

**RESOLUTION NO. 027-13**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF SOLE SOURCING THE MATERIAL TESTING FOR THE SCOTT STREET IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BOWSER-MORNER, INC. FOR SAID TESTING, AND DECLARING AN EMERGENCY**

**WHEREAS**, as part of the City of Napoleon's Scott Street Improvement Project and as required by the grant with ODOT, there must be material testing conducted; and,

**WHEREAS**, the City has sent requests for proposals to three companies, one company declined to submit a proposal, one company submitted a proposal with only a fee schedule, and the third company, Bowser-Morner Inc., submitted a detailed proposal; and

**WHEREAS**, the subject matter is too nebulous to accurately prepare the standard bid documents; and

**WHEREAS**, the City Engineer has reviewed all submittals and has recommended contracting with Bowser-Morner Inc. for the required material testing; and,

**WHEREAS**, it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, Council for the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 to conduct the required materials testing for the Scott Street Improvements Project.

Section 2. That, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 3. That, the City Manager is authorized to enter into a Contract with Bowser-Morner Inc. to conduct the materials testing for the Scott Street Improvements Project.


Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

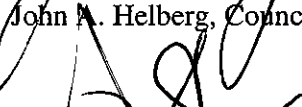
Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time keep the Scott Street Improvements Project on schedule and allow for reimbursement from ODOT which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: June 3, 2013

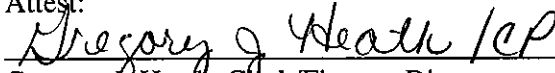
  
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John A. Helberg, Council President

Approved: June 3, 2013

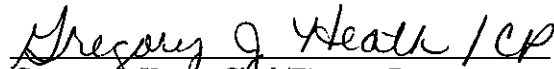
  
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Ronald A. Behm, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

  
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Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 027-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

  
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Gregory J. Heath, Clerk/Finance Director