



CITY OF PATASKALA

RESOLUTION 2019-070

Failed November 4, 2019

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH HULL & ASSOCIATES, INC. FOR THE BIDDING, CONSTRUCTION ADMINISTRATION, AND CONSTRUCTION OBSERVATION OF THE WATER RECLAMATION FACILITY UPGRADE PROJECT

WHEREAS, the City of Pataskala Utility Department operates a Water Reclamation Facility for wastewater treatment; and

WHEREAS, the Ohio EPA regulates treatment discharge levels for the Pataskala treatment facility; and

WHEREAS, Ohio Senate Bill 1 provides regulatory requirements, through the Ohio EPA, for an effluent discharge limitation of 1 mg/L phosphorous for treatment facilities designed for 1 million gallons; and

WHEREAS, the City of Pataskala recently was awarded a zero percent interest loan through the Water Pollution Control Loan Fund to pay for the Water Reclamation Facility upgrade. For reasons unknown and outside the City's control, the Ohio EPA delayed its decision to award this loan. Because of this delay, the timeline to complete this necessary project has been compressed substantially; and

WHEREAS, additionally, the Ohio EPA requires the agreement for bidding, construction administration and construction observation be completed before it will decide whether loan funds can be issued. The City anticipates the Ohio EPA could take as many as two months to make this decision once it has all the information; and

WHEREAS, the City reasonably anticipates the Water Reclamation Facility bidding, construction administration and construction observation services will cost Ninety-Seven Thousand Twenty Dollars and No Cents (\$97,020.00); exceeding the threshold established under the City Charter and Ohio's Design Professional Selection Law; and

WHEREAS, City of Pataskala Employee and Policy Handbook, Article XII(b)(vii)(1)(Exceptions to Competitive Bidding) states "[i]n any case where competitive bidding is not practical, or is clearly to the City's advantage to contract without bidding, Council, upon the recommendation of the City Administrator, may authorize the issuance of a purchase

order without competitive bidding, by a majority vote"; and

WHEREAS, given the unique facts and circumstances surrounding the award of this loan and the short timeline by which the Water Reclamation Facility upgrade must be bid and constructed, the City Administrator believes it is not practical to announce the availability of this contract, evaluate the submitted bids, and award a contract. Therefore, the City Administrator recommends entering into this contract without following this process.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF MEMBERS PRESENT CONCURRING THAT:

Section 1: Council for the City of Pataskala hereby authorizes and directs the City Administrator to execute a contract in an amount not to exceed Ninety-Seven Thousand Twenty Dollars and No Cents (\$97,020.00), with Hull & Associates, Inc. for the bidding, construction administration, and construction observation of the Water Reclamation Facility Upgrade Project.

Section 2: Council for the City of Pataskala hereby authorizes a purchase order for the amount identified in Section 1

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 4: This Resolution shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk

Michael W. Compton, Mayor

APPROVED AS TO FORM:

Brian M. Zets, Law Director