

City of Willoughby Hills

ORDINANCE NO. 2017-86

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE BID SUBMITTED BY S.E.T., INC. FOR THE MEADOWBROOK PUMP STATION REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, on July 27, 2017 a motion was made by Council authorizing the Mayor to seek bids for the Meadowbrook Pump Station; and

WHEREAS, the project was advertised publicly in the News-Herald on November 9, 2017 and November 16, 2017 as well as on the City's website continuously during the bidding timeframe; and

WHEREAS, to generate greater interest, plans were also distributed to The Builder's Exchange, iSqft, and Dodge plan rooms as a courtesy and direct notice was provided to eleven local contractors with relevant qualifications; and

WHEREAS, three contractors purchased bid documents and two contractors submitted bids by the November 30, 2017 deadline; and

WHEREAS, the bid of \$402,124.03 received from S.E.T., Inc. is twenty percent (20%) over the Engineer's Opinion of Probable Construction Cost (OPCC) of \$334,500.00 by \$67,624.03; and

WHEREAS, analysis of the bids determined that five bid items (mobilization, 8" sanitary sewer, SAN-3: Pump Station, Electrical Support, 10% Contingency) composed the majority of the overage, and were underestimated in the OPCC; and

WHEREAS, the current OPCC is greater than the conceptual OPCC included with Ordinance No. 2017-42 passed on July 27, 2017 due to the following additional work: (a) relocating new pump station to bottom of hill rather than midway required additional piping manholes; (b) reutilization of existing tanks for overflow storage during extreme storms required precast concrete lids, piping and valve, guardrail, curbing and walks at surface; and

WHEREAS, since there were only two interested bidders and a large difference of \$68,522.30 between the bidders, re-bidding would likely result in a higher low bid as well as delay a much-needed project; and

WHEREAS, S.E.T., Inc. understands the scope of work, proposes a seventy-five-day construction schedule, and is comfortable with their bid; and

WHEREAS, S.E.T., Inc. has completed several projects of similar size and scope and is highly recommended by both of the references that were contacted; and

WHEREAS, the Council of the City of Willoughby Hills has reviewed and accepts the recommendations as provided by the City Engineer Pietro DiFranco and the Assistant City Engineer Kevin Trepal, P.E. in their memorandum of December 5, 2017, finding the bid of \$402,124.03 submitted by S.E.T., Inc., to be the lowest and best bid in conformance with all contract requirements; and

WHEREAS, notwithstanding the lowest and best bid exceeds the OPCC by twenty percent (20%), and Section 153.12(A) of the Ohio Revised Code prohibits an award of a contract if it exceeds the OPCC by ten percent (10%) or more, the Council is vested by Article VI, Section 6.1(d) to provide for the award of contracts pursuant to an ordinance, and finds and determines that it is in the best interests of the City to proceed with the award of this contract, notwithstanding Section 115.04 of the Codified Ordinances of the City, which incorporates state law for public bidding purposes.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor is hereby authorized and directed to accept the bid of and thereby enter into a contract with S.E.T., Inc. of 235 East Water Street, Lowellville, Ohio, 44436 for the Meadowbrook Pump Station Project at a total cost not to exceed \$402,124.03.

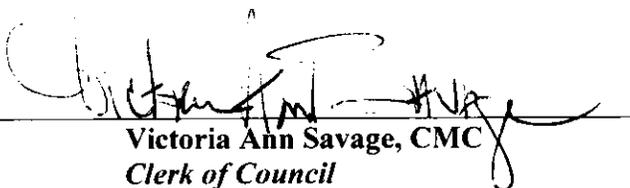
SECTION 2. The Director of Finance is authorized and directed to return the bid bonds to all unsuccessful bidders.

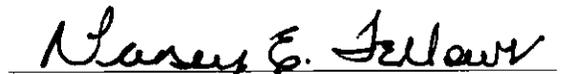
SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

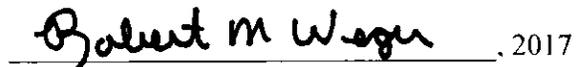
SECTION 4. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of the Municipality and further reason to allow the City to accept the bid of S.E.T., Inc.; thereby allowing for the timely execution of the contract in order for work to begin on the Meadowbrook Pump Station Replacement Project by February 2018. Wherefore, this ordinance shall be in full force and take effect from and after its adoption and approval by the Mayor.

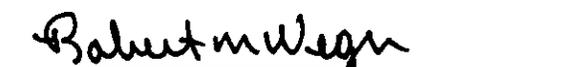
PASSED: December 19, 2017

Submitted to the Mayor for his approval on this 20 day of December, 2017


Victoria Ann Savage, CMC
Clerk of Council


Nancy E. Fellows
President of Council

Approved by the Mayor

December 20, 2017


Robert M. Weger
Mayor