

RESOLUTION NO. 06-18408

A RESOLUTION DECLARING AN EMERGENCY
AND WAIVING THE REQUIREMENT FOR COMPETITIVE BIDS
AS CONTAINED IN 7-5-4302 AND 7-5-4303 MCA

WHEREAS, a portion of Blonco Circle has caved in due to the partial collapse of a 90-inch culvert that was installed in 1982 along with another parallel 90-inch storm drain culvert under Blonco Circle at the time Blonco Circle was constructed, and

WHEREAS, the factory-welded seams in multiple areas of the culvert are failing and replacement of the culvert must be made immediately, as Blonco Circle serves as the single access to four homes on Blonco Circle, and the road will continue to cave in and cause inevitable damage to an 8-inch water main and a 10-inch sanitary sewer main installed above the culvert until the culvert is replaced, and

WHEREAS, 7-5-4302 MCA requires cities to advertise for competitive bids and to award the bid to the lowest responsive bidder, and

WHEREAS, competitive bidding requires an advertising and award process that would delay the replacement of the culvert until at least May 8, 2006, and

WHEREAS, 7-5-4303 MCA allows cities to waive the competitive bidding requirements if $\frac{3}{4}$ of the members present at the meeting of the City Council declare an emergency.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, as follows:

1. EMERGENCY DECLARED. The collapse of the culvert and subsequent damage to Blonco Circle and the water and sanitary sewer mains are declared an emergency due to the unanticipated event, the damage incurred, and the requirement to replace the culvert.
2. COMPETITIVE BIDDING WAIVED. Due to the declared emergency, the City Council waives the competitive bidding requirement for replacing the 90-inch culvert by 7-5-4303 MCA and allows the City to enter into a contract with the low bidder in an amount not to exceed \$250,000.

APPROVED by at least $\frac{3}{4}$ of the members present at the meeting of the City Council of the City of Billings, Montana, on the 10th day of April, 2006.

CITY OF BILLINGS:

Ron Tussing, MAYOR

ATTEST:

Marita Herold, CMC/AAE CITY CLERK