

ORDINANCE NO. 02-5219

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 13-502; PROVIDING AUTHORITY TO AND LIMITATIONS ON CITY ADMINISTRATOR APPROVAL OF CONTRACT 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 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 10 percent of the contract price, or \$100,000, or the budgeted contingency, whichever is less.

(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 (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 (1)(b) of this section upon initial award and approval of the particular contract."

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 All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.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 22nd day of July, 2002.

PASSED, ADOPTED and APPROVED on second reading this 12th day of August, 2002.

CITY OF BILLINGS

By _____
Mayor

ATTEST:

By _____
City Clerk