ORDINANCE NO. 2582

AN ORDINANCE of the City of Kent, Washing­
ton, relating to the Kent Senior Center;  
authorizing the award for construction of the  
Kent Senior Center to Jones and Roberts  
Company, in the amount of $2,090,000;  
authorizing the City Attorney upon failure or  
refusal of the contractor to execute and  
deliver the contract to forfeit as liquidated  
damages, the security deposited with the bid;  
authorizing action against Jones and Roberts  
Company should it fail to proceed with the  
contract; authorizing the award of the  
contract, in the alternative, to Gordon Korsmo  
Construction in the amount of $2,201,900 should  
Jones and Roberts Company fail to proceed with  
the contract and to mitigate the City's losses  
resulting from failure of the low bidder to  
proceed.

WHEREAS, the Kent Senior Center was advertised for bids,  
commencing on or about July 17, 1985; and  

WHEREAS, bids were due by 3:15 p.m., September 11, 1985;  
and  

WHEREAS, the City of Kent has received bids for the Kent  
Senior Center project; and  

WHEREAS, the low bid was received by Jones and Roberts  
Company, General Contractors, Olympia, Washington, in the amount  
of $2,090,000; and  

WHEREAS, the second low bid was received by Gordon Korsmo  
Construction, Tacoma, Washington, in the amount of $2,201,900; and  

WHEREAS, Jones and Roberts Company has notified the Henry  
Kline Partnership, Architect and the City of Kent, of a claimed  
error in the submission of its bid; and  

WHEREAS, the City of Kent has determined to reject the  
claim of error and to further reject the request to consider the  
bid of Jones and Roberts Company as nonresponsive; and
WHEREAS, the City finds the bid of Jones and Roberts Company to be responsive and that the contract should be awarded to Jones and Roberts Company in the amount of $2,090,000; and

WHEREAS, it is in the best interest of the City to proceed to award the contract to Jones and Roberts Company, but should Jones and Roberts Company determine not to proceed under the contract terms, to provide for award of the bid to the second low bidder; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The contract for the construction of the Kent Senior Center is awarded to Jones and Roberts Company, Olympia, Washington, in the amount of $2,090,000.

Section 2. Should Jones and Roberts Company fail or refuse to execute and deliver the contract and bonds required within ten (10) days after the City gives notice of this acceptance of the bid, then the City shall award the contract to Gordon Korsmo Construction, Tacoma, Washington, in the amount of $2,201,900.

Section 3. The City Attorney be and he is hereby authorized to proceed under Section I-P, and other appropriate provisions under the INSTRUCTION TO BIDDERS, and the SPECIFICATIONS for the Kent Senior Center, for liquidated damages for failure of the contractor, Jones and Roberts Company, should said contractor fail or refuse to execute and deliver the contract and bonds required. The City Attorney is further authorized to proceed against Jones and Roberts Company for damages, or other remedies provided by law or equity for the contractor's failure or refusal to execute and deliver the contract.

Section 4. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.
Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

MARIJE JENSEN, CITY CLERK

APPROVED AS TO FORM:

F. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the __________ day of __________, 1985.
APPROVED the __________ day of __________, 1985.
PUBLISHED the __________ day of __________, 1985.

I hereby certify that this is a true copy of Ordinance No. 2683, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIJE JENSEN, CITY CLERK (SEAL)

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