

153091

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MAY 16 8 27 AM 1982

EXHIBIT "A"

GENERAL AUDITOR
CLATSOP COUNTY, ORE.

BY [Signature]

A C C E P T A N C E

The undersigned, by and through its duly authorized representatives, hereby acknowledge that they have read the terms and conditions of Ordinance No. 153091 an Ordinance providing for continuation of progress payments during such interim period of time as may be necessary to complete the construction of the North Lombard Wastewater Pumping Station - and do hereby agree, each for the other, that such amendment to the contract will not be used or construed to have waived any rights or constitute a defense to any claim or right of either the City or the undersigned and provided further that the execution of this acceptance does not constitute an admission by the undersigned of any statement or allegation contained in said Ordinance.

APPROVED AS TO FORM

Christopher P. Thomas (S)

CITY ATTORNEY

Fireman's Fund Insurance Co.
Fireman's Fund Insurance Company

[Signature]
BY

[Signature] (Title)

5-17-82

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 Fireman's Fund Insurance Company

 By _____ (Title)

ORDINANCE NO. 153091

An Ordinance to provide for continuation of progress payments to Fireman's Fund Insurance Company, for the construction of the North Lombard Street Wastewater Pumping Station, Contract No. 18725 as amended by Ordinance No. 152836, subject to certain terms and conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Ordinance No. 152836 amending Contract No. 18725 provides for Fireman's Fund Insurance Company, as Surety on the performance payment bond furnished per contract specifications, to procure completion of subject project.
2. That the contract completion date, amended by Change Order No. 2, of January 30, 1982, could not be met by the Surety.
3. That the Surety has procured a contractor to complete the project.
4. That the City Engineer recommends continuation of progress payments to Fireman's Fund Insurance Company subject to liquidated damages as may be established during completion of the project.
5. That the City Attorney's Office has recommended that authorization of progress payments beyond the specified completion date of construction take the form of an Ordinance with provisions of acceptance by the Surety.

NOW, THEREFORE, the Council directs:

- a. That progress payments may continue to be made to the Surety for work completed subsequent to January 30, 1982, said date being the date specified for completion of the contract as amended by Change Order No. 2, and further providing that payments made subsequent to January 30, 1982 will not be held to have waived any rights that the City has, or may have, under this Contract, nor as a defense in any action or suit at law that may hereafter be instituted in a court of law or equity involving the contract between parties, to declare the Surety in default and to insist upon liquidated damages.

ORDINANCE No.

- b. That the City Engineer, with the approval of the Commissioner in Charge, is hereby authorized to continue progress payments to the Surety if, in their combined discretion, such payments should continue.

Section 2. This Ordinance shall have no force and effect until the acceptance by Fireman's Fund Insurance Company has been filed with the Auditor of the City, in the form of acceptance to be substantially in accordance with the terms and conditions of the original only hereof, marked Exhibit "A", and by reference made a part hereof.

Section 3. The Council declares that an emergency exists because further progress payments are necessary to insure that payment is made for labor and material expended by Fireman's Fund Insurance Company, and to enable it to meet commitments to its suppliers and subcontractors under the contract; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 14 1982**

Commissioner Mike Lindberg
W. J. Solberg:al
April 7, 1982

Consent Agenda

Attest:


Auditor of the City of Portland

Calendar No. 964

ORDINANCE No. 153091

Title

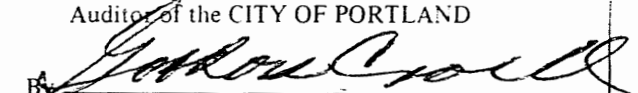
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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	/	
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed APR 9 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By 
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

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

BUREAU APPROVAL
Bureau: Sanitary Engineering
Prepared By: Date: W. J. Solberg 4/7/82
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: J. P. Niehuser

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

NOTED BY
City Attorney
City Auditor
City Engineer