

**ORDINANCE NO. 1228**

**AN ORDINANCE SECTION 2-246 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA TO INCREASE THE DOLLAR AMOUNT FOR CONTRACTS REQUIRING ADVERTISING AND BIDDING FROM \$35,000.00 TO \$50,000.00.**

**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~~ \$50,000.00 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.** This amendment shall become effective thirty (30) days after the final passage of this Ordinance.

Said ordinance read and put on its passage this 13th day of December, 2011.

Mark Ahner, Council President, in  
the absence of the Mayor

ATTEST:

Rebecca Stanton, City Clerk

**FINALLY PASSED AND ADOPTED** this 27th day of December, 2011.

Joe Whalen, Mayor

ATTEST:

Rebecca Stanton, City Clerk

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