

ORDINANCE NO. 19 - 2022

AN ORDINANCE ACCEPTING THE BID OF CHIVERS CONSTRUCTION COMPANY, INC. FOR THE SANITARY SEWER INTERCONNECT PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SAME, AND DECLARING AN EMERGENCY.

WHEREAS, on February 7, 2018, the Village and Board of Lake County Commissioners entered into related agreements for the transfer of the Village's waterworks and sanitary sewage systems to Lake County whereby the County would assume ownership of the systems and provide all services to customers within the Village service area, thereby leading to a reduction in cost of services as well as the Village's ability to decommission its waste water treatment plant; and

WHEREAS, critical to these agreements and the public benefits derived therefrom is the construction of a sanitary sewer interconnect to divert sewage from the Village waste water treatment plant to the County's system for treatment (the "Project"); and

WHEREAS, unless and until the interconnect is operational, the Village and County are unable to close on the transfers; and

WHEREAS, the transfer agreements are approaching their 5-year sunset dates in which the closing is to occur; and

WHEREAS, it is critical that the Project be completed on-time and without fault or else the transfer agreements will be in jeopardy; and

WHEREAS, advertisement for bids for the Project occurred pursuant to law; and

WHEREAS, inclusive in the bid documents were instructions to bidders to provide information to evaluate the best bidder to perform the Project, inclusive of requirements related to evaluation of the qualifications and experience of the bidder, proposed subcontractors, and principal material suppliers, as outlined in the plans and specifications; and

WHEREAS, the Village reserved the right to reject the bid of any bidder who does not pass any evaluation to the Village's satisfaction; and

WHEREAS, to aid the evaluation process, each bidder was required to provide an experience record detailing the character of previous work, references, and such other detailed information as would enable the Village to determine capability, responsibility, experience, skill, and financial standing; and

WHEREAS, three bids were received and were publicly opened and read on July 8, 2022; and

WHEREAS, bids ranged from a low bid of \$6,992,861.90 to a high bid of \$7,581,590.52 as compared to the Engineer's opinion of probable construction cost of \$6,900,000.00; and

WHEREAS, upon review by the Engineer, the experience listings from all bidders were determined to be insufficient as they did not address work and operations typically associated with that of the Project; and

WHEREAS, all bidders were then asked via email correspondence dated July 22, 2022 to provide supplemental experience records, which request stated that:

Madison Village has completed a preliminary review of the Experience Record documents which were submitted with the Sanitary Sewer Interconnect bid package. Many of the entries listed did not correlate with the skillset necessary to successfully complete this project. Please provide a sampling of projects which demonstrate the following criteria:

- Sewer installation with a bury depth greater than 20'
- Sewer installation in wet conditions where dewatering was necessary
- Sewer installation in unstable soil conditions

The supplemental experience record documents should be emailed to Eric Haibach at ehaibach@ctconsultants.com and received by Thursday 07/28 at noon.

WHEREAS, all bidders did timely provide supplemental experience records which were reviewed by the Engineer; and

WHEREAS, the Engineer concluded and opined that the lowest bidder provided an experience record which showed proficiency in deep sewer installation with wet ground conditions which required dewatering, but that the bidder would use a dewatering subcontractor for the Project; and

WHEREAS, the Engineer concluded and opined that the second lowest and highest bidders each provided an experience record which showed proficiency in deep sewer installation with wet ground conditions requiring dewatering, but that they also had experience utilizing a slide rail system for trench wall shoring demonstrating versatility in addressing unstable soil conditions; and

WHEREAS, based upon the experience records presented, the Village Engineer opines that the lowest and best bidder for the Project is Chivers Construction Company, Inc. (Ohio entity no. 781307), whose bid in the sum of Seven Million Four Hundred Thirteen Thousand Five Hundred Fifty-Four Dollars and Zero Cents (\$7,413,554.00) was found to be in conformance with all contract and legal requirements; and

WHEREAS, the Village Engineer opines that the company is a responsible bidder capable and qualified to perform the work and recommends the contract be awarded; and

WHEREAS, the Council accepts the findings and conclusions of the Village Engineer that Chivers Construction Company, Inc. submitted the lowest and best bid, and does now pursuant to the Charter and plenary powers conferred upon the Village by §§ 3, 4 and 7 of Article XVIII of the Ohio Constitution award the sanitary sewer interconnect project to Chivers Construction Company, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, LAKE COUNTY, STATE OF OHIO:

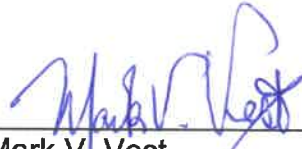
SECTION 1. That subject to the execution by the Fiscal Officer of a certificate of availability of funds, the bid of Chivers Construction Company, Inc. in the amount of Seven Million Four Hundred Thirteen Thousand Five Hundred Fifty-Four Dollars and Zero Cents (\$7,413,554.00) is hereby accepted and the contract awarded.

SECTION 2. That the Mayor is hereby authorized to forthwith enter into a contract with Chivers Construction Company, Inc. in accordance with the specifications of the Village Engineer, the bid, and the contract documents.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the Village of Madison because timely award and start of the project is needed to meet contractual deadlines as detailed in the preamble to this Ordinance; WHEREFORE, this Ordinance shall take effect and be in force from and immediately upon passage.

PASSED:



Mark V. Vest,
President of Council

1st Reading:

August 22, 2022

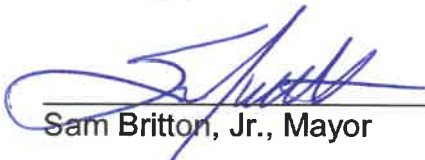
Attested:



Kristie M. Crockett, Fiscal Officer / Clerk of Council

Approved:

Date: 8/22/2022



Sam Britton, Jr., Mayor