**Special Forms for Street Graveling, Grading, and Bituminous Surfacing Done by Day Labor** (Forms 31 and 32)[[1]](#endnote-1)

**31. Resolution Making Estimates of Materials and Equipment and Ordering Advertisement for Bids**

WHEREAS, Minn. Stat. § 429.041, subd. 4 authorizes the council to order work for grading, graveling, or bituminous surfacing of streets or alleys to be done by day labor (and to hire equipment)[[2]](#endnote-2) and purchase materials for all such improvements in any twelve-month period after a single advertisement for bids.

AND WHEREAS, the council contemplates the making of such improvements on that basis during the twelve-month period[[3]](#endnote-3) commencing (month) (day) , (year) .

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF \_\_\_\_\_\_\_\_\_\_\_\_, MINNESOTA, AS FOLLOWS:

1. The council estimates that the following quantities of materials (and the following equipment) for the time indicated will be needed on such projects during the twelve-month period commencing (month) (day) , (year) .

Kind of Material Estimated Quantities Needed

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kind of Equipment Estimated Time Needed by Municipality2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. The specifications[[4]](#endnote-4) prepared by the clerk (or other designated person), a copy of which is attached to this resolution and made a part hereof, are hereby approved.[[5]](#endnote-5)

3. The clerk shall prepare and cause to be inserted in the official paper (and in \_\_\_\_\_\_\_\_\_\_\_\_[[6]](#endnote-6)) an advertisement for bids for the purchase of such materials (and the hiring of such equipment) for street improvements under such approved specifications. The advertisement shall be published for \_\_\_\_\_\_\_\_\_\_\_\_ day(s), shall call for bids for such materials (and equipment), shall state that bids will be received by the clerk until \_\_\_\_\_ a.m. (p.m.) on (month) (day) , (year) , at which time they will be publicly opened in the council chambers of the city hall by the city clerk and engineer, will then be tabulated, and will be considered by the council at \_\_\_\_\_ a.m. (p.m.) on (month) (day) , (year) , in the council chambers of the city hall.[[7]](#endnote-7) The advertisement shall state that no bids will be opened or considered unless sealed and filed with the clerk and accompanied by a cash deposit, certified check, cashier’s check, or bid bond payable to the clerk for \_\_\_\_\_\_percent of the amount of such bid, based on the estimated total quantity of the materials (or time the equipment is) to be used multiplied by the unit price.[[8]](#endnote-8)

Adopted by the council this \_\_\_\_\_\_ day of (month) , (year) .

 Mayor

 \_\_\_\_\_\_\_\_\_\_\_

City Clerk

**END OF FORM**

1. Forms 31 and 32 would be used if council decides to use the alternative procedure provided by Minn. Stat. § 429.041 for any improvement or improvements consisting of grading, graveling, or bituminous surfacing of streets and alleys. [↑](#endnote-ref-1)
2. If the city uses its own equipment (as it may do), all parenthetical language involving hiring of equipment should be omitted, as well as the listing of “Kind of Equipment” and its time needed. [↑](#endnote-ref-2)
3. Twelve months is the maximum period. The council may shorten this period and advertise more frequently if it wishes. [↑](#endnote-ref-3)
4. See Form 9, note 2. [↑](#endnote-ref-4)
5. If the kind of material (or equipment) desired can be defined in the resolution and notice without more detailed specifications, this paragraph may be omitted or modified. [↑](#endnote-ref-5)
6. While Minn. Stat. § 429.041, subd. 4 does not explicitly require publication in a trade paper, if the amount involved exceeds $350,000, it will be to the council's advantage and will avoid any possible legal questions on the matter to provide for such additional publication for purchases of that magnitude. [↑](#endnote-ref-6)
7. See Form 9, note 5. [↑](#endnote-ref-7)
8. If, in the particular circumstances, the council believes that a deposit is not necessary to insure the municipality against loss that might otherwise occur through the failure of the lowest bidder to enter into a contract, this provision can be omitted. The amount is within the discretion of the council as is the type of deposit required. The city may contract at one time on a unit price basis for part or all of the street improvements to be made during the current year, including those which may thereafter be ordered constructed. If this is to be done, the language of this paragraph and of the first “Whereas” clause should be changed accordingly.

After work has begun on an improvement under a contract awarded on a unit price basis, the council may, without advertising for bids, authorize changes in the contract so as to include additional units of work at the same unit price if the cost does not exceed 25 percent of the original contract price. Minn. Stat. § 429.041, subd. 7. The latter term means the figure determined by multiplying the estimated number of units by the unit price. [↑](#endnote-ref-8)