

**ORDINANCE NO. 2086**

**AN ORDINANCE AUTHORIZING CERTAIN IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE CITY OF BURLINGAME, KANSAS, TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO, UNDER THE AUTHORITY OF K.S.A. 65-163u.**

**WHEREAS**, the Governing Body of the City of Burlingame, Osage County, Kansas (the "City"), deems it necessary and advisable to improve its water supply system by constructing certain water storage and distribution system improvements; together with all things necessary and incidental thereto (the "Project") for the purpose of adequately supplying said City and its inhabitants with water; and

**WHEREAS**, in order to provide funds to pay part of the cost of the Project, it is necessary that the City issue its General Obligation Bonds under the authority of K.S.A. 65-163u (the "Act") in an amount not exceeding \$920,950 to pay part of the cost of the Project, the total cost of which is estimated to be \$2,057,600, with the balance of such costs to be paid by the City from the proceeds of a \$400,000 community development block grant to the City from the Kansas Department of Commerce and Housing and a \$736,650 grant from USDA Rural Development.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGAME, OSAGE COUNTY, KANSAS:**

**Section 1.** That, pursuant to the Act, the completion of the Project including the acquisition of necessary sites therefore, together with all things necessary and incidental thereto to serve the City is hereby authorized and ordered to be done in accordance with the plans and specifications therefore on file with the City Clerk of the City.


**Section 2.** That to provide funds to pay a portion of the costs of the Project, the issuance of general obligation bonds of the City in an amount not exceeding \$920,950 under the authority of the Act is hereby authorized and ordered. The City both reasonably expects and intends to finance part of the costs of the Project as aforesaid from the proceeds of general obligation bonds of the City. The City does hereby express its official intent to reimburse any such capital expenditures made or obligations incurred by it on or after the date which is 60 days before the date of this Ordinance from the proceeds of such bonds in the estimated maximum principal amount of \$920,950. The City will issue such bonds for such purposes and make the reimbursements within eighteen (18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date of which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocation within three (3) years after the date the expenditure was paid. This Ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available for public inspection in the City's Clerk's office at City Hall during regular business hours of the City.

**Section 3.** That, pursuant to K.S.A. 10-123, the City is hereby authorized to issue Temporary Notes to provide funds to pay part of the costs of the Project until bonds may be issued therefore or other legally available funds are available to the City for such purpose. That said Temporary Notes may be issued pursuant to a resolution duly adopted by the Governing Body of the City.

**Section 4.** That this Ordinance shall take effect and be in force from and after its passage and approval by the governing body of the City and its publication in the official newspaper of the City.

**PASSED** by the Governing Body and approved by the Mayor on this 31<sup>st</sup> day of May,  
2006.

CITY OF BURLINGAME, KANSAS

  
William Kraus, Mayor

ATTEST:

  
Christina Lewis, City Clerk

(SEAL)



# Proof Copy

This public notice will run in the  
Osage County Chronicle  
on the following dates:

June 8, 2006

After the last date of publication and receipt of the amount due, the Osage County Chronicle will file a signed and notarized affidavit with the Clerk of District Court.

*Thank You*

## PUBLIC NOTICE

(Published in the Osage County Chronicle, Thurs., June 8, 2006)

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Section 4. That this Ordinance shall take effect and be in force from and after its passage and approval by the governing body of the City and its publication in the official newspaper of the City.

PASSED by the Governing Body and approved by the Mayor on this 31st day of May, 2006.

**CITY OF BURLINGAME,  
KANSAS**  
William Kraus,  
Mayor

ATTEST:  
Christina Lewis,  
City Clerk  
(SEAL)



**The Osage County Chronicle**  
Burlingame, KS 66413

**AFFIDAVIT OF PUBLICATION:**

STATE OF KANSAS, OSAGE COUNTY,

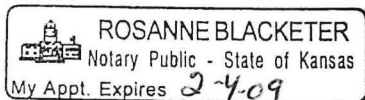
Kathleen M. Kessinger, Publisher, being first sworn deposes and says: That the Osage County Chronicle weekly newspaper printed in the State of Kansas published in and of general circulation in Osage County, Kansas with a general paid circulation on a yearly basis in Osage County, Kansas, and that said newspaper is a trade, religious, or fraternal publication.

