenai Peninsula Borough, a copy of which is attached hereto and incorporated by reference as Exhibit A, is approved.

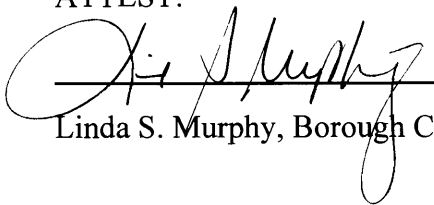
**SECTION 2.** That the final negotiated contract shall be presented to the assembly for approval as required by Ordinance 2000-59.

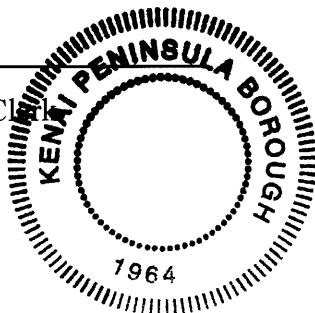
**SECTION 3.** That this resolution takes effect immediately upon its enactment.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 13TH DAY OF MARCH, 2001.**

  
Timothy Navarre, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk



## **Memorandum of Understanding**

**THIS MEMORANDUM OF UNDERSTANDING** is entered into on this \_\_\_\_\_ day of March, 2001 between **KENAI PENINSULA BOROUGH** (hereinafter "Borough") and **CORNELL COMPANIES INC.** (hereinafter "Cornell").

**WITNESSETH:**

**WHEREAS**, in accordance with applicable law and the terms and conditions of a Request for Qualifications ("RFQ") dated December 15, 2000, and associated addenda, following a competitive selection process, Cornell was chosen to assist the Borough with planning and promoting an 800 to 1000 bed medium security correctional facility to be located within the Kenai Peninsula Borough; and

**WHEREAS**, in Resolution 2001- 016 the Borough assembly authorized the borough administration to negotiate a contract with Cornell to assist the Borough with the planning and promotion of the Project, and potentially to enter one or more contracts for the development, design, construction and operation of an 800 to 1,000 bed medium security correctional facility, if the Project is approved by the state legislature, an agreement is entered into between the state and the borough for the state to purchase prison services, and other conditions pursuant to the RFQ are met;

**WHEREAS**, the Borough wishes to obtain the benefits of Cornell's expertise in the field of corrections management by retaining Cornell to assist in activities related to the legislative approval of the project subject to the terms and provisions of this Contract; and

**WHEREAS**, the Borough and Cornell are in the process of negotiating a contract pursuant to the terms and conditions of the RFQ, but recognize the need for ongoing efforts by both the Borough and Cornell to promote legislative approval of the Project, and therefore wish to enter into this memorandum of understanding, memorializing their intent to formalize a contract, and authorizing both parties to continue good faith efforts to promote the project in accordance with the RFQ and Cornell's response to it, until such a contract can be signed.

**NOW THEREFORE**, in consideration of the mutual promises and covenants herein contained, and subject to the conditions herein set forth, the parties hereby agree as follows:

1. The Borough and Cornell will continue to negotiate the terms of a contract between them as anticipated by and in accordance with the RFQ and Cornell's response to it and as awarded by the Kenai Peninsula Borough.
2. Pending negotiation, approval, and execution of this Contract, it is the understanding of the Borough and Cornell that each of them shall continue in good faith and with due diligence their respective efforts to promote legislative approval of the project.
3. Cornell agrees that it will bear the sole cost of third-party or its direct expenses relating to the promotion of this Project. The Borough agrees that it will pay its direct expenses and any eligible reimbursement of costs incurred by Cornell pursuant to reimbursement provisions to be negotiated in accordance with the RFQ.

**IN WITNESS WHEREOF**, intending to be legally bound, the parties have caused their authorized representative to execute this Memorandum of Understanding as of the \_\_\_\_\_ day of March, 2001.

BY: \_\_\_\_\_

Date: \_\_\_\_\_

BY: \_\_\_\_\_

Date: \_\_\_\_\_