

# **ORDINANCE NUMBER 4**

## **CITY OF TOWER, MINNESOTA**

An ordinance to regulate the making of bids and letting of contracts for the doing of work or for the furnishing of material or property to the City of Tower.

The City of Tower ordains:

Section 1. In all cases of work to be done by contract or for the purchase of property or material of any kind, when the probable and estimated amount involved is more than five hundred (\$500) dollars, a ten days' notice shall be given by on advertisement in the official paper for the City of Tower of the time when and the place where bids for the doing of such work or the furnishing of such property or material shall be received.

Section 2. The notice herein required to be given shall substantially describe the work to be done or the material or property to be purchased, and such other particulars as may be necessary, and shall designate the time, place, and where sealed bids shall be received therefore. Such notice shall be signed by Clerk in the name of the City of Tower.

Section 3. All bids and proposals shall be addressed to the City of Tower and marked in the care of the City Clerk, and deposited with the City Clerk, and there shall be written on the envelope containing such a statement showing the work covered by the bid or the property or material covered by the bid.

Section 4. Every bid for the doing of such work or the furnishing of such material or property, as the case may be, shall be accompanied by a check for at least 10% of the amount of said bid, certified by a national bank, or a bank organized and done business pursuant to the laws of the State of Minnesota, and payable to the order of the Treasurer of the City of Tower. Any bid not accompanied by such check shall be absolutely void, and shall not be considered, except that the bidder may, in lieu of furnishing of such certified check, either pay directly to the City Treasurer of the City of Tower, prior to the date stated in the notice or notices hereinbefore referred to the opening of such bids, in currency, an amount equal to at least 10% of the amount of the bid, or furnish a bidders' bond in like amount.

Section 5. All bids shall be publicly opened by the City Clerk at the date and place stated in the notice or notices required by this ordinance.

Section 6. In case the bid of any bidder is accepted and the bidder neglects or refuses to enter into a contract with City of Tower, his certified check or the amount deposited with the Treasurer of the City of Tower, shall without any further act on the part of the City of Tower, be forfeited absolutely to the City as liquidated damages. In case any bid is rejected, the certified

check accompanying the same, or the amount deposited with the Treasurer, as the case may be, shall be returned to the unsuccessful bidder, in each case.

Section 7. In case any bid is accepted, by the City Council of the City of Tower shall pass a resolution awarding a contract for the doing of such work or the furnishing of such materials or property, as the case may be, to the successful bidder, who shall be the lowest, responsible bidder, provided, however, that the City Council may reject any and all bids.

Section 8. In case of the awarding of any contract in accordance with the sealed bid or proposal therefore, a written contract in accordance therewith shall be drafted and executed in regular form by the successful bidder, signed and approved by the Mayor and attested by the Clerk and approved as to correctness, form, and validity by the attorney representing the City.

Section 9. Before any contract for the doing of any public work or the furnishing of any material or property to the City of Tower is entered into by the City, when the amount involved is more than five hundred (\$500) dollars, the Contractor therefore shall enter into a bond with the City of Tower, which bond shall, in the case of a contract for doing public work, conform to the requirements of the laws of the State of Minnesota relating to such bonds, which bond shall in the case of furnishing material or property be conditioned for the full performance of such contract in accordance with its terms, and for the savings of the City of Tower harmless from all costs, charges, damages, and costs, that may grow out of the matter covered by such contract, and for the compliance with all the requirements of the law. The penalty on such bond shall not be less than the contract price. Every such bond shall be bond of a Surety Company holding a certificate from the Insurance Commissioner of the State of Minnesota, except that on the resolution of the City Council passed by a four-fifths ( $\frac{4}{5}$ ) vote, personal sureties may be allowed. Each bond shall be duly signed and acknowledged by the contractor and surety shall be approved by the attorney representing the City of Tower, and shall be filed by Treasurer of the City of Tower.

Section 10. No part of the Ordinance shall be deemed to apply to the purchase of real property by the City of Tower.

Ordinance # 4 given its first reading on June 9, 1931.

Ordinance # 4 given its second reading on July 14, 1931.

Moved by Alderman Weinzierl and supported by Alderman Sovde that Ordinance # 4 be adopted.

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Herman T Olson  
Mayor

Attest \_\_\_\_\_  
Carl Howe  
City Clerk