

ACCEPTANCE

BY _____

Portland, Oregon, March 3, 1982

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 152927, passed by Council March 3, 1982, to provide for continuation of progress payments to Fred J. Early, Jr., Company, Inc., contract #17962, for construction of the Columbia Boulevard Wastewater Treatment Plant Anerobic Digesters, subject to certain terms and conditions,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

UNITED STATES FIDELITY & GUARANTY COMPANY
P. O. Box 1138, Baltimore, Maryland

Surety

Joseph M. Walker

Attorney in Fact

(CORPORATE
SEAL)

AETNA CASUALTY & SURETY COMPANY
151 Farmington Avenue, Hartford, Conn. 06156

Surety

Connie Williams

Attorney in Fact

APPROVED AS TO FORM
Approved as to form:

Christy P. Thomas

CITY ATTORNEY
City Attorney

FIREMAN'S FUND INSURANCE COMPANY
P. O. Box 3395, San Francisco, Calif. 94119

Surety
Connie Williams

Connie Williams

Attorney in Fact

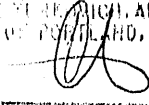
*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

RECEIVED
CITY OF PORTLAND, ORE.

BY -- APR 5 9 12 AM 1982

152927

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.



BY _____

ACCEPTANCE

Portland, Oregon, _____ March 3 _____ 19 82

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

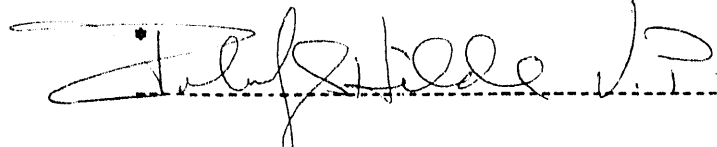
This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 152927, passed by Council March 3, 1982, to provide for continuation of progress payments to Fred J. Early, Jr., Company, Inc., contract #17962, for construction of the Columbia Boulevard Wastewater Treatment Plant Anaerobic Digesters, subject to certain terms and conditions,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

FRED J. EARLY, JR., COMPANY, INC.

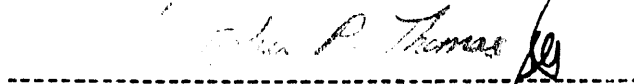
(CORPORATE SEAL)



369 Pine Street, San Francisco, CA 94104

Address

APPROVED AS TO FORM



CITY CLERK

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE No. 152927

An Ordinance to provide for continuation of progress payments to Fred J. Early, Jr., Company, Inc., contract #17962, for construction of the Columbia Boulevard Wastewater Treatment Plant Anerobic Digesters, subject to certain terms and conditions, providing for acceptance and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Contract #17962 between the City of Portland and Fred J. Early, Jr., Company, Inc., hereinafter referred to as Contractor, for construction of the Columbia Boulevard Wastewater Treatment Plant, as presently extended establishes November 29, 1981 as the contract completion date.
2. Additional time will be required to complete the project and the Contractor has requested continuation of monthly progress payments until the project's completion.
3. City Engineer, with approval of Commissioner in Charge recommends and requests discretionary authority to continue progress payments subject to certain terms and conditions.

NOW, THEREFORE, the Council directs:

- a. The City Engineer is hereby authorized to continue making progress payments to the Contractor subsequent to November 29, 1981, said date being the present established date, as extended by time extensions heretofore granted, subject to the following conditions:
 - 1) A sum in the accumulative amount of the liquidated damages that may be assessed pursuant to the contract, be withheld from subsequent payments or;
 - 2) in lieu of (1) above Contractor may deposit additional certificates to the retention fund or direct the sum withheld to be deposited in the retention fund, subject to a revised agreement between Contractor, trustee of the fund, and City of Portland as may be approved by the City Attorney or;
 - 3) Contractor may post a bond in such form as may be approved by the City Attorney.

Section 2. This Ordinance shall be effective upon acceptance, in writing, executed by the Contractor and it's surety and filed with the City Auditor.

ORDINANCE No.

Section 3. The Council declares an emergency exists because the discretionary authority granted to the City Engineer as set forth in Section 1 above should take effect immediately to allow the Engineer, at his discretion, to provide for continuity of payment to the Contractor, during such time as the Contractor continues his activities to complete the project and subject to acceptance as set forth in Section 2 above shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **MAR 3 1982**

Commissioner Mike Lindberg
Stan Torgrimson:es
February 18, 1982

Attest:


Auditor of the City of Portland

Calendar No. 549

ORDINANCE No. 152927

Title

An Ordinance to provide for continuation of progress payments to Fred J. Early, Jr., Company, Inc., contract #17962, for construction of the Columbia Boulevard Wastewater Treatment Plant Anerobic Digesters, subject to certain terms and conditions, providing for acceptance and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG		1
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed FEB 26 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Geoffrey Cravell*
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works Public Works <i>TML/MS</i>

BUREAU APPROVAL
Bureau: Sanitary Engineering
Prepared By: Stan Torgrimson Date: 2/18/1982
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Joe Niehuser</i> J. P. Niehuser

CALENDAR
Consent Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney <i>[Signature]</i>
City Auditor
City Engineer John M. Lang, P.E.
<i>[Signature]</i>