

which such work has been or may be done hereafter, nor the owners thereof, shall be exempt from assessments made for the payment of the work afterwards done to complete said street, lane, alley, place, or court, to its full width, as provided in section eight of this Act.

SEC. 6. Before giving out any contracts by the Board of Supervisors, for doing any work authorized by section three of this Act, the Board of Supervisors shall cause notice to be conspicuously posted in the office of the Superintendent of Public Streets and Highways, and also published for five days, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the Clerk of the Board of Supervisors, and said Board shall, in open session, open, examine, and publicly declare the same, and award said work to the lowest responsible bidder; *provided*, said Board 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 and county. All proposals shall be accompanied with a bond in the sum of two hundred dollars, signed by the bidder and two sureties, who shall justify in the manner hereinafter provided, conditioned to pay to the Street Department Fund the full sum of two hundred 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 said City and County Attorney to sue on said bonds, in the name of said city and county, and to pay the amount recovered over to said fund. The Board of Supervisors 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. 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 such 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 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 Superintendent of Public Streets and Highways to enter into a contract with the original bidder to whom the contract was awarded, and at the price the same may have been awarded him; but if said bidder neglect, for fifteen days after the first publication of the notice of said award, to enter into the contract, then the Board of Supervisors shall again publish for said five days, and pursue the steps required by this section, the same as in the first instance. If the owners who may have taken said contract, do not complete the same within the time limited in the contract, or within such further time as the Board of Supervisors may give them, said Superintendent shall report such delinquency to the Board of Supervisors, who may relet the unfinished portion of said work, after having pursued the formalities of this section as stated aforesaid. All such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of said Superintendent, with two or more sureties, payable to the City and County of San Francisco, in such sums as the said Superintendent shall deem adequate, conditioned for the faithful performance of the contract, and the sureties shall justify, before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Any person suffering damages, by reason of the breach of said contract, may sue on such bond in his own name. It shall be the duty of the Superintendent to collect from the contractors, before the contract is signed by him, the cost of publication of the notices required under the proceedings prescribed in this Act.

SEC. 7. The Superintendent of Public Streets and Highways is hereby authorized, in his official capacity, to enter into all written contracts, and to receipt all bonds authorized by this Act, and to do any other acts, either expressed or implied, that pertain to the Street Department under this Act; and said Superintendent shall fix the time for the commencement and completion of the work under all contracts entered into by him, and may extend the time so fixed from time to time under the direction of the Board of Supervisors. And in all cases where the Superintendent, under the direction of said Board, has extended the time for the performance of contracts, the same shall be held to have been legally extended. And whenever, in any contract heretofore made, the said Superintendent has fixed the time for doing the work, or has extended the same, such acts shall be deemed and held to have been legally done, and it shall be so held in all the Courts of this State; but this provision shall not apply to any contracts the work under which has not been commenced. The work provided for in section three of this Act must, in all cases, be done under the direction and to the satisfaction of the Superintendent, and the materials used shall be such as are required by the said Superintendent; and all contracts made therefor must contain this condition, and also express notice that in no case (except where it is otherwise provided in this Act) will the city and county be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The assessment and apportionment of the expenses of all such work, in the mode herein provided, shall be made by the said Superintendent of Public Streets and Highways.—[Amendment April 25, 1863.]