

RESOLUTION NO. 179

WHEREAS, Hercules Construction Corp. has refused to execute the contract for the Holmes Run Culvert project awarded by the City Council to said corporation as low bidder on November 14, 1972; and

WHEREAS, the City's Instructions to Bidders provides that any bidder, whose proposal is accepted, shall execute the contract within ten (10) days after notice of award; and further that failure or neglect to execute such contract shall constitute a breach of the agreement affected by the acceptance of the proposal; and

WHEREAS, such breach of the agreement shall entitle the City to liquidate damages in the amount of the Bid Bond provided by the bidder; therefore

BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF ALEXANDRIA, VIRGINIA:

1. The award to Hercules Construction Corp. be determined to be abandoned by Hercules by virtue of said corporation's refusal to execute the contract within the time limit prescribed by the City's Instructions to Bidders; and
2. The City Manager be instructed to notify Hercules Construction Corp. and that the Surety Bid Bond, dated November 10, 1972, is deemed to be forfeited to the City as prescribed by the City's Instruction to Bidders, and that the City Attorney be requested to take any legal action necessary to recover the amount of said Bid Bond if not honored; and
3. The City Manager be authorized to readvertise immediately for bids for the Holmes Run Culvert project.

Adopted January 10, 1973

Mrs. Helen Vickers, City Clerk
and Clerk of Council