



City of Powell, Ohio

ORDINANCE 2017-44

Adopted September 5, 2017

AN ORDINANCE TO PROVIDE FOR A CONTRACTING PROCEDURE FOR CONSTRUCTION OF THE PARK AT SELDOM SEEN ROAD, AND TO DECLARE AN EMERGENCY.

WHEREAS, the Council of the City of Powell desires to establish a specific contracting procedure for purposes of soliciting proposals and entering into a contract for construction of the Park at Seldom Seen Road, Phases I-3 (hereinafter referred to as "Park at Seldom Seen Road"); and

WHEREAS, the City is empowered to enact ordinances for the making, advertising and awarding of contracts by Section 9.04, Article IX of the City Charter; and

WHEREAS, Council finds that it is in the best interest of the City of Powell and its citizens that the contractor for the construction of the Park at Seldom Seen Road be selected through a process of soliciting proposals and/or quotes, as determined by the City Manager, and that the City Manager further be empowered to negotiate with any or all of the firms submitting proposals and/or quotes to ensure that construction contract provides for the most efficient, cost-effective and beneficial construction process for the City of Powell;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, AS FOLLOWS:

Section 1: That Council hereby finds and declares that, as a "home rule" charter city, Powell shall not be obligated to follow statutory procedures regarding contracting with regard to the Park at Seldom Seen Road, including but not limited to Ohio Revised Code Sections 721.01-721.03, 9.312, 9.313, 9.32, 9.33-9.332, 153.12-153.14, 153.50-153.52, 153.34, 153.56-153.571, 153.67-153.71, 735.05-735.09, and other applicable sections within O.R.C. Chapter 153.

Section 2: That, with respect to the contracting procedures for soliciting proposals and/or quotes and entering into a contract for construction of the Park at Seldom Seen Road, the provisions of the purchasing ordinances and policies of the City of Powell are hereby superseded by the contracting procedures set forth in this ordinance; provided, however, the provisions of the purchasing ordinances and policies of the City of Powell remain in full force and effect and shall apply to all other purchase contracts of the municipality unless specifically superseded by an ordinance of Council.

Section 3: That the contract for construction of the Park at Seldom Seen Road shall be awarded pursuant to a contracting method by which the City develops documents, plans and specifications, the City requests or solicits initial proposals and/or quotes from firms identified by the City Manager and in a form to be determined by the City Manager, the City Manager and/or his designee(s) negotiate with any or all of the firms submitting proposals and/or quotes with respect to terms, conditions and other relevant factors with regard to the construction of the Park at Seldom Seen Road, the City Manager and/or his designee(s) undertake such background investigations as deemed necessary to investigate such factors as the qualifications, responsibilities, responsiveness, experience, availability, and past performance of any or all of the firms submitting proposals and/or quotes, and the City Manager recommends to City Council a proposal(s) and contractor(s) which is most beneficial and advantageous to the City, and City Council accepts the proposal which it ultimately determines to be most beneficial and

City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout

