

ORDINANCE NO. 1148

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH G. R. MORGAN CONSTRUCTION COMPANY OF PORTLAND, OREGON FOR THE INSTALLATION OF PLAY EQUIPMENT FOR THE THIRTEENTH AVENUE PARK; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to install play equipment that has been purchased for the Thirteenth Avenue Park located on S.E. 13th Avenue near S. Ivy Street in Canby, Oregon; and

WHEREAS, the City has prepared a solicitation, including BOLI wage rate requirements, and a timeline that is required for the successful installation of the poured-in-place safety surfacing, which must be installed during hot weather; and

WHEREAS, in accordance with ORS Chapter 279 and OAR Chapter 137 of the Public Contracting Law, at least three written bids were solicited for the installation of the play equipment with the following results:

1. G.R. Morgan Construction Company, Portland, OR.....\$18,303.00
2. Ro-Lyn Construction, Vancouver, WA.....No response
3. Daneal Construction, Wilsonville, OR..... No response
4. R & R Construction, Bonney Lake, WA..... No response

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this quote and believes it to be in the best interest of the City; now therefore


THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with G.R. Morgan Construction Company of Portland, Oregon for the installation of play equipment for the Thirteenth Avenue Park for the quoted amount of \$18, 303.00.

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the play equipment and put it in place as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect

immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, July 7, 2004, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 21, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City hall in Canby, Oregon.

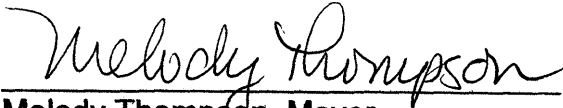


Kimberly Scheafer
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 21st day of July, 2004, by the following vote:


YEAS 5

NAYS 0

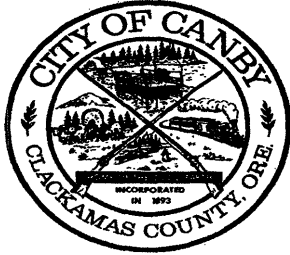


Melody Thompson, Mayor

ATTEST:



Kimberly Scheafer,
City Recorder - Pro Tem



**CONTRACT FOR INSTALLATION OF PLAY
EQUIPMENT AT 13TH AVENUE PARK,
CANBY, OREGON**

G.R. MORGAN CONSTRUCTION (hereinafter referred to as the CONTRACTOR), in consideration of the sum of \$18,303 (the "Contract Price"), to be paid to the CONTRACTOR by the CITY OF CANBY in the manner and at the time hereinafter provided (net 45 days after completion and acceptance by the CITY OF CANBY), and subject to the terms and conditions provided for in the Invitation to Bid, all of which are incorporated herein by reference, hereby agrees to perform all Work described and reasonably inferred from the Contract Documents.

The Contract Price includes the following items:

Using specifications provided by Landscape Structures and Safedec:

- A) Excavate approximately 72 yards soil; supply, place and compact approximately 46 yards of $\frac{3}{4}$ " gravel; backfill curb with earth and grade to 4:1 slope.
- B) Form and pour 6" X 12" deep concrete curb.
- C) Labor and installation materials only (concrete and blocks) to install complete custom Playshaper, per plans and specs, Turtle Tuffrider, curved balance beam, spring see saw, and arched swing.

2. Representatives.

Unless otherwise specified in the Contract Documents, the CITY OF CANBY designates Jeff Snyder, Park Maintenance Supervisor, as its Authorized Representative in the administration of this Contract. The above-named individual shall be the initial point of contact for matters related to performance, payment, authorization, and to carry out the responsibilities of the OWNER. CONTRACTOR has named George R. Morgan II its Authorized Representative to act on its behalf.

3. Contract Dates.

PROJECT START DATE: August 4, 2004

FINAL COMPLETION: August 30, 2004

4. Liquidated Damages.

Failure to complete the project by the specified time will result in assessment of liquidated damages to the CITY OF CANBY of \$200 per day.

5. Attorney Fees

In the event legal action is brought by the CITY OF CANBY or CONTRACTOR again the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs and expenses as may be set by the court both at trial and all appeals therefrom.

6. Integration

THE CONTRACT DOCUMENTS CONSTITUTE THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS CONTRACT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO OTHER UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS CONTRACT. CONTRACTOR, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS CONTRACT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

In witness whereof, the CITY OF CANBY does execute the same as of the day and year of this Contract first above written.

CONTRACTOR DATA:

CONTRACTOR NAME G.R. Morgan Construction

CONTRACTOR'S FEDERAL ID # 93-1230792

CONTRACTOR'S CCB # 78555 Expiration Date: _____

CONTRACTOR'S SIGNATURE _____

Date

CITY OF CANBY

Margely Thompson
Mayor
Mark Adams
City Administrator

7-21-04

Date

Date

22 July '04