

RESOLUTION NO. 385
OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA

WHEREAS, the City of Chula Vista has heretofore made application to the FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS (said application being referred to as "P.W.A. Docket #8025, Title II of the National Industrial Recovery Act") and pursuant thereto has entered into a certain LOAN AND GRANT AGREEMENT between said City and the UNITED STATES OF AMERICA, under which agreement and pursuant to said application, the UNITED STATES OF AMERICA proposes to loan and grant to said City certain funds in accordance with said application and the terms of said agreement, a copy of which loan and grant agreement is on file in the office of the City Clerk of said City and numbered 416, to which reference is hereby made for further particulars; and

WHEREAS an election has been held within the said City of Chula Vista wherein the necessary general bonds of said City have been authorized to be issued in accordance with the terms and conditions of said application and agreement; and

WHEREAS it is necessary that the said City of Chula Vista employ civil engineers for the rendering of engineering services in connection with the work to be performed thereunder,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, as follows, to-wit:

That it does hereby employ the engineering firm of ALLEN AND ROWE, a co-partnership of Civil Engineers, to render and perform the services hereinafter set forth, to-wit:

(a) That said engineers shall do all engineering work required for the preparation and furnishing of the necessary plans and specifications, the furnishing of detailed estimates of costs, and the doing of all field and office engineering work pertinent thereto and necessary therefor, for the performance of the work contemplated by the application and agreement hereinbefore referred to; and that the compensation of said engineers therefor is hereby fixed at a sum equal to three and one-half per cent. ($3\frac{1}{2}\%$) of the contract cost of said work.

(b) That said Engineers shall also render and perform all engineering services necessary and required in supervising and construction of said work; preparing and furnishing monthly estimates of the quantities of work performed by the contractor; setting the line and/or grade stakes and inspecting all materials and workmanship necessary for the completion of the project in accordance with said plans and specifications; and that the compensation of said Engineers therefor is hereby fixed at a sum equal to two and one-half per cent. (2½%) of the contract cost of said proposed work.

(c) That the compensation of said Engineers hereinbefore mentioned in paragraph (a) shall be payable monthly as the work mentioned in said paragraph progresses and for that purpose the three and one-half per cent. (3½%) therein mentioned may be based upon the Engineer's estimate of the contract cost in advance of letting a contract therefor, IT BEING UNDERSTOOD, HOWEVER, that ultimately such percentage is to be based upon the actual contract cost of the proposed project. That said compensation shall be absolutely due and payable in all events not later than ninety (90) days after the approval of said plans and specifications for said project by the State Engineer, Public Works Administration.

(d) That the compensation of said Engineers hereinbefore mentioned in paragraph (b) is to be paid monthly during the progress of said work in such proportionate amounts as may be determined from time to time by, and with the approval of the said State Engineer, Public Works Administration, and that any balance remaining due for the compensation therein mentioned shall be absolutely due and payable upon the final acceptance of the proposed project by the said State Engineer, Public Works Administration.

(e) That all of the work and service to be performed by said Engineers herein mentioned shall at all times be to the satisfaction and approval of the said State Engineer, Public Works Administration.

(f) That in the event any extra work may be done by the contractor in addition to the work described in said application and agreement for said project and if authorized by the City Council and approved by the said State Engineer, Public Works Administration, the Engineers shall perform all the services for such additional work in the same manner as is provided in paragraphs (a) and (b) hereinbefore contained, and for their services in connection therewith

shall receive six per cent. (6%) of the contract cost of any such extra work, said additional work to be paid for under the same terms and conditions as contained in paragraph (d) hereinbefore set forth.

IT IS UNDERSTOOD that said Engineers shall be under no obligation to pay for any legal services in connection with said work.

IT IS FURTHER UNDERSTOOD that the Engineers agree to employ such Chula Vista residents as assistants in sub-professional capacities as may be found qualified by the Engineers to perform the particular services required, and in such numbers as the Engineers may determine.

AND IT IS FURTHER UNDERSTOOD that the said compensation of said Engineers is to be paid out of and from the proceeds of the fund arising out of said loan and grant agreement hereinbefore mentioned or from any funds of the said City which may be available, such payments from said City funds to be considered as temporary advances and to be repaid the said City out of the proceeds arising from said loan and grant agreement; provided, however, in the event that for any reason said agreement should be cancelled or rescinded before the completion of the project, and said Engineers having, prior to such time, rendered or performed any of the services hereinbefore mentioned, that they shall be entitled to receive for such services as may have been rendered, a reasonable compensation which shall be considered as a general obligation of the said City of Chula Vista.

IT IS UNDERSTOOD that the contract of employment to be entered into in accordance with this Resolution is to be made by virtue of and under authority of Paragraph 852 of Act 5233 of the General Laws of the State of California, as amended May 24, 1933, contained on pages 1958 and 1959 of Deerings 1933 Supplement to the Codes, etc., of California.

IT IS FURTHER UNDERSTOOD AND AGREED that the Engineers shall perform the preliminary work as set forth in paragraph (a) herein with the greatest diligence; such work, however, to be completed not more than eighty-(80) days from the passage of this Resolution; subject to the approval of the State Engineer, Public Works Administration, to permit any extension of the time in which said Engineers are to complete said preliminary work; all preliminary work to be approved by and performed within such time limits as the State Engineer, Public Works Administration, may otherwise direct, anything herein

to the contrary notwithstanding.

That the Mayor and Clerk of the City of Chula Vista be and they are hereby authorized and directed to execute with said Engineers an agreement in accordance with this Resolution for and on behalf of the said City of Chula Vista.

PASSED AND ADOPTED by the City Council of the City of Chula Vista, California, this 26th day of November, 1934, by the following vote, to-wit:

AYES: COUNCILMEN Boltz, Rife, Houze, Lyons, Brown

NAYS: COUNCILMEN None

ABSENT: COUNCILMEN None

G. H. Rife
 Mayor of the City of Chula Vista,
 California.

ATTEST: W. Simmons
 City Clerk of the City
 of
 Chula Vista, California

I HEREBY CERTIFY that the above and foregoing is a full and true copy of Resolution No. 385 of the Resolutions of the City of Chula Vista, California, as adopted by the City Council of said City on the 26th day of November, 1934.

W. Simmons
 City Clerk of the City of Chula
 Vista, California.