

ORDINANCE NO. 20-101

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOSSER CONSTRUCTION INC. OF FREMONT, OHIO, FOR THE WASTEWATER TREATMENT PLANT FERROUS CHLORIDE SYSTEM REHABILITATION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City owns a series of steel rubber-lined Ferrous Chloride tanks at the Wastewater Treatment Plant that are used for storing Ferrous Chloride, which is used in the treatment process of wastewater prior to the final effluent at the plant; and

WHEREAS, due to Ferrous Chloride's corrosive properties, the exposure and contact with the existing rubber-lined steel tanks and other metal-surfaced surroundings, many are rusted and at the end of their useful life and upon researching other materials compatible with the chemical, it was determined that although new tanks would be slightly more expensive, they would be a better return on investment than replacing the liners every five (5) years; and

WHEREAS, the Wastewater Treatment Plant Ferrous Chloride System Rehabilitation Project involves the replacement of the metal tanks, construction of outside secondary containment for the tanks, replacement of piping, stairway supports, handrailings and controls, which have been exposed to Ferrous Chloride for years, and to replace these items with stainless steel, fiberglass, PVC and plastic materials, where practical, to bring up to the current safety standards; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into an agreement for Professional Design Services with Brown and Caldwell of Independence, Ohio, for the WWTP Ferric Tanks Project by Ordinance No. 18-231, passed on November 26, 2018; and

WHEREAS, the City Commission declared the necessity for the City to proceed with the proposed Wastewater Treatment Plant Ferrous Chloride System Rehabilitation Project by Resolution No. 029-19R, passed on August 12, 2019; and

WHEREAS, subsequent to advertisement according to law, one (1) bid was received which exceeded the original estimate of cost by more than 10% and pursuant to §41 of the City Charter no contract can be awarded and therefore the bid was rejected which necessitates the rebid of the Wastewater Treatment Plant Ferrous Chloride System Rehabilitation Project; and

WHEREAS, the project details and specifications were refined, the bid form consolidated, the estimate revised and the completion time increased in efforts to attract more bidders and this City Commission declared the necessity for the City to proceed with the revised Wastewater Treatment Plant Ferrous Chloride System Rehabilitation Project by Resolution No. 015-20R, passed on April 27, 2020; and

WHEREAS, upon public competitive bidding as required by law two (2) appropriate bids were received and the bid from Mosser Construction, Inc. of Fremont, Ohio, was determined to be the lowest and best bid; and

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WHEREAS, the total construction cost of this project based on bids is \$659,582.93 and will initially be paid with Sewer Funds and a portion of the costs will be reimbursed from Erie County pursuant to the Sewer Services Agreement; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the contractor to complete the project by the project completion deadline of May 31, 2021; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a contract with Mosser Construction, Inc. of Fremont, Ohio, for the Wastewater Treatment Plant Ferrous Chloride System Rehabilitation in an amount **not to exceed** Six Hundred Fifty Nine Thousand Five Hundred Eighty Two and 93/100 Dollars (\$659,582.93) consistent with the bid submitted by Mosser Construction, Inc. of Fremont, Ohio, currently on file in the office of the Director of Public Works.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST: KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: July 13, 2020