Said newspaper is a weekly, published at least times a year; has been so published continuously uninterruptedly in said county and state for a period of more than five years prior to the first publication of said newspaper and has been admitted at the post office of Burlingame, Kansas, in said county as second class (periodical) matter. That the attached copy is a true copy thereof and published in the regular and entire issue of said newspaper for 1 weeks, the first publication thereof being made aforesaid on June 8, 2006 subsequent publications being made on the following dates:

Kathleen M. Kessinger Publisher

Subscribed and sworn to before me 6-8-06

Rosanne Blacketer Notary



**PUBLIC NOTICE**  
(Published in the Osage County Chronicle, Thurs., June 8, 2006)

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**CITY OF BURLINGAME,  
KANSAS**  
William Kraus,  
Mayor

ATTEST:  
Christina Lewis,  
City Clerk  
(SEAL)





# THE TOPEKA CAPITAL-JOURNAL

cjonline.com

## AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, SHAWNEE COUNTY,

Linda Willey, being first duly sworn, deposes and says: That She is the Legal Clerk of the TOPEKA CAPITAL-JOURNAL, a daily newspaper printed in the State of Kansas, and published in and of general circulation in SHAWNEE County, Kansas, with a general paid circulation on a monthly basis in SHAWNEE County, Kansas, and that said newspaper is not a trade, religious Or fraternal publication.

Said newspaper is a daily published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Topeka in said County as second class matter.

That the attached notice is a true copy thereof and was published

the regular and entire issues of said newspaper for 1

consecutive days, the first publication thereof being made as

aforsaid on the 15th day of August, 2005,

with subsequent publications being made on the following dates:

                    , 2005                     , 2005

                    , 2005                     , 2005

                    , 2005                     , 2005

Subscribed and sworn before me this 9th day of

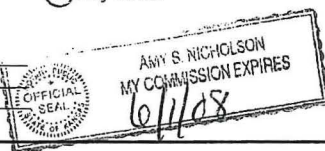
November, 2005

*Amy S. Nicholson*  
Notary Public

My commission expires:                     

Printer's Fee\$                     

Additional Copies: \$                     



(Published in the  
Topeka Capital Journal  
Monday, August 15, 2005)  
ADVERTISEMENT FOR BIDS

CITY OF BURLINGAME  
CITY HALL  
101 SANTE FE AVENUE  
BURLINGAME, KANSAS 66413

Sealed BIDS are solicited for the construction of the WATER DISTRIBUTION SYSTEM. The proposed work will consist of furnishing and installing, complete and ready for operation, all necessary facilities as covered in the Drawings and Specifications for the single contract.

### The work includes:

Work under these contract documents includes the installation of new PVC potable water pipeline to replace the existing pipeline. Work also includes improvements to the City's pump station. The project is located in Burlingame, Kansas.

The sealed BID shall be received by the City of Burlingame at the Office of the City Clerk at City Hall until 2:00 PM local time on September 14, 2005. The bids will be opened and read aloud at that time. Subject to no apparent irregularities, subsequent Notice of Award is dependent upon funding agency approval.

Each BID must be submitted in a sealed envelope, addressed to the City Clerk at the address above. Each sealed envelope containing a BID must be plainly marked on the outside as BID for:

### WATER SYSTEM IMPROVEMENTS, CONTRACT NO. 2

The envelope shall bear on the outside the BIDDER'S name, address, and the name of the project for which the BID is submitted. If forwarded by mail, the sealed envelope containing the BID must be enclosed in another envelope addressed to the OWNER at the address shown above.

Each BIDDER shall file with his bid a Cashier's Check, Certified Check or an acceptable Bid Bond in the amount of 5% of the total amount of his BID.

All bids must be made on the required Bid Form. All blank spaces for bid prices must be filled in, in ink or typewritten, and the Bid Form must be fully completed and executed, including acknowledgment of any addenda and addresses, phone and FAX numbers, when submitted. The bid must include all applicable taxes. Only one copy of the Bid Form is required. Any exceptions or clarifications to the bid items must be included in a separate letter included within the envelope containing the Bid. The Bid Form shall not be changed or modified. The program documents attached to the Bid Proposal Form must be filled out and submitted as part of the Bid.

