

RESOLUTION NO. 07-431

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON REGARDING DELETION OF \$500 OF WORK FROM THE WATER SYSTEM IMPROVEMENTS PROJECT, SCHEDULE "C", FINAL ACCEPTANCE OF THE SCHEDULE "C" WORK, AND ENTERING INTO A \$500 CONTRACT WITH T BAILEY, INC. FOR CERTAIN CONSTRUCTION WORK

WHEREAS the City awarded the Schedule "C" Water System Improvements Project contract to T Bailey, Inc. on June 16, 2005;

WHEREAS T Bailey, Inc. has completed a substantial portion of the work on the Schedule "C" contract;

WHEREAS an unreasonable delay will occur in the completion of the remaining portion of the Schedule "C" contract due to weather-related issues and not as a result of a breach of the Schedule "C" contract;

WHEREAS the remaining Schedule "C" contract work consists of an estimated \$500 of touch-up painting of the concrete base, the roof, and the handrails of the water tank (the "Remaining Work");

WHEREAS T Bailey, Inc. has agreed to the City of Black Diamond (the "City") deleting the Remaining Work from the Schedule "C" contract and accepting as final the Schedule "C" improvements at the stage of completion presently attained; and

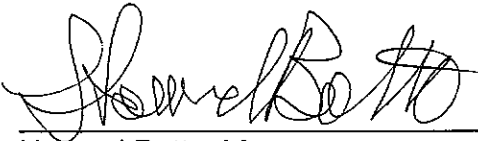
WHEREAS T Bailey, Inc. has expressed its desire to enter into a new contract with the City to perform the Remaining Work for \$500; now, therefore

BE IT RESOLVED that the Remaining Work is hereby deleted from the Schedule "C" contract;


BE IT FURTHER RESOLVED that the City hereby accepts as final the Schedule "C" contract improvements at the stage of completion presently attained; and

BE IT FURTHER RESOLVED that the City Mayor is authorized to execute, on behalf of the City, a new contract with T Bailey, Inc. for it to perform the Remaining Work on the following terms: 1) the total compensation due to T Bailey, Inc. for the timely completion of the Remaining Work shall be \$500; 2) the Remaining Work shall be completed by June 15, 2007; 3) if T Bailey, Inc. fails to perform the Remaining Work within this timeframe, then the City shall have the right to terminate this new contract; and 4) T Bailey, Inc. shall perform the Remaining Work pursuant to the terms of the parties' original Schedule "C" contract.

ADOPTED by the City Council at an open public meeting held on the 15<sup>th</sup> day of March 2007.

  
Howard Botts, Mayor

Attest:

  
Brenda L. Streepy, City Clerk

I:\DOCS\B\24108\Resolutions\Resolution8.doc