

RESOLUTION NO. 04-18153

A RESOLUTION AMENDING RESOLUTION NO. 04-18136 PROVIDING FOR THE RECEIVING OF BIDS AND THE LETTING OF A CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS IN SPECIAL IMPROVEMENT DISTRICT NO. 1365.

WHEREAS, Special Improvement District No. 1365 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:

Section 1. Consideration of Bids.

At 6:30 p.m. on Monday, August 9, 2004, in the Council Chambers of the Police Facility, located at 220 North 27th Street, Billings, MT, the City Council will consider the bids for construction of improvements in Special Improvement District No. 1365.

Section 2. Improvements.

The general character of the Improvements include the installation of water, sanitary sewer, curb and gutter, storm drain, street improvements, and other miscellaneous items and appurtenances in and along Lake Heights Drive fronting Lots 1-8, Block 64 and Lots 20-27, Block 63 of Lake Hills Subdivision, Twenty-Fifth Filing 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.

Section 3. Bid Submittal.

Said bids shall be submitted to the City Clerk of the City of Billings not later than 2:00 p.m. on Tuesday, August 3, 2004, 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 27th Street, Billings, Montana, on Tuesday, August 3, 2004.

Section 4. Bid Rejection.

The City Council shall and does hereby reserve the right to reject any or all bids.

Section 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, MT, in the regular issues on July 15 and 22 and 29, 2004.

Section 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.

Section 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.

Section 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