

RESOLUTION NO. 432

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AMADOR CITY CALLING FOR SEALED PROPOSALS AND
FIXING LIQUIDATED DAMAGES FOR FAILURE TO
COMPLETE THE WORK WITHIN TIME SPECIFIED**

RESOLVED, by the City Council of the City of Amador City that:

WHEREAS, an emergency exists for the issuance of a resolution by the City Council of the City of Amador City soliciting sealed proposals and fixing liquidated damages for failure to complete work for preparation of plans and specifications for relocation of certain sewer force mains and gravity pipelines to transport sewerage to the City of Sutter Creek sewer treatment plant as required by Cal-Trans in the construction of the Amador City-Sutter Creek Highway By-Pass Project, and any delay in the approval of such resolution by the City of Amador City would jeopardize the completion date of said Highway 49 By-Pass project; and

WHEREAS, funds have been allocated for said project and the State of California is currently experiencing a budget crisis; and

WHEREAS, the Clerk of the City of Amador City was not notified of the necessity of said resolution nor the importance of immediate attention to the solicitation of bids thereon until after the preparation of the agenda of the City Council Meeting of January 15, 2004; and

WHEREAS, immediate action for the issuance of said resolution is required; and

WHEREAS, said City Council did order the preparation of plans and specifications for the relocation of certain sewer force mains and gravity pipelines to transport sewage to the City of Sutter Creek sewer treatment plant; and

WHEREAS, the City Council in recognition of said emergency does hereby make the following Resolution:

NOW, THEREFORE, the City Clerk of said City is hereby directed to publish once a week for two weeks in the Amador Dispatch, a newspaper published and circulated in said City, a notice inviting sealed proposals or bids for the construction of said improvements, and referring to the plans and specifications on file in the office of said City Clerk, the first publication of which notice shall be at least fourteen (14) days prior to the time fixed for opening bids.

All proposals or bids shall be accompanied by cash, a cashier's or certified check payable to the order of the City Clerk of the City amounting to ten percent (10%) of the bid, or by a bond in said amount and payable to said City signed by the bidder and a corporate surety or by the bidder and two sureties who shall justify before any officer competent to administer an oath, in double said amount and over and above all statutory exemptions. The amount so posted shall be forfeited to said City in case the bidder depositing the same does not, within fifteen (15) days after written notice that the contract has been awarded to him, enter into a contract with the City.

Pursuant to Section 1773 of the Labor Code of the State of California, the Director of the Department of Industrial Relations has determined general prevailing rate of per diem wages and the general prevailing rate for holidays and overtime work for each craft, classification, or type of workman required to execute the contract. A copy of said prevailing rate of per diem wages is available by contracting the Director of the Department of Industrial Relations. Said prevailing rate of per diem wages is available to any interested party upon request, and a copy thereof shall be posted at the job site.

It is hereby determined that in the event the contractor, contracting owners included, does not complete the work within the time limit specified in the proposed contract or within such further time as this City Council shall have authorized, the contractor or contracting owners, as the case may be, shall pay to City liquidated damages in the amount of Fifty Dollars (\$50.00) per day for each and every calendar day's delay in finishing the work beyond the completion date specified in said contract. Additional provisions with regard to said time of completion and liquidated damages are set forth in the specifications, which provisions are hereby referred to and incorporated herein by reference.

Said sealed proposals or bids shall be delivered to the City Clerk of said City on or before 11:00 a.m. on the 15th day of February, 2004, said time being not less than fourteen (14) days from the time of the first publication of said notice. Bids will be publicly opened, examined and declared on said day and hour, and referred to the City Council at its next regular meeting.

No bidder may withdraw his bid within thirty (30) days after actual date of the bid opening.

A copy of the plans and specifications may be obtained from the Office of Weatherby, Reynolds, Fritson Engineering and Design, 206 Peek Street, Jackson, California 95642, by paying \$50.00 which is non-refundable.

The foregoing resolution was duly passed and adopted at a regular meeting the the City Council of the City of Amador City on the 15th day of January 2004.

AYES: *Stevens, Knox, Luxemburg, McKeown, Lynch*

NOES: *0*

ABSENT: *0*

ABSTAIN: *0*

Joyce M. Luxemburg

HOPE LUXEMBERG, MAYOR

ATTEST:

Joyce Davidson

Joyce Davidson, City Clerk