

ORDINANCE 21-17

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF SAFETY AND SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS WITHOUT FORMAL BIDDING AND ADVERTISING AND DECLARING AN EMERGENCY

WHEREAS, Section 735.051 of the Ohio Revised Code authorizes a municipal corporation in the case of a real and present emergency arising in connection with the operation and maintenance of the department of public service, the department of public safety or any other department of the City, and upon a two-thirds vote of all members elected to the legislative authority to enter into contracts for work to be done, or for the purchase of supplies and materials without formal bidding and advertising; and

WHEREAS, a real and present emergency has arisen in the operation of the City Hall Building, which houses the department of public service, the department of public safety, and the City's department of finance, in that the HVAC systems servicing the building has failed and is not generating cool air or heat for the building; and

WHEREAS, the City has retained Best Building Solutions, LLC, of Maumee, Ohio, to conduct an investigation of the HVAC system and its components for the purpose of determining what needs to be done to either repair or replace the HVAC system; and

WHEREAS, Best Building Solutions (BBS) has conducted its investigation and recommended to the City that the roof mounted HVAC system be replaced by a new 30 ton unit and additionally that two 1 ton mini split units be installed in two different areas of the interior of the building to handle additional air flow for heating and cooling the building; and

WHEREAS, to procure the necessary materials and supplies and to contract for work to be performed to install the recommended HVAC systems this summer, and prior to the start of the heating season, orders and contracts need to be entered into immediately; and

WHEREAS, it is imperative to provide as soon as possible a functional HVAC system to the City Hall Complex for the protection of the public interest, for the working conditions of the various department employees that work within the various departments of the City, and for the maintenance of City Data Storage Systems; and

WHEREAS, the City has obtained through BBS multiple informal proposals for the necessary materials, supplies, and labor to perform the replacement of the HVAC system in an effort to obtain the best price for the material, supplies and labor, which quotes are on file in the office of the Director of Safety and Service; and

WHEREAS, this Council finds that a real and present emergency exists in the operation and maintenance of the City Hall Complex and that it is immediately necessary to enter into a contract or contracts as may be necessary, to protect, or preserve and maintain the usual daily operations of the various departments of the City, providing an environment that is conducive to

efficient work conditions and for the preservation of City data on servers and electronic equipment, and that it is immediately necessary to enter into a contract or contracts for such purpose.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. That the Director of Safety and Service is hereby authorized and directed to enter into a contract or contracts without advertising or competitive bidding, with qualified contractors as recommended by Best Building Solutions, LLC, and agreed to by the Director, for the purpose of providing, replacing, installing, operating, and performing all services necessary to obtain a properly operating HVAC system for the City Hall Complex at the earliest possible time.

Section 2. There is hereby appropriated the sum of \$100,000.00 or so much thereof as may be needed, from the General Fund to meet the expenses for the contract or contracts.

Section 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that a real and present emergency exists in the operation of the various departments of the City operating in the City Hall Complex requiring the immediate repair and replacement of the HVAC system for the protection of the public and the department employees, thereby obviating the need to advertise and take competitive bids for the project; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2017

President of Council

Attest: _____

Clerk of Council

Approved _____, 2017

Mayor