

EXHIBIT A

THIS MEMORANDUM AGREEMENT, made and entered into this _____, 1973, by and between HERSEY PRODUCTS, INC., Suite 205, 1800 Westlake Ave. No., Seattle, Washington 98109, hereinafter called "Hersey," and the CITY OF PORTLAND, a municipal corporation of the State of Oregon, by and through its Mayor and its Commissioner of Public Works, hereinafter called "City,"

W I T N E S S E T H:

WHEREAS the Bureau of Water Works of City has purchased one Single Check Valve and Double Check Valve Assembly from Hersey and has caused to be issued City P. O. No. 45016 (Hersey Branch Order No. 09-4434 dated August 11, 1972) for the sum of \$1,838.50 which represents one-half the purchase price for said equipment, and which Purchase Order remains unpaid by City, and

WHEREAS the Bureau of Water Works of City has also caused to be issued City P.O. No. 45024 (Hersey Branch Order No. 09-4433 dated August 11, 1972) in the amount of \$1,838.50, which sum was paid by City to Hersey by City Warrant No. 2256 dated September 13, 1972, and issued for the sum of \$1,968.53 (which allowed for 2% cash discount and included freight charges in the amount of \$166.80),

NOW, THEREFORE, for and in consideration of the premises, it is hereby agreed by and between the parties hereto as follows:

1. That the equipment described hereinabove has been delivered and accepted by the Bureau of Water Works of City as one shipment, for which one-half the total purchase price less 2% cash discount plus \$166.80 freight charges has been paid by City by City Warrant No. 2256 dated September 13, 1972 in the sum of \$1,968.53.

2. That the balance due to Hersey for furnishing said equipment is \$1,838.50, which City agrees to pay upon execution of this agreement.

IN WITNESS WHEREOF, Hersey has caused this agreement to be executed in triplicate by its duly authorized representative, and City has caused the same to be executed in triplicate by its Mayor and by its Commissioner of Public Works, all on the day and year first above written, the City acting pursuant to Ordinance No.

(Affix Corporate Seal)

HERSEY PRODUCTS, INC.

BY _____

(Title)

CITY OF PORTLAND

BY _____ Mayor

BY _____ Commissioner of Public Works

Approved as to Form:

City Attorney

(This agreement prepared in the office of the City Attorney, Portland, Oregon, pursuant to City Charter Sec. 8-104.)

ORDINANCE NO. 136791

An Ordinance authorizing a memorandum agreement with Hersey Products, Inc. for furnishing one (1) Single Check Valve and Double Check Assembly for the Bureau of Water Works, authorizing the drawing and delivery of a warrant in payment of a portion of the purchase price, ratifying payment of net amount of \$1,968.53 including freight on Purchase Order No. 45024, waiving performance bond requirement, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Bureau of Water Works has purchased one (1) 10 x 12 check valve and double check assembly from Hersey Products, Inc., 1800 Westlake No. - Suite 206, Seattle, Washington 98109, for a total sum exceeding \$2,500 notwithstanding Sections 8-104 and 8-105 of the City Charter; that Purchase Order No. 45024 dated July 1, 1972, in the net amount of \$1,968.53 (which included freight charges of \$166.80 and a cash discount of 2% on one-half the purchase price or \$1,838.50) was paid by the City Auditor with City Warrant No. 22526; that Purchase Order No. 45016 dated July 1, 1972, has not been paid; that the equipment has been received and accepted by the Bureau of Water Works by two tallies, one dated July 26, 1972, and one dated August 3, 1972; that the cash discount of 2% on the unpaid portion of the purchase price (\$1,838.50) cannot be taken; that a memorandum agreement with Hersey Products, Inc. should be authorized, in order that the requirements of Section 8-104 of the City Charter may be met and the Auditor shall have authority to complete payment for equipment received and accepted; now, therefore, the Mayor and the Commissioner of Public Works hereby are authorized to enter into a memorandum agreement with Hersey Products, Inc. (address above) for furnishing one Single Check Valve (10 x 12) and Double Check Valve Assembly, said agreement to be substantially in accordance with the form of agreement marked Exhibit "A," attached to the original only of this ordinance, and the requirement of a performance bond hereby is waived.

Section 2. The Mayor and the Auditor hereby are authorized to draw and deliver a warrant in the sum of \$1,838.50 to Hersey Products, Inc. as the balance due on the price of the equipment described in Section 1 hereof, said warrant to be payable pursuant to Purchase Order No. 45016 and the memorandum agreement authorized by Section 1 hereof. Payment of the net amount of \$1,968.53 which included freight charges in the sum of \$166.80 for shipment of the equipment described

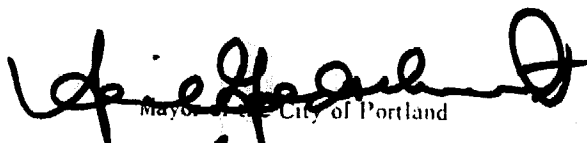
ORDINANCE No.

in Section 1 hereof and allowed for a two percent (2%) cash discount on one-half the purchase price (\$1,838.50) by Warrant No. 22526 issued pursuant to Purchase Order No. 45024, hereby is ratified. The warrant to be drawn pursuant to Purchase Order No. 45016 and the memorandum agreement herein authorized shall be chargeable to the Water Construction Fund, Appropriation Water System Enlargement and Extension, Water Supply, Transmission and Distribution System (5900.770).

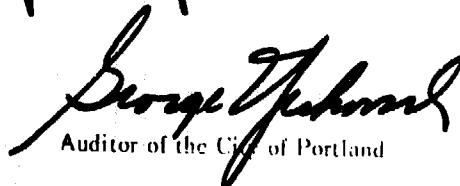
Section 3. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: in order that payment for equipment furnished and accepted may be made, this ordinance should be effective immediately upon its passage; therefore, an emergency hereby is declared to exist, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 27 1973

Com'r Anderson
June 13, 1973
RAB:pm


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 2059

ORDINANCE No. 136791

Title

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Anderson	1	
Ivancie	1	
McCready	1	
Schwab	1	
Goldschmidt		1

FOUR-FIFTHS CALENDAR	
Anderson	<i>[Signature]</i>
Ivancie	
McCready	
Schwab	
Goldschmidt	

An Ordinance authorizing a memorandum agreement with Hersey Products, Inc. for furnishing one (1) Single Check Valve and Double Check Assembly for the Bureau of Water Works, authorizing the drawing and delivery of a warrant in payment of a portion of the purchase price, ratifying payment of net amount of \$1,968.53 including freight on Purchase Order No. 45024, waiving performance bond requirement, and declaring an emergency.

Filed JUN 15 1973

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Jordan Dancel*
Deputy

INTRODUCED BY
Commissioner Anderson

DRAWN BY
RA B:pm
Date June 13, 1973

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>[Signature]</i>

City Attorney <i>[Signature]</i>

NOTED BY THE CITY AUDITOR
<i>[Signature]</i>

APPROVED
Date
By City Engineer
Date
By