

RESOLUTION NO. 029-20

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000 FOR THE PURPOSE OF CONSTRUCTING A COMMERCIAL POOL, AND TO ENTER INTO A CONTRACT WITH ASTRO POOLS FOR SAID CONSTRUCTION; AND DECLARING AN EMERGENCY

WHEREAS, Section 106.04 of the City of Napoleon Codified Ordinances provides that “when the City may otherwise be required by the laws of Ohio, ordinance or resolution, to make any purchase or contract of any type of property or services, or contract for purchases or services by competitive bid, the proposal process, or quality base selection process, Council may eliminate the necessity therefor in the best interest of the City, as determined in the sole discretion of Council by a majority vote of the current members of Council[;]” and,

WHEREAS, the City of Napoleon Recreation Department desires to build a commercial pool for its Napoleon Aquatic Center; and,

WHEREAS, the aforementioned construction can be completed by Astro Pools for the best available price; and,

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

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

Section 1. That, City Council hereby finds that, pursuant to City of Napoleon Codified Ordinances Section 106.04, eliminating the necessity for competitive bidding and entering into this contract with Astro Pools for the construction of the City’s new pool is in the best interest of the City for all of the reasons cited in Exhibit “A” hereby attached and made a part hereof, and any further reasons as described to Council by staff in open meetings of this City Council.

Section 2. That, the City of Napoleon authorizes the City Manager on behalf of the City of Napoleon to enter into a contract with Astro Pools for the construction of a commercial pool for which the City has need as part of the Napoleon Aquatic Center, pursuant to City of Napoleon Codified Ordinances Section 106.04.

Section 3. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000 for the purchase of the necessary machinery, materials, supplies or other articles for its Napoleon Aquatic Center commercial pool.

Section 4. That, the City Manager is authorized and directed to enter into the aforementioned contract.

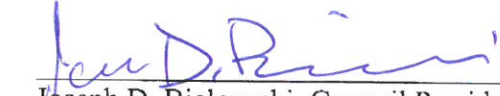
Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal 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 6. 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,

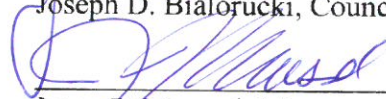
if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 7. 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; 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 construction process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: July 20, 2020



Joseph D. Bialorucki, Council President

Approved: July 20, 2020

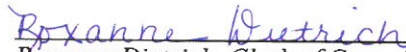

Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 029-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 28th day of July, 2020; & 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.


Roxanne Dietrich, Clerk of Council



City of Napoleon, Ohio

Department of Public Works

100 West Main Street, P.O. Box 271
Napoleon, OH 43545
Chad E. Lulfs, P.E., P.S., Director of Public Works
Telephone: 330.282.1000 Fax: 330.282.1001
www.napoleonohio.com

Memorandum

To: Mayor & Napoleon City Council
From: Joel L. Mazur, City Manager
Tony Cotter, Parks & Recreation Department Director
Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Kelly O'Boyle, City Finance Director
Roxanne Dietrich, Clerk of Council
Date: June 11, 2020
Subject: Napoleon Aquatic Center ~ Request to Waive Competitive Bidding

The City of Napoleon received and opened bids for the Napoleon Aquatic Center project on Thursday, June 4th. The bids received were not able to be awarded due to the constraints of the Ohio Revised Code and the limitations in Section 153.12 with regard to the bids being more than 10% above the Engineer's Estimate.

City staff worked with Peterman Associates in an effort to provide a facility to meet the needs of the community. A volunteer group was organized and a committee was formed to provide input on the project. After several meetings, a design was prepared for both the pool and the Bathhouse/Clubhouse facility.

Once the plans and specifications were finalized, the project was advertised for bids. We received bids from 6 firms: 4 bids for the General Trades Contract; 1 bid for the Pool Contract; and 1 bid for the Combined General Trades & Pool Contracts. After reviewing the bids, it was determined that the bids for the buildings were much higher than anticipated. The scale of the buildings will need to be reduced. However, the bid received for the pool (including the bid received in the Combined bid) was where we expected it to be. But due to the stipulations in the Code, we cannot award the project based on this competitive bid. After reviewing our options, we believe the best solution to this would be to enter into a separate contract with the company that bid on the pool portion of the project.

We are requesting that City Council reject all bids, then direct the Law Director to draft the appropriate legislation to waive competitive bidding for the pool portion of the Aquatic Center project. This project is unique. There are very few companies capable of building a commercial pool. Although the overall bids received were above the Engineer's Estimate, the bid received from Astro Pools was at our estimated cost for the pool portion of the project.

In an effort to stay on schedule, to not incur additional engineering costs, to capture a competitive price on an extremely unique project, to continue forward in an effort to meet the expectations of the public, and to use public funds in a responsible manner we request that Council direct the Law Director to draft the appropriate legislation to waive competitive bidding and enter into a contract with Astro Pools for the pool portion of the Napoleon Aquatic Center project.

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager 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 28th day of July, 2020.



Sally Heaston

Subscribed and sworn to before me this
23rd day of July, 2020



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

Printer's Fee: \$121.50

Notary Fee: \$2.50

**Summary of Ordinance No. 031-20
and Resolution No. 029-20**

(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 No. 031-20

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 3) FOR THE YEAR 2020; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon supplemented the annual appropriation measure.

Resolution No. 029-20

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000 FOR THE PURPOSE OF CONSTRUCTING A COMMERCIAL POOL, AND TO ENTER INTO A CONTRACT WITH ASTRO POOLS FOR SAID CONSTRUCTION; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the expenditure of funds in excess of \$25,000 to Astro Pools for the purpose of construction of a commercial pool.

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