

RESOLUTION NO. 04-18183

A RESOLUTION PROVIDING FOR THE RECEIVING OF BIDS AND THE LETTING OF A CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS IN SPECIAL IMPROVEMENT DISTRICT NO. 1358.

WHEREAS, Special Improvement District No. 1358 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. **IMPROVEMENTS.** The improvements consist of the following: construction of curb and gutter, sidewalks, sanitary sewer, sanitary sewer services, water main, water services, and the necessary street improvements and widening fronting lots on Inverness Drive, Pebble Beach Road, Oakmont Road, Broadmoor Road, Lake Hills Drive, Clubhouse Way, Lake Hills Place, and Greenbriar Road within Lake Hills Subdivision and Deep Powder Subdivision.
2. **BID REJECTION.** The City Council shall and does hereby reserve the right to reject any or all bids.
3. **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, MT.
4. **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.
5. **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.
6. **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 and contractors.
7. **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.
8. **PAYMENTS.** All payments for the construction of said improvements shall be made in warrants drawn on the fund of Special Improvement District 1358 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.

9. 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.

10. 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 **13th** day of **September 2004**.



THE CITY OF BILLINGS

BY: Charles F. Tooley
Charles F. Tooley
MAYOR

ATTEST:

BY: Marita Herold
Marita Herold, CMC/AE CITY CLERK