

RESOLUTION NO. 97- 17221

**A RESOLUTION PROVIDING FOR THE RECEIVING OF BIDS AND THE LETTING OF A CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS IN SPECIAL IMPROVEMENT DISTRICT NO. 1334.**

WHEREAS, Special Improvement District No. 1334 has been duly created; 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;

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

1. CONSIDERATION OF BIDS. At 7:30 o'clock p.m. on Tuesday, **May 27, 1997**, in the Council Chambers of the Police Facility, located at 220 North 27th Street, Billings, Montana, the City Council will consider the bids for construction of improvements in Special Improvement District No. 1334.
2. IMPROVEMENTS. The improvements consist of the following:  
**the reconstruction of curbs, gutters, sidewalks and street paving and the construction of storm drainage, landscaping, parking and street light wiring improvements, and the** doing of all things found necessary and incidental to the aforesaid, all of which shall be in strict accordance with the plans and specifications approved by the City Engineer of the City of Billings, Montana.
3. BID SUBMITTAL. Said bids shall be submitted to the City Clerk of the City of Billings not later than 2:00 o'clock p.m. on Tuesday, **May 13, 1997**, and all bids shall be opened in public at 2:00 o'clock p.m. in the City Hall Conference Room, located on the First Floor of the Park III Facility at 210 North 27th Street, Billings, Montana on Tuesday, **May 13, 1997**.
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 is 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, Montana, in the regular issues on **May 1, 1997 and May 8, 1997**.

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 (3) three 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 the 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 or 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 situated 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.

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10. PAYMENTS. All payments for the construction of said improvements shall be made in warrants drawn on the fund of Special Improvement District No. 1334 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. Ten percent (10%) of the estimates shall be reserved until the final completion of said improvements, in a manner reasonably satisfactory to the City.

11. INCIDENTAL 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 obligations 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 28th. day of April, 1997.



THE CITY OF BILLINGS:

BY: Charles F. Tooley  
Charles F. Tooley, MAYOR

ATTEST:

BY: Marita Herold  
Marita Herold, CMC CITY CLERK

**CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE**

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO \$379,000 SPECIAL SIDEWALK, CURB, GUTTER AND ALLEY APPROACH BONDS, SERIES 1997A; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF AND AUTHORIZING THE PLEDGE OF THE REVOLVING FUND TO THE SECURITY THEREOF" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on **April 28, 1997**, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof:

Begnier, Davis, Farmer, Deisz, Creighton, Mayor Tooley, Michunovich,  
Stone, Ohnstad, Larson; voted against the same:

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\_\_\_\_\_ ; abstained from voting thereon:

none

\_\_\_\_\_ ; or were absent:

none

WITNESS my hand and seal officially this **28th** day of **April**, 1997.

Marita Herold  
Marita Herold, CMC CITY CLERK