

RESOLUTION NO. 044-17

A RESOLUTION AUTHORIZING, CONTINGENT UPON THE PRESENTATION OF A PROPER PERFORMANCE BOND, THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF CONSTRUCTION OF A TRAINING FACILITY FOR THE CITY OF NAPOLEON, OHIO FIRE DEPARTMENT LOCATED WITHIN THE CITY OF NAPOLEON, OHIO, AND AUTHORIZING THE SOLE SOURCING OF THE PROJECT TO W.R. MEYERS CO. INC., AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SAID CONSRUCTION; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio seeks to construct a new training facility for the City of Napoleon Fire Department; and,

WHEREAS, the City of Napoleon, Ohio has previously applied for and been granted funding for this project through the Local Government Safety Capital Grant Program; and

WHEREAS, the original deadline for this project through said Grant was May 19, 2017; and,

WHEREAS, the City of Napoleon, Ohio did receive an extension to the above stated deadline until September 30, 2017; and,

WHEREAS, this project was previously advertised through the competitive bidding process twice, but was unsuccessful in receiving appropriate bids; and,

WHEREAS, W.R. Meyers Co. Inc., is familiar with the specialized skills and construction requirements needed to complete the project; and,

WHEREAS, attached as Exhibits "A" and "B" are statements from the City of Napoleon Fire Chief and Philip A. Whaley, P.E., demonstrating that W.R. Meyers Co. Inc., is familiar with the specialized skills and construction requirements needed to complete the project; and,

WHEREAS, the Council believes 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, the City of Napoleon authorizes, contingent upon the presentation of a proper performance bond, the expenditure of funds in excess of \$25,000.00 from the 2017 Budget for the construction of a training facility for the City of Napoleon Fire Department located within the City of Napoleon.

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, once said performance bond is presented, to enter into a contract with W.R. Meyers Co. Inc. to construct said structure.

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.

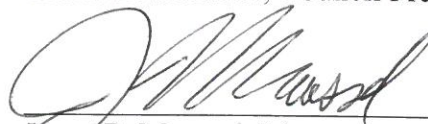
Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the construction can be done as soon as possible to meet the deadline of the Grant extension, which affect 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. Further, the Emergency Clause is necessary to begin the repair process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: June 19, 2017



Travis B. Sheaffer, Council President

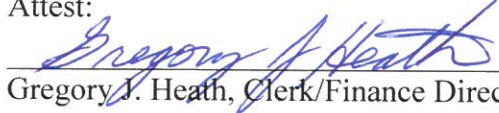
Approved: June 19, 2017



Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:



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. 044-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26th day of June, 2017; & 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.



Gregory J. Heath, Clerk/Finance Director



City of Napoleon, Ohio

Fire and Rescue Department

265 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 592-0441 Fax: (419) 592-5195

www.napoleonohio.com

Memorandum

To: *Billy Harmon, Law Director*
From: *Clayton O'Brien, Fire Chief*
cc: *Joel Frey, Assistant Fire Chief*
Joel Mazur, City Manager
Chad Lulfs, City Engineer

Date: *6/15/2017*

Subject: *Request for sole source*

I am requesting your approval to sole source the Napoleon Safety Services Training Facility (structure plan only) project. This project has been put out to bid twice and each time we have been unsuccessful in attracting the correct contractors to bid on the project. By correct I mean a contractor that has the skills for this specialized project, meet the timeline, and stay within the allowed budget.

We are under a tight timeline to complete this project and are already well into our only extension. This project is 100% funded by the Local Government Safety Capital Grant Program and the original deadline was May 19th 2017.

This project is a very specialized project with minimal qualified contractors to be able to perform all the aspects involved in the job. Poggemeyer Design Group, Inc designed this project and highly recommends W.R. Meyers Co. Inc. for this type of project. I have attached letters from our project coordinator and engineer from Poggemeyer Design Group, Inc.

At this point it would be very difficult to send this project back out to bid and expect that we would have a different result than we had the first two times. If we sent this project back out to bid again the bid process would complete in time, but the concern would be the structure being completed in time and all the paperwork processed for reimbursement within the timeframe outlined by our grant.

It is my recommendation to sole source the construction of the structure to W.R. Meyers Co. Inc. for the structural work only. This job is a very specialized job with a very tight budget and timeframe. W.R. Meyers Co. Inc. has the specialized skills to complete this project as well as meeting our timeframe and budget. W.R. Meyers Co. Inc. has quoted the entire structure at \$173,969.00 and stated he will be able to meet our September 30th 2017 deadline. W.R. Meyers Co. Inc. is fully bonded and this information can be provided at your request.



No. 044-17 Exhibit B

June 15, 2017

Chief Clayton O'Brien
City of Napoleon Fire Department
265 W. Riverview Avenue
Napoleon, Ohio 43545

VIA E-mail: cobrien@napoleonohio.com

Re: Napoleon Fire Training Burn Building Design
PN: 1170-014

Dear Chief O'Brien:

It is our understanding that since the City of Napoleon received no awardable bids on the burn building portion of this project for the second time that you are considering sole sourcing that part of the project to W.R. Meyers Company of Napoleon.

