

AN ORDINANCE

NO. 16-20

AN ORDINANCE REQUIRING RESPONSIBLE BIDDING ON CITY CONSTRUCTION PROJECTS

WHEREAS; The Council of the City of Uhrichsville is required under the laws of the State of Ohio to solicit competitive bids for certain construction projects and public improvements that it undertakes in Uhrichsville, Ohio; and

WHEREAS; The Council of the City of Uhrichsville is required under the laws of the State of Ohio to engage only the lowest, best, responsive, and responsible bidders for construction projects and public improvements; and

WHEREAS; The Council of the City of Uhrichsville has determined that it is in the best interest of the residents and the Council of the City of Uhrichsville to establish and adhere to uniform procedures for identifying and engaging the lowest, best, responsive, and responsible bidders for construction projects and public improvements proposed or undertaken by the Council of the City of Uhrichsville; and

NOW, THEREFOR, it is hereby resolved by the Council of the City of Uhrichsville that the following procedures and requirements be adopted and adhered to with respect to the procurement of construction services and materials for construction projects and public improvements proposed or undertaken by the Council of the City of Uhrichsville in Tuscarawas County, Ohio;

SECTION I: PURPOSE

A.) This Ordinance is designed to prevent fraud, collusion, favoritism, conflicts of interest, cronyism, and improvidence in the awarding of public construction projects. This Ordinance seeks to focus attention on the public's best interest, rather than private or special interests. This Ordinance embodies the belief that the public's interest is best served where construction services and supplies are obtained through an open, public, transparent, competitive process in which the maximum number of contractors are encouraged to participate. The provisions of this Ordinance shall be interpreted and applied with a view to promoting these overriding principles and purposes.

SECTION II: DEFINITIONS

- A.) "Bidder" shall mean an individual, partnership, corporation or other entity that responds to the city's advertisement for bids.
- B.) "Contractor" shall mean any person or company that has entered into a construction contract with the City of Uhrichsville.
- C.) "Council" shall mean the Council of the City of Uhrichsville.
- D.) "Mayor" shall mean the Mayor of the City of Uhrichsville.
- E.) "Service Director" shall mean the Service Director of the City of Uhrichsville.
- F.) "Construction Contract" shall mean any agreement between the City of Uhrichsville and a private sector construction company or contractor.

SECTION III: PROCEDURE FOR PROCURING CONSTRUCTION SERVICES

- A) The Council of the City of Uhrichsville shall authorize the Mayor of the City of Uhrichsville to advertise and accept bids for the erection, repair, alteration, or rebuilding of a public building, institution, or other public improvement ("Public Projects"), that is estimated to cost in excess of fifty thousand dollars (\$50,000.00), in accordance with the procedures established in R.C. 735.05 through 735.09. For the erection, repair, alteration, or rebuilding of a public building of a public building, institution, or other public improvement, that exceeds fifty thousand dollars (\$50,000.00), the Council of the City of Uhrichsville shall direct the Mayor of the City of Uhrichsville to solicit three written quotes. For any public project, the cost of which is less than fifty thousand dollars (\$50,000.00), the Mayor of the City of Uhrichsville shall not be required to obtain competitive bids or to solicit three written quotes for the same.
- B.) Contracts authorized by Provision A in Section 3 may be made through the solicitation of an aggregate bid from a general contractor or may be made through the solicitation of separate bids for work and materials from multiple prime contractors relating to the erection, repair, alteration, or rebuilding of a public improvement.

C.) Contracts authorized by Provisions A and B in Section 3, and which are managed by the Council of the City of Uhrichsville, with the exception of those below fifty thousand dollars (\$50,000.00), shall be awarded and approved by the Council of the City of Uhrichsville. Subsections 1 through 12 in Provision C of Section 3 shall not apply to any construction contracts with an estimated cost of fifty thousand dollars (\$50,000.00) or less. For any construction contracts with an estimated cost exceeding fifty thousand dollars (\$50,000.00), the Council of the City of Uhrichsville shall determine the lowest, best, responsive, and responsible bidder through the process of competitive bidding. In order for any bidder submitting a competitive bid under Provision C to be the lowest, best, responsive, and responsible bidder, the bidder shall meet the following criteria:

1.) The contractor shall identify three (3) public works projects, if available, that are each within seventy five percent (75%) of the bid estimate for the public projects that were successfully completed by the contractor within the last five (5) years. If the contractor has no prior experience with public works projects, the contractor shall identify three (3) private sector construction projects that are each within seventy five percent (75%) of the estimated cost for the public projects that were successfully completed within the last five (5) years. In each case, the contractor will clearly state the nature and type of project successfully completed by the contractor. Nothing in Subsection 1 of Section 3(C) is intended to automatically disqualify a contractor that has no public works project experience.

2.) The contractor shall certify that it will employ supervisory personnel on the public project who have completed a state or federally approved apprenticeship program; or have five (5) or more years of experience in the specific trade needed for the public project.

