

ORDINANCE NO. 07-5397

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THAT THE BILLINGS, MONTANA CITY  
CODE BE AMENDED BY REVISING SECTION 13-  
502; DELEGATING TO THE CITY ADMINISTRATOR  
THE AUTHORITY TO EXECUTE CERTAIN  
CONTRACT AMENDMENTS OR CHANGE ORDERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS,  
MONTANA:

*Section 1.* That Section 13-502 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 13-502. Execution of contract.

- (a) Within ten (10) working days after the acceptance of a bid, the bidder and the city shall make, execute and deliver to each other in duplicate a contract in accordance with the bid; provided, that the parties to the contract may extend the period for execution.
- (b) The city administrator, ~~or his/her designee~~ is authorized to execute amendments or change orders to all contracts, executed by the Mayor if the changes are:
  - (1) Within the scope of the project or purchase, provided ~~however~~ that increases in the scope of street improvement projects to add improvements requested and paid for by adjacent property owners are permissible; and
  - (2) Executed in writing; and
  - (3) Any increase in contract amount does not exceed: (a) ten (10) percent of the contract price, or (b) ~~one hundred thousand dollars (\$100,000.00)~~ \$500,000, or (c) the original budgeted contingency, whichever is less; ~~or (b) the amount set by Council resolution for a specific project.~~
- (c) The total amount of all change orders or amendments on any given project will be cumulatively combined and when any single amendment or change order exceeds the limit under subsection (b) of this section the proposed change must be presented to the city council for approval. However, where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, the city

council may, upon recommendation of the city administrator, extend the aggregate limits of subsection (1)(b) of this section upon initial award and approval of the particular contract, in an amount set by Council resolution for a specific project.

*Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.*

*Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.*

*Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.*

PASSED by the City Council on first reading this 11<sup>th</sup> day of December, 2006.

PASSED, ADOPTED and APPROVED on second reading this 8th day of January, 2007.

CITY OF BILLINGS

By \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

By \_\_\_\_\_  
Marita Herold, MMC City Clerk