

## RESOLUTION NO. 03- 17955

### A RESOLUTION AMENDING RES NO. 03-17946 PROVIDING FOR THE DELAY OF TWO WEEKS TO RECEIVE BIDS FOR THE CONSTRUCTION OF IMPROVEMENTS IN SPECIAL IMPROVEMENT DISTRICT NO. 1360.

WHEREAS, Special Improvement District No. 1360 has been duly created by Resolution Number 03-17945 on January 13, 2003; and

WHEREAS, it is necessary to provide for the receiving of bids and the letting of a contract for the construction of improvements within said Special Improvement District;

WHEREAS, it is necessary to delay the receiving of the bids due to unforeseen technical issues that arose during the mandatory pre-bid on Tuesday, February 4, 2003. The consulting engineer requires additional time to research several issues to ensure accurate, high-confidence construction bid. The only change from Resolution 03-17946 and this amended resolution modifies Items No. 3 and 5 below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. CONSIDERATION OF BIDS. At 6:30 p.m. on Monday, March 24, 2003, in the Council Chambers of the Police Facility, located at 220 North 27<sup>th</sup> Street, Billings, MT, the City Council will consider the bids for construction of improvements in Special Improvement District No.1360.
2. IMPROVEMENTS. The improvements consist of the following: water, sanitary sewer, curb and gutter, and street improvements to portions of Millennium Circle, South 29<sup>th</sup> Street West, South 30<sup>th</sup> Street West, South 31<sup>st</sup> Street West, Gabel Road, South 32<sup>nd</sup> Street West, Hesper Road, Spring Creek Lane, and Broso Park Drive.
3. BID SUBMITTAL. Said bids were originally to be submitted to the City Clerk of the City of Billings not later than Tuesday, February 11, 2003, such submission of bids shall now be postponed for two weeks to February 25, 2003. Therefore, said bids shall be submitted to the City Clerk of the City of Billings not later than 2:00 p.m. on Tuesday, February 25, 2003, and all bids shall be opened in public at 2:00 p.m. in the City Hall Conference Room, located on the first floor of the Park III Facility at 210 North 27<sup>th</sup> Street, Billings, MT, on Tuesday, February 25, 2003. This bid submittal is a two-week delay from the original bid submittal of February 11, 2003 set by Council on January 13, 2003.
4. BID REJECTION. The City Council shall and does hereby reserve the right to reject any or all bids.

5. **NOTICE OF CALL FOR BIDS.** The City Clerk was hereby authorized and directed to publish notice inviting bids, stating the time and place said bids must be submitted to the City Clerk, and the time they will be publicly opened. Said notice shall be published in the Billings Times, a newspaper published and circulated in the City of Billings, MT, in the regular issues on January 23 & 30, and February 6, 2003. **The City Clerk is hereby authorized and directed to publish notice extending the time to submit bids on February 13 and February 20, 2003.**
6. **OWNERS' RIGHT TO DO WORK.** The owners of over 75% of the frontage of lots and lands within said District, liable to be assessed or their agents, may elect to take such work and enter into a written contract to do the whole work at a price at least 5% less than the price at which the same would be awarded, within three (3) days after the awarding of the contract in compliance with the statutes of the State of Montana.
7. **CONTRACT.** In the event the owners do not elect to do the work, then said successful bidder shall immediately make and execute with the City of Billings, a contract in accordance with the provisions of the notices, resolutions, plans and specifications concerning this Special Improvement District, and all ordinances of the City of Billings. Said contract on the part of the City of Billings shall be approved by the City Council, executed in the name of the City of Billings, by its Mayor and attested by the City Clerk.
8. **PERFORMANCE BOND.** Upon execution and delivery of said contract, the successful bidder or contracting owners shall give to the City of Billings a good and sufficient bond in an amount not less than 100% of the amount of the contract, conditioned to the effect that such contract or contractors shall well and truly perform all the terms, conditions and provisions of said contract. In addition, said contractor or contractors shall provide insurance to protect the City and shall be responsible to save the City of Billings harmless from negligent or willful acts of said contractor and contractors.
9. **BID SECURITY.** Each bid shall be accompanied by lawful money of the United States, a cashier's check, certified check, bank money order, bank draft drawn and issued by a national banking association situation in the State of Montana, or a bid bond or bonds executed by a surety company authorized to do business in the State of Montana. Said money, check or bid bond to be in an amount equal to 10% of the amount of the bid. If said bid is accepted and the bidder complies with the terms of this resolution as to making, executing and delivering to the City of Billings said contract and bonds as herein required, then said bid security shall be returned.
10. **PAYMENTS.** All payments for the construction of said improvements shall be made in warrants drawn on the fund of Special Improvement District 1360 after the bonds of said district have been sold on the estimate of the City

Engineer and approved by the City Council; provided, however, that said contractor has paid for the labor performed and materials used on said improvements. Five percent (5%) of the estimates shall be reserved until the final completion of said improvements, in a manner reasonably satisfactory to the City.

11. **INCIDENTIAL COSTS.** Subsequent to the bond sale, the City Engineer shall cause to be paid such amounts as he shall estimate are necessary to cover the actual costs of engineering, inspection, legal expense, printing, preparation of assessment rolls and other incidental expenses properly a charge against the district, by an interfund transfer, and shall be drawn on the funds of the District, processed by the Finance Office, and transferred to the appropriate fund of the City
12. **WORKMENS' COMPENSATION.** Provisions shall be included in the contract to comply with the City's obligation of insuring payment of the premiums of the contractor to the State of Montana Workmens' Compensation Division and the provisions required in MCA, Title 18, Part 4.

PASSED BY THE CITY COUNCIL AND APPROVED this 10<sup>th</sup> day of February, 2003.

THE CITY OF BILLINGS  
BY:

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Charles F. Tooley, Mayor

ATTEST:  
BY: \_\_\_\_\_  
Marita Herold, CMC/AAE, City Clerk