3.) The contractor shall certify that, in the last five (5) years, it has not been debarred from any public works projects for any prevailing wage violations; or have been found (after all appeals) to have violated prevailing wage laws more than three (3) times in the last five (5) years.

4.) The contractor shall certify that it is in compliance with Ohio's Drug Free Workplace Program, including but not limited to, maintaining a substance abuse policy that governs its personnel who will work on the public project and shall provide evidence of the same.

5.) The contractor shall certify that it has not been debarred from any public contract, federal, state, or local, within the past five (5) years for any reason other than those set forth in subsection (3), (4), and (5) of Section 3(C).

6.) The contractor, for a public project requiring a licensed or fire safety certification, shall certify that the contractor is licensed pursuant to R.C. Chapter 4740 as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, hydronics contractor, or certified by the State Fire Marshall pursuant to R.C. 3737.65, and shall provide evidence of the same.

7.) The contractor shall certify that it has not had any professional license revoked in the past five (5) years in the State of Ohio or in any other state.

8.) The contractor shall certify that it has no final judgements against it that have not been satisfied at the time of certification.

9.) The contractor shall certify that it has complied with all applicable unemployment and workers compensation laws of the State of Ohio for the three (3) years preceding the date of its certification.

10.) The contractor shall certify that it will notify the Income Tax Authority of the City of Uhrichsville prior to beginning work on the public project, of any independent contractor(s) or subcontractor(s) and/or IRS Form 1099 employee(s) that will be used on the public project.

11.) The contractor shall certify that it will use construction employees on the public project who have completed a state or federally approved apprenticeship program, or who are currently enrolled in a state or federally approved apprenticeship program.

12.) The contractor shall certify that it and its subcontractor(s) or any other contractor performing work on public project pursuant to a contract with the contractor shall pay the prevailing wage rate and comply with the other provisions set forth in Ohio's Prevailing Wage Law, R.C. 4115.03 through 4115.16, and O.A.C. 4101:9-4-01 through 4101:9-4-28. This includes, but is not limited to, the filing of certified payroll reports.

SECTION IV: HIRING OF LOCAL LABORERS

A) Any contractor submitting a competitive bid under Section III will make its best efforts to secure and utilize construction employees primarily from the City of Uhrichsville, and secondarily from surrounding areas of the City of Uhrichsville.

SECTION V: CRITERIA ENSUREMENT

A.) In order to ensure that a bidder meets and will continue to meet the above criteria during the term of the Public Project, any person or entity submitting a bid shall include in that person or

entity's bid an affidavit certifying that it meets each of the above criteria, will continue to meet each of the above criteria during the term of the Public Project, and shall attach to said affidavit any information or documents required by said criteria. A notice of the above criteria shall be included with the plans and specifications for the project to be constructed that are made available to any potential bidders. Additionally, the contract entered into between the City of Uhrichsville and the prevailing bidder shall contain provisions requiring the prevailing bidder to abide by said criteria during the term of the contract.

SECTION VI: CONTRACT REVISIONS

A.) Requested change orders which affect the original contract price must receive the prior approval of the Council of the City of Uhrichsville. The Council of the City of Uhrichsville shall consider recommendations regarding the change order that are made by any designated and qualified person who is knowledgeable and familiar with the project.

B.) In the event of immediate danger involving the health and safety of property, employees or the public arising during the performance of a contract which requires modification of performance, the provisions hereof shall not prohibit necessary modifications; however, payment of necessary and reasonable costs attributable to such modification shall be made only upon authorization by the Council of the City of Uhrichsville as provided herein. Notification of any emergency modification pursuant to Section 7 hereof shall be provided by the Council of the City of Uhrichsville.

SECTION VII: OHIO LAW

A.) Nothing in this ordinance is intended to negate or nullify any of the provisions in R.C. Sections 307.86 through 307.90, or R.C. 9.312, or any provisions of the Ohio Administrative Code promulgated under the foregoing Revised Code Sections.

SECTION VIII: EFFECTIVE DATE

A.) This ordinance shall go into effect at the earliest time permitted by law.

First Reading: 6/11/20
Second Reading: 6/25/20
Third Reading: 7/9/20

AUTHORIZATION



**COUNCILMAN ERIC HARMON
SPONSOR**



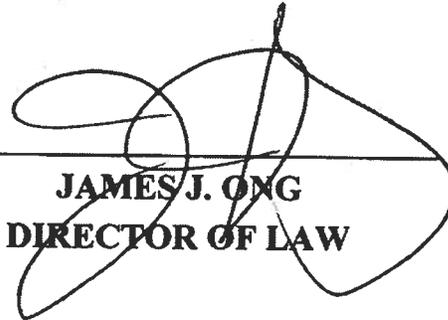
**TRISH ADDISON
CLERK OF COUNCIL**



**ROBERT COTTRELL
PRESIDENT OF COUNCIL**



**MARK HANEY
MAYOR OF UHRICHSVILLE**



**JAMES J. ONG
DIRECTOR OF LAW**