

RESOLUTION NO. 05-388

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH R.W. SCOTT CONSTRUCTION COMPANY FOR
SIDEWALK IMPROVEMENTS

WHEREAS, the City conducted a bid opening for City sidewalk improvements on June 30, 2005; and

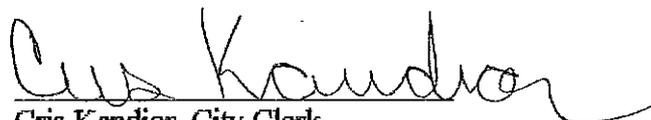
WHEREAS, pursuant to state bid laws, City staff has advertised for bids in the newspaper of record and received and evaluated bids from interested contractors to determine the lowest responsible bidder; now, therefore,

BE IT RESOLVED that the Council authorizes the Mayor, on behalf of the City of Black Diamond, to enter into a contract with R.W. Scott Construction Company to perform sidewalk improvements in an amount not to exceed \$516,503.90, in the form attached hereto as Exhibit A, and by reference incorporated herein.

ADOPTED by the City Council at an open public meeting held on the 7th day of July, 2005.


Howard Botts, Mayor

Attest:


Cris Kandior, City Clerk

CONTRACT

THIS AGREEMENT, made and entered into in triplicate, this _____ day of _____, 2005, by and between the City of Black Diamond, hereinafter called the "Owner" and _____, hereinafter called the "Contractor".

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this agreement, the parties hereto covenant and agree as follows:

1. The Contractor shall do all work, furnish all tools, materials and equipment and complete the construction of the City of Black Diamond **Sidewalk Improvements**, the "Project" herein. The work shall be commenced and completed in accordance with and as described in the Contract Documents, which are by this reference incorporated herein and made a part hereof, and shall perform any alterations in or additions to the Project provided under this contract and every part thereof, for the sum of _____.
2. **Work shall start within ten calendar (10) days after receipt of the Notice to Proceed and be completed in sixty (60) calendar days.**
3. **Liquidated damages for the Contractor's failure to complete the work within the time specified herein shall be _____ per day**, which shall be imposed pursuant to Section 1-08.9 of the Standard Specifications for Road, Bridge, and Municipal Construction and in accordance to the "Instructions to Bidders" Section 10 of the Project Specifications.
4. The Contractor shall provide and bear the expense of all equipment, work and labor of any sort whatsoever that may be required for the transfer of materials and for constructing and completing the work provided for in this contract and every part thereof, except as otherwise provided in the Contract Documents and specifications to be furnished by the City of Black Diamond.
5. The term "Contract Documents" means and includes the following:
 - A. Advertisement for Bids
 - B. Information for Bidders
 - C. Bid
 - D. Bid Bond
 - E. Contract

F. Specifications, Proposal and Contract for **City of Black Diamond Sidewalk Improvements**

G. Supplemental General Conditions (if any)

H. Performance Bond

I. Maintenance Bond

J. Notice of Award

K. Notice to Proceed

L. Change Order

M. Drawings

N. Addenda:

No. _____ dated _____

O. Any documents referenced or incorporated into the Contract Documents, including, but not limited to, the 2002 Standard Specifications for Road, Bridge and Municipal Construction, and current amendments thereto.

6. The Owner agrees to pay to the Contractor in the manner and at such times as set forth in the General Conditions such amounts as required by the Contract Documents.

7. The Contractor for himself, and for his/her heirs, executors, administrators, successors, and assigns, does hereby agree to the full performance of all of the covenants herein upon the part of the Contractor.

8. It is further agreed that no liability shall attach to the City of Black Diamond by reason of entering into this contract, except as expressly provided herein.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed the day and year first above written.

CITY OF BLACK DIAMOND

CONTRACTOR

By _____
Howard Botts
Mayor

ATTEST:

Cris Kandior
City Clerk

ATTEST:

Loren Combs
City Attorney

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