

ORDINANCES

MILES CITY, MONTANA

ORDINANCE NO. 1214

AN ORDINANCE REVISING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA REGARDING CONTRACTS AND BIDS SO AS TO CONFORM TO STATE STATUTE.

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. Section 2-246 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-246. Advertisement for bids.

(a) Except as provided in §7-5-4303, 7,5-4310, or Title 18, chapter 2, part 5, Montana Code Annotated, all contracts for the purchase of any vehicles, machinery, apparatus, appliances, equipment or for any materials or supplies, or for construction, repair or maintenance involving an expenditure in excess of \$35,000.00 shall be let in conformity with the provisions of state law. All such contracts shall be advertised by the city clerk by publishing a call for bids in the manner provided by state law.

(b) Other contracts may be advertised as the city council may, by order or resolution duly entered on its minutes, direct.

(c) The advertisement shall be in such form as the party or parties having the matter in charge may direct, and shall contain a general reference to the subject matter of the proposed contract, its terms and conditions, with such specifications as the nature of the same permits, or a designation of the place where such specifications may be seen, and may require security to accompany each bid. The advertisement shall comply with Title 18, Chapter 1, Part 4, MCA. The advertisement shall also contain a notice that sealed bids or proposals will be received by the city clerk at the office of city clerk or at council chambers until the opening of the bids on a date therein to be specified, and a statement to the effect that the city reserves the right to reject any or all bids. The advertisement shall show by whom it is ordered advertised and shall be signed by the city clerk/treasurer.

(d) As a condition precedent to considering any such bid, as evidence of good faith on the part of the bidder, and as indemnity for the benefit of the City against the failure or refusal of any bidder to enter into any written contract that may be awarded upon and following acceptance of bid, any bid submitted shall contain a written covenant of indemnity, conditioned as prescribed in Title 18, Chapter 1, Part 2, MCA, and the bid shall be accompanied by bid security of ten percent (10%) of the total bid amount, for the performance of such covenant. The form of security shall comply with Title 18, Chapter 1, Part 2, MCA.

(e) All advertisements by publication for contract bids shall be published in a daily newspaper of general circulation published in the city, if there be such, once each week for two consecutive weeks with at least 6 days separating each publication. The second publication shall be made not less than five days or more than 12 days before the consideration of bids.”

Section 2. Section 2-247 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-247. Bid openings.

(a) The city clerk shall receive bids up to 7:00 p.m. of the day the council will be in session either for a regular meeting or any special meeting called to consider such bids.

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(b) The bids shall be opened by the city clerk in the presence of the city council while in actual session."

Section 3. Section 2-249 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

"Sec. 2-249. Performance, labor and materials bonds.

The city council shall, before letting or awarding any contract or contracts as provided in this division, shall require bonds, in the manner provided in Title 18, Chapter 2, Part 2 MCA, in the full amount of the contract price agreed to be paid."

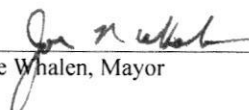
Section 4. Section 2-250 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

"Sec. 2-250. Approval and signing of contract.

All contracts provided for in this division shall be executed on the part of the city by being signed by the mayor and attested by the city clerk and, together with the accompanying bond, shall be filed with the city clerk. All contracts in excess of \$25,000.00 shall require the written approval of the city attorney prior to their signature by the mayor."

Section 4. This amendment shall become effective thirty (30) days after the final passage of this Ordinance.

Said ordinance read and put on its passage this 8th day of March, 2011.



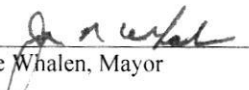
Joe Whalen, Mayor

ATTEST:



Rebecca Stanton, City Clerk

FINALLY PASSED AND ADOPTED this 22nd day of March, 2011.



Joe Whalen, Mayor

ATTEST:



Rebecca Stanton, City Clerk