I am writing this letter of recommendation as requested by you to document our telephone conversation regarding my personal experience in working with Bill Meyers and his staff over the last 30 years on many similar projects. As we discussed, it is my opinion that this type of project is very well suited to W.R. Meyers capabilities as a contractor. W.R. Meyers Company has the required equipment and experienced tradesmen to complete this project to the City's satisfaction. Mr. Meyers routinely takes on projects like this which other contractors would pass on due to their unique nature. I can personally attest to first-hand knowledge of their means and methods and ability to find creative ways to solve difficult rigging problems safely, efficiently, and cost effectively.

I hope this provides the information you need to make your contractor selection. Should you have any questions regarding this matter, please do not hesitate to contact me at 419-352-7537.

Sincerely,

POGGEMEYER DESIGN GROUP, INC.


Phillip A. Whaley, P.E.
Principal Owner

No. 044-17 Exhibit B

Bidding Climate

From: "Jeff Buehrer" <BuehrerJ@poggemeyer.com>
To: "Joel Frey" <jfrey@napoleonohio.com>

06/15/17 11:08

Joel,

As we discussed yesterday, I am sending a brief email to describe what we are seeing in the construction market.

I reached out to area construction companies asking that they bid on the Safety Services project. Four companies advised they might look at the project but are very busy with work under contract and may not be able to meet the budget or schedule. The construction industry is robust and many are working long hours to meet schedules.

We have recently bid 2 other public works projects and had very few bidders. Those that bid were well above the construction estimate. Small projects currently are not attractive and with a saturated market we find contractors taking less risk thus well exceeding cost estimates with inflated bids.

If you have the ability to sole-source the training facility and have a contractor that can meet both the budget and schedule I would recommend you move quickly in that direction and reduce your risk of losing the grant.

Should you need anything further from me please let me know at your earliest convenience.

Best regards,
Jeff

JEFFERY BUEHRER

Project Coordinator

419.352.7537



AN EMPLOYEE OWNED COMPANY

1168 North Main Street
Bowling Green, Ohio 43402
www.poggemeyer.com

Electronic File Limitation of Liability

These documents are not intended or authorized for use on any other project other than those for which they have been specifically created and Poggemeyer Design Group makes no representation as to their suitability for other use. Poggemeyer Design Group provides these machine-readable documents with no warranty or guarantee, express, implied or statutory, as to the accuracy, readability, suitability or fitness for a particular purpose. Documents delivered in machine-readable form may vary from those contained on paper copies of the documents. Variances may be due to the use of different software, hardware or output devices by the recipient or others from those used by Poggemeyer Design Group for original preparation and printing of the documents.

STATE OF OHIO
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 26th day of June 2017.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this 26th day of June, 2017

Beverly Griteman
Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$244.20
Notary Fee: \$1.50

Summary of Ordinance No.(s) 034-17;
and Resolution No.(s) 041-17, 042-17, 043-17, 044-17

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance 034-17

AN ORDINANCE TO APPROVE CURRENT MARCH 2017 REPLACEMENT PAGES TO THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES

In this legislation, the City of Napoleon authorized the approval of the current March 2017 replacement pages to the City's Codified Ordinances, specifically the Traffic Code and Fire Code.

Resolution 041-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR, ACCEPT, AND ENTER INTO AN OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE (DEFA) WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF NAPOLEON, OHIO FOR PLANNING, DESIGN, AND/OR CONSTRUCTION OF WASTEWATER PUMPING FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to apply for, accept, and enter into an agreement for funding for the planning, design and/or construction of the Wastewater Pumping Facilities.

Resolution 042-17

A RESOLUTION IN SUPPORT OF A SECOND RIVER BRIDGE IN AND FOR THE CITY OF NAPOLEON, OHIO

In this legislation, the City of Napoleon documented support of a second river bridge.

Resolution 043-17

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO AND THE COUNTY COMMISSIONERS OF WOOD COUNTY, OHIO FOR THE PURPOSE OF RESIDENTIAL CODE INSPECTION SERVICES; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized an agreement between the City and Wood County for residential code inspection services.

Resolution 044-17

A RESOLUTION AUTHORIZING, CONTINGENT UPON THE PRESENTATION OF A PROPER PERFORMANCE BOND, THE EXPENDITURE OF FUNDS OVER TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF CONSTRUCTION OF A TRAINING FACILITY FOR THE CITY OF NAPOLEON, OHIO FIRE DEPARTMENT LOCATED WITHIN THE CITY OF NAPOLEON, OHIO, AND AUTHORIZING THE SOLE SOURCING OF THE PROJECT TO W.R. MEYERS CO. INC., AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SAID CONSTRUCTION; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the expenditure of funds over twenty five thousand dollars (\$25,000.00) related to the construction of a training facility for the City Fire Department contingent upon the presentation of a proper performance bond.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director