

ORDINANCE NO. 8066

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF ADDITIONAL IMPROVEMENTS DURING THE CLINTON STREET BRIDGE REPLACEMENT PROJECT (DEF-SR15-14.77 – ODOT PID NO. 96605) AND DECLARING AN EMERGENCY

WHEREAS, the Department of Transportation has identified a need to replace the Clinton Street bridge that carries State Route 15 over the Maumee River in downtown Defiance; and,

WHEREAS, this Council enacted Ordinance No. 7946 on August 22, 2017 proposing cooperation with the Ohio Department of Transportation (“ODOT”) Director of Transportation for the Clinton Street bridge replacement project; and,

WHEREAS, the City share of the cost of the improvements for a shared use path and aesthetic lookout on City-owned property is an *estimated* Four Hundred Fifty-Four Thousand and 19/100 Dollars (\$454,000.19); and,

WHEREAS, the Director of Transportation has approved legislation proposing cooperation with the City and has made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to Council; and,

WHEREAS, the City desires the Director of Transportation to proceed with the improvements;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvements within City limits, less the amount of Federal Highway Administration funds set aside by the Director of Transportation for the financing of this improvement.

Section 2: The City Administrator is directed to enter into a contract with the Director of Transportation for the City share of the project of Four Hundred Fifty-Four Thousand and 19/100 Dollars (\$454,000.19), which amount is hereby appropriated.

Section 3: The Finance Director is authorized to pay the contract price from Section 2 from appropriated funds allocated by expenditure from Line 403-901-5-2-980.881 of the 2018 annual budget.

Section 4: The City hereby requests that the Director of Transportation proceed with the aforesaid highway improvement.

Section 5: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 6: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that the ODOT contract deadline is October 10, 2018 with a scheduled sale date of October 25, 2018. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: October 2, 2018 David McMaster
President of Council

Votes in Favor of Adoption: 6
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 2, 2018 Michael McCann
Mayor

Ordinance No. 8067

AN ORDINANCE AMENDING CODIFIED ORDINANCE 151.03 PERTAINING TO COMPETITIVE BIDDING STANDARDS IN CONSTRUCTION CONTRACTS

WHEREAS, Section 735.05, Ohio Revised Code authorizes a municipality to make any contract, purchase supplies or material, or provide labor for any work involving the expenditure of not more than fifty thousand dollars (\$50,000.00) to the *lowest and best bidder*; and,

WHEREAS, the current standard for such contracts is to award the contract to the *lowest responsive and responsible bidder*; and

WHEREAS, the *lowest and best* standard gives the City the discretion to consider not just the bid price, but also the qualifications of a bidder as well as the discretion to compare the bidders against one another; and

WHEREAS, Council finds it necessary to amend this ordinance in order to give the City more flexibility and discretion in awarding public contracts;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Codified Ordinance §151.03 is hereby amended to provide (deleted text ~~stricken~~, newly added text underlined):

151.03 COMPETITIVE BIDDING REQUIRED; EXCEPTIONS.

(a) All contracts involving the expenditure of fifty thousand dollars (\$50,000.00) shall be awarded to the lowest ~~responsive and responsible~~ and best bidder as defined by Ohio Revised Code ~~9-3-2~~ 735.05 unless otherwise provided by statutory law.

(b) All proposed purchases involving the expenditure of one thousand dollars (\$1,000), excluding items or services under pre-existing contracts, shall require the submission of documents demonstrating the efforts made to secure multiple price proposals for the item or service to be procured. In the event the Board of Control approves an expenditure based on fewer than three competing price quotations, justification for that action shall be documented in the Board minutes.

(c) Expenditures authorized in accordance with Ohio R.C. 735.051, 735.052 or 735.053 shall be exempt from competitive bidding requirements, but shall require approval in accordance with Section 151.02.

(d) Expenditures for the performance of professional design, construction management or design and build services shall be exempt from competitive bidding requirements but shall require approval in accordance with Section 151.02 following selection of the professional to whom such contract is to be awarded in accordance with statutory procedures.

(e) Expenditures for the performance of professional or technical services to include, without limitation: engineering or architectural consultation not involving design; legal, accounting, financial and investment services; investigatory services undertaken in anticipation of litigation; and consulting services relating to design or implementation of information and telecommunications systems shall be exempt from competitive bidding requirements but shall require approval in accordance with Section 151.02.

Section 2: All provisions of the Codified Ordinances that maintain a lowest *responsive* and *responsible* bidding standard not expressly amended by Section 1 of this Ordinance are ratified, confirmed, and shall remain in full force and effect.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: October 2, 2018 David McMaster
President of Council

Attest: Lisa Elders, Clerk

Approved: October 2 _____, 2018

Michael McCann _____
Mayor