

RESOLUTION 05-18272

A RESOLUTION DECLARING AN EMERGENCY  
AND WAIVING THE REQUIREMENT FOR COMPETITIVE BIDS  
AS CONTAINED IN 7-5-4302 AND 7-5-4303 MCA

WHEREAS, a storm drain pipe collapse in the alley between N. 27<sup>th</sup> Street and N. 26<sup>th</sup> Street and Montana Avenue and 1<sup>st</sup> Avenue N. has cause damage to property and stop flow of storm water system, and

WHEREAS, the repair of the storm drain pipe must be replaced immediately so that the storm drain system can continue to operate, and

WHEREAS, 7-5-4302 MCA requires cities to advertise for competitive bids and to award the bid to the lowest responsive bidder, and

WHEREAS, competitive bidding requires an advertising and award process that would delay the repair to the system until at least June 13, 2005, and

WHEREAS, 7-5-4303 MCA allows cities to waive the competitive bidding requirements if  $\frac{3}{4}$  of the members present at the meeting of the City Council declare an emergency.

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

1. EMERGENCY DECLARED. The collapse of the storm drain pipe and subsequent damage to private property is declared an emergency due to the unanticipated event, the damage incurred and the requirement to repair the storm drain system.
2. COMPETITIVE BIDDING WAIVED. Due to the declared emergency, the City Council waives the competitive bidding requirement for replacing electrical equipment for the emergency communications center as permitted by 7-5-4303 MCA.

APPROVED by at least  $\frac{3}{4}$  of the members present at the meeting of the City Council of the City of Billings, Montana, on the 23<sup>rd</sup> day of May, 2005.



CITY OF BILLINGS:

Mayor Pro Tem  
in the absence  
of the Mayor

Charles F. Tooley, MAYOR

ATTEST:

Marita Herold  
Marita Herold, CMC/AAE CITY CLERK