

RESOLUTION NO. 200742

SEPT. 8, 1970

RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN DIEGO, CALIFORNIA, REJECTING THE
BID OF LOWEST BIDDER AND AWARDING
CONTRACT TO SECOND LOWEST BIDDER.

(Chateau Ville Assessment District)

WHEREAS, in proceedings under the Municipal Improvement Act of 1913 the Council adopted Resolution No. 200333 ordering the giving of notice inviting sealed bids for the construction of the improvements described in the Report of the City Engineer and approved by Resolution No. 200332, and said notice has been duly published; and

WHEREAS, at the time and place fixed, all sealed bids for said construction which were filed with the City Clerk were publicly opened, examined and declared and a report of the results of said bidding submitted to the Council; and

WHEREAS, after the opening of construction bids, Wilcox Electric Inc., doing business as Arrow Electric, the bidder submitting the lowest bid, filed a written withdrawal of its bid claiming that the bidder made a mistake of fact and clerical error in the preparation of its bid and has submitted evidence to the City Attorney in support of such claim; and

WHEREAS, the City Attorney has reviewed the lowest bid, the written withdrawal by the low bidder and the evidence submitted in support of its claim and, based thereon, is of the opinion that the mistake was material to the contract, that it was made in good faith and was not the result of legal neglect by the lowest bidder and that acceptance of the lowest bid would be unconscionable and the City Attorney has further

indicated that in his opinion the lowest bid, if accepted by the City Council, would not be enforceable; NOW, THEREFORE,

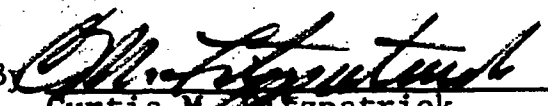
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

Section 1. The bid of Wilcox Electric Inc., doing business as Arrow Electric, the lowest bid submitted, is hereby rejected by reason of its withdrawal by the lowest bidder on the grounds of material mistake of fact.

Section 2. The bid of Sherwin Electric Service is the second lowest bid for said construction by any responsible bidder and is accompanied by a good and sufficient bid check or bond which is satisfactory to the Council. Said bid is hereby accepted and the contract for said construction awarded to said bidder at the prices named in said bid.

Section 3. All bids, other than the bid above accepted, are hereby rejected and the City Clerk is directed to return to each bidder whose bid is so rejected the check or bond which accompanied his bid.

APPROVED: JOHN W. WITT, City Attorney

By 
Curtis M. Fitzpatrick,
Deputy

and the
104c

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Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

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1970 SEP -4 PM 3:35

SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

By *Stella Rodolos*, Deputy *kr*

(Seal)

Office of the City Clerk, San Diego, California

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