

tioned in section two of this Act to be done, and the said City Council may order the work mentioned in said petition to be done after notice of their intention so to do has been published as provided in section three of this Act. No order or permission shall be given to grade, pave, plank, or macadamize any street, lane, alley, place, or court in the first instance, or any portion thereof, without extending or completing the same throughout the whole width of such street, lane, alley, or court.

SEC. 5. Before giving out any contracts by the City Council for doing any work authorized by section two of this Act, the City Council shall cause notice to be conspicuously posted on or near the Council room door of said Council, and also published for five days in some daily paper to be designated by said Council, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the Clerk of said City Council, and said Council shall, in open session, open, examine and publicly declare the same and award the contract for said work, in their discretion, to the lowest responsible bidder; *provided*, said Council may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with said city. All proposals shall be accompanied by a bond in the sum of one thousand dollars, signed by the bidder and by two sureties, who shall justify in the manner hereinafter provided, conditioned to pay to the said City of Oakland the full sum of one thousand dollars, as liquidated damages, if the bidder to whom the contract is awarded shall fail or neglect to enter into a contract as hereinafter provided. It shall be the duty of the City Attorney to sue on said bonds in the name of said city, and to pay the amount recovered over to the Treasurer of said city. The City Council shall have power to relieve the contractor from the performance of the conditions of said bond when good cause is shown therefor. All persons (owners included) who shall fail to enter into contracts, as herein provided, are hereby prohibited from bidding a second time for the same work. Notice of such awards shall be published for five days, in the same manner as hereinbefore provided for publication of proposals of such work. The owners of the major part of the frontage of lots and lands liable to be assessed for said work, shall not be required to present sealed proposals, but may, within said five days after the first publication of notice of said award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same may have been awarded. Should the said owners fail to commence the work within ten days after the first publication of the notice of said award, and prosecute the same with due diligence to completion, it shall be the duty of the City Marshal to enter into a contract with the original bidder to whom the contract was awarded, and at the prices the same may have been awarded him; but if such bidder