

RESOLUTION NO. 2523

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND WAIVING AN IRREGULARITY IN THE BID SUBMITTED BY LOCKYEAR & SONS, INC., AS TO SCHEDULE B, NORTH KIRKLAND IMPROVEMENT AREA PROJECT, AND ACCEPTING THE BID OF LOCKYEAR & SONS, INC., AS THE LOWEST RESPONSIBLE BID SUBMITTED, AND DIRECTING PREPARATION OF CONTRACT CONSISTENT THEREWITH.

BE IT RESOLVED by the City Council of the City of Kirkland as follows:

WHEREAS, the City of Kirkland has heretofore called for and opened bids for Schedule B, North Kirkland Improvement Area Project (LID No. 115), for road and bridge improvements, and

WHEREAS, the apparent low bid, engineer's estimate and next two lowest bids submitted were as follows: Lockyear & Sons, Inc., \$799,080.50; Engineer's estimate, \$889,704.00; Seacon Construction, \$1,007,881.00; Valley Construction, \$1,215,343.00; and

WHEREAS, immediately following the opening of the bids, Lockyear & Sons, Inc., advised the City by telegram that its lump-sum amount in Item 48 (bridge) did not include the cost of construction of the bin wall, the 14 inch watermain, and a crest surfacing beneath the sidewalks and approach labs, all of which had been included within the bridge item. Reason given by Lockyear for their omission is that they are not normally considered bridge items, and

WHEREAS, Lockyear further advised that as a result of said error of omission, the lump-sum bid for Item 48 was understated by approximately \$40,000.00, and

WHEREAS, under the call for bids, the City has the authority to waive irregularities in the bidding process, provided such irregularity does not result in one bidder receiving a substantial advantage or benefit not enjoyed by other bidders, and

WHEREAS, the City Council finds that to waive the irregularity in the bid of Lockyear & Sons, Inc., and to award a contract to Lockyear in the corrected amount would not, for reason of the difference between the Lockyear bid, the Engineer's estimate and the amount of the next two low bidders, result in giving to Lockyear & Sons, Inc., a substantial advantage or benefit not enjoyed by the other bidders and

WHEREAS, the only apparent available alternative to the City would be to reject the bids and issue a new call for bids, and

WHEREAS, the City Council finds that the cost to the City and to the property owners within LID No. 115, subject to assessment, by way of

delay in commencement and completion of Schedule B of the project, and increased interim financing costs would be severely detrimental and not in the best public interest;

NOW, THEREFORE, the City Council of the City of Kirkland resolves as follows:

Section 1. The irregularity in respect to the error made in the lump-sum bid for Item 48 of the Lockyear & Sons, Inc., bid is hereby waived, and the bid of Lockyear & Sons, Inc., is hereby determined to be and accepted as the lowest responsible bid.

Section 2. A contract for Schedule B, Road and Bridge Improvements, North Kirkland Improvement Project (LID No. 115) is hereby awarded to Lockyear and Sons, Inc., in accordance with its bids and this Resolution.

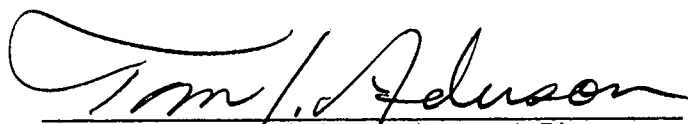
ADOPTED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 1st day of May, 1978.

SIGNED IN AUTHENTICATION thereof on the 1st day of May, 1978.



 MAYOR

ATTEST:



 Director of Administration and Finance
 (ex officio City Clerk)