

**RESOLUTION DECLARING HEAVY CONSTRUCTORS INCORPORATED A
NON-RESPONSIBLE BIDDER**

WHEREAS, the City of Rapid City awarded a contract to Heavy Constructors for project SS 03-1253, the Lange Road utility project during the summer of 2004; and

WHEREAS, the Lange Road utility project was a joint project with the South Dakota Department of Transportation; and

WHEREAS, Heavy Constructors delayed in starting the project to the extent that the South Dakota Department of Transportation noted in a letter dated June 10, 2004 that the project was 3 weeks behind schedule and that the DOT felt the completion date would not be met by Heavy Constructors; and

WHEREAS, Heavy Constructors used methods that were not approved by the City of Rapid City in order to accomplish the project within the time frame established within the contract; and

WHEREAS, Heavy Constructors failed to comply with the City of Rapid City standard specifications provisions regarding alternate methods for excavation, specifically blasting; and

WHEREAS, Heavy Constructors has failed to sign a final change order for this project in a timely matter; and

WHEREAS, as a result of Heavy Constructors failure to comply with the City's standard specifications and contract provisions the City of Rapid City has had to expand considerable time and effort beyond the administration of this contract attempting to determine exactly what work was done at substantial costs to the City's taxpayers; and

WHEREAS, Heavy Constructors continued failure to execute the final change order combined with the failure to follow the City's standard specifications and contract provisions clearly indicates that Heavy Constructors has not responsibly carried out its obligations under the contract.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that:

Heavy Constructors Incorporated is hereby declared to be a non-responsible bidder for purposes of the award of all City contracts.

Dated this _____ day of _____, 2005.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)