The CONTRACT DOCUMENTS, SPECIFICATIONS AND DRAWINGS were prepared at the office of BARTLETT & WEST ENGINEERS, INC., 1200 SW EXECUTIVE DRIVE, TOPEKA, KANSAS 66615-3850. Contact Mr. Brad A. Lindstrom by phone (785) 272-2252 or FAX (785) 272-7349 if there are any questions concerning the documents.

Proposed Bidding Documents may be examined at the office of ENGINEER and at:

- ♦ City Hall, 101 Sante Fe Avenue, Burlingame, KS 66413
- ♦ Minority Contractors Association of Kansas City, 4609 Paseo Blvd., Kansas City, MO 64110-1888
- ♦ Dodge/Scan Office & Plan Room, 5700 Broadmoor, Suite 100, Mission, KS 66202
- ♦ Kansas Construction News Report, 230 Laura, Wichita, KS 67211
- ♦ Reed Construction Data, 4800 Lamar, Suite 104, Mission, Kansas 66202
- ♦ Associated General Contractors of Kansas, 200 W. 33rd, Topeka, KS 66611

Copies of the proposed Bidding Documents may be obtained from ENGINEER'S TOPEKA OFFICE upon receipt of a deposit in the amount of \$100.00 for each set. No refund.

Bids received after the stipulated closing time will be returned unopened. The BIDDER to whom the contract is awarded shall be required to furnish a Performance Bond acceptable to the Owner in the amount of 100% of the contract in conformity with the requirements of the Contract Documents. No BID may be withdrawn within a period of sixty (60) days from the date of receiving bids. The Owner has the right to reject any or all bids and to waive informalities or irregularities therein and to reject any bid where there is doubt as to the Bidder having acquainted himself thoroughly with the materials and conditions relative to the job.

The time for Substantial Completion of the work has been set as July 1, 2006, and Final Completion of all project work by August 1, 2006.

**BID ACCEPTANCE OR REJECTION:** The Owner reserves the right to reject any or all bids and to waive irregularities therein, and all Bidders must agree that such rejection shall be without liability on the part of the Owner for any damage or claim brought by any Bidder because of such rejections, nor shall the Bidders seek any recourse of any kind against the Owner because of such rejections, and the filing of a Bid in response to this invitation to Bid shall constitute an agreement of the Bidder to these conditions. The award of contract will be made on the basis of the lowest responsive, responsible evaluated bid that best serves the City's needs for the project.

This contract will be funded through a grant from the Kansas Department of Commerce and Housing (CDBG Project No. 04-PF-333) and through a grant and loan from USDA Rural Development (RD Project No. 18-070-466030231). Neither the State of Kansas nor the Federal Government and any of its departments, agencies, or employees are or will be a party to this invitation to Bid or any resulting contract. The two program documents attached to the Bid Proposal Form must be filled out and submitted as part of the Bid.

Bidders on this work will be required to comply with the President's Executive Order 11246, as amended. Requirements for bidders and contractors under this order are explained in the CDBG and Rural Development portions of these specifications. Bidders on this work, including subcontractors or vendors, will be required to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et. seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et. seq.).

Bidders on this work will be required to comply with the requirements of OMB Circular A-102, "Standards Governing State and Local Grantee Procurement". Particular attention is directed to the requirements for affirmative steps to be taken in the solicitation of Minority Business Enterprises and Woman's and Disadvantaged Business Enterprises by the Contractor in procuring subcontractors for this Contract.

The prospective Bidders must certify by submittal of USDA Form AD-1048 "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions" that, to the best of its knowledge and belief, it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency.

The prospective Bidders must complete RD Instruction 1940-Q, Exhibit A-1, "Certification for Contracts, Grants and Loans".

The successful bidder will be required to comply with Section 3 of the 1968 Housing Act, Section 109 of the 1984 Housing and Community Development Act, and the Civil Rights Act of 1964.

Davis Bacon wage rates apply to this project. The prevailing hourly rate of wages for workmen, as determined by the U.S. Department of Labor, will be complied with on this project. Not less than the prevailing hourly rate of wages as found by the Department of Labor shall be paid to all workmen performing work on this proposed contract. The wage rates will be furnished by Addendum upon receipt from the U.S. Department of Labor via the Kansas Department of Commerce.

The City of Burlingame, Kansas is an equal opportunity employer and encourages minorities and women-owned businesses to apply.

City of Burlingame, Kansas