§ 197. Performance of the work. If the town board shall upon the petition determine to grant the relief sought by the petitioners and establish or extend a district either in whole or in part, or if the town board shall determine to establish or extend a district on its own motion without a petition but after a public hearing and subject to a permissive referendum as provided in article twelve-A of this chapter, the town board shall, after such determination becomes effective, require the town engineer, or an engineer employed for that purpose, to prepare definite plans and specifications for the improvement, a careful estimate of the expense, and, with the assistance of the town attorney, or an attorney employed for that purpose, a proposed contract or contracts for the execution of the work, and to file the same with the town clerk within a time to be prescribed by the said town board. Thereupon the said board shall examine such definite plans, specifications, estimates and the proposed contract or contracts, and may make such modifications and changes in the plans, specifications, estimates and contract or contracts as to the board shall seem expedient, and thereupon the board may adopt or reject the same. If the estimated expense of the improvement does not exceed the amount specified for public work in subdivision one of section one hundred three of the general municipal law, the board may adopt such plans and specifications and cause said improvement to be made or may enter into a contract or contracts therefor without giving public notice thereof. If the estimated expense exceeds such amount, upon adopting the plans and specifications, the board shall invite sealed proposals for furnishing the material and labor necessary by the publication of a notice at least once in the official paper and in such other newspaper as to the board may seem expedient, requiring all persons who shall offer to do said work to file a sealed proposal or offer to do the work, and with it a certified check for a sum equal to five per centum of the estimated expense of the improvement, payable to the order of the supervisor, or a bond with sufficient sureties, to be approved by the supervisor, in a penal sum equal to five per centum of the estimated expense of the improvement, conditioned that if his proposal is accepted he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract. If a person or corporation making such proposal shall fail to

enter into a contract pursuant to the requirements of the board, or shall fail to give the further security which may be prescribed in said notice, within the time to be limited therein, then the check deposited as aforesaid and the moneys standing to the credit of the same shall be forfeited to the town as liquidated damages and not as a penalty, and the supervisor shall collect the same or enforce the payment of the bond for the benefit of the town. The notices inviting sealed proposals shall specify a time when and place where they will be received and considered and they shall be received and considered publicly at such time and place. There shall be at least ten and not more than thirty days between the first publication of the notice and the time when the proposals will be received, and during that time the plans and specifications for the work shall be exhibited publicly in the office of the town clerk. It shall be the duty of the town clerk to provide that all persons desiring to examine the same shall have reasonable opportunity to do so, and that there shall be no discrimination in favor of any person or persons in the opportunity to make proper examination of said plans and specifications. The town board may award one contract for the entire work or separate contracts for portions thereof. The board shall determine the lowest responsible bidder or bidders whose bid and check or bond shall have been made and filed in conformity with this section and with the notice published by the board as aforesaid, and the contract or contracts shall be awarded to the lowest responsible formal bidder therefor, unless in the judgment of the board it shall be in the interests of the town to reject all bids and to advertise anew. In that event, the board shall proceed accordingly. In no event shall any contract be awarded if the total expense of the improvement shall exceed the maximum amount stated in the petition or in the final order, if the town board proceeded under article twelve-A of this chapter. Nothing in this section shall be construed to prevent the town from performing any such work or part thereof by or through its regular employees and the cost thereof shall be considered as part of the expense of the improvement.