

WOOSTER CITY COUNCIL AGENDA

****REVISED****

April 20, 2015

7:30 p.m.

The meeting will be held at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**
- VI. OLD BUSINESS**

- 1. Third Reading – RESOLUTION NO. 2015-29 A RESOLUTION DECLARING THE INTENT OF THE MUNICIPAL GOVERNMENT TO APPROPRIATE CERTAIN PROPERTY INTERESTS FROM A PROPERTY OWNER LOCATED ON BURBANK ROAD FOR THE PUBLIC PURPOSE OF CONSTRUCTING A SAFETY SERVICES FACILITY, AND DECLARING AN EMERGENCY (Knapic)
- 2. Second Reading – ORDINANCE NO. 2015-11 AN ORDINANCE AMENDING CHAPTER 160, BIDDING PROCEDURES AND CONTRACT REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ADOPTING PROVISIONS RELATIVE TO THE EVALUATION OF DESIGN-BUILD PROJECTS (Knapic)

VII. NEW BUSINESS

- 1. First Reading – RESOLUTION NO. 2015-38 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO SOLICIT PROPOSALS ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE MOST QUALIFIED DESIGN-BUILD FIRM FOR THE CONSTRUCTION OF A POLICE AND FIRE SAFETY CENTER (Cavin)
- 2. First Reading – RESOLUTION NO. 2015-39 A RESOLUTION AUTHORIZING THE MAYOR TO DECLARE THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF WOOSTER TO REIMBURSE ITS WATER POLLUTION CONTROL FUND FOR WATER POLLUTION CONTROL PLANT IMPROVEMENTS WITH THE PROCEEDS OF TAX-EXEMPT DEBT OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY (Sanders)
- 3. First Reading – RESOLUTION NO. 2015-40 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO APPLY FOR A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR CONSTRUCTION OF A BASKETBALL AND A VOLLEYBALL COURT AT CHRISTMAS RUN PARK; TO ACCEPT SUCH A GRANT IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Myers)

VIII. EXECUTIVE SESSION (To discuss the possible acquisition of real estate)

IX. MISCELLANEOUS

X. ADJOURNMENT

Exhibit "A"**LEGAL DESCRIPTION OF REAL PROPERTY**

Situated in the City of Wooster (T-16, R-13), Northeast Quarter of Section 28, County of Wayne and State of Ohio:

Commencing at a stone in the northwest corner of the Northeast Quarter of Section 28; thence South 86° 41' East along the quarter section line and in the center of a public road 417.2 feet to an iron pin; thence South 22° 35' East along the center of a public road 1,025.86 feet to an iron pin, the PLACE OF BEGINNING for the tract herein described;

THENCE WITH THE FOLLOWING SIX (6) COURSES:

1. Thence continuing South 22° 35' East along the center of a public road 175.1 feet to an iron pin;
2. Thence North 75° 26' East 155.42 feet to an iron pin;
3. Thence North 04° 31' West 152.9 feet to an iron pin;
4. Thence South 87° 39' West 23.68 feet to an iron pin;
5. Thence South 02° 21' East 12.0 feet to an iron pin;
6. Thence South 84° 39' West 183.12 feet to the PLACE OF BEGINNING containing 0.65 acres, more or less, but subject to all legal highways.

See Survey "W"-321B.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES:

Situated in the City of Wooster (T-16, R-13), Northeast Quarter of Section 28, County of Wayne and State of Ohio:

PARCEL NO. 17WD

Commencing at a stone found at the southwest corner of the Northeast Quarter of Section 28, T-16N, R-13W;

Thence North 89° 56' 31" West 1291.87 feet along the quarter section line to an iron pin found in a monument box at Station 80+00.00 in the Centerline of Survey for Burbank Road (south) as shown on the Centerline Survey Plat for Burbank and Friendsville Roads Reconstruction as recorded in Plat Volume 23, Page 438 of the Plat Records of Wayne County;

Thence North 02° 34' 38" West 832.99 feet along the original Centerline for Burbank Road to an iron bar found 0.31 feet east of and at right angles to centerline station 88+32.99;

Thence North 25° 59' 08" West 838.36 feet to a point being centerline station 205+97.41 of relocated Burbank Road (north), said point being the southwest corner of the land of the grantor, said point also being the TRUE PLACE OF BEGINNING for the parcel herein described;

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

1. Thence continuing North 25° 59' 08" West 176.16 feet along the centerline of relocated Burbank Road (north), the east line of the Baab Allotment as recorded in Plat Volume 22, Page 474 of the Plat Records of Wayne County and the east line of lands conveyed to Buehler Food Markets, Inc. as recorded in O.R. Volume 59, Page 680 to a point being centerline station 207+73.58;
2. Thence North 81° 18' 53" East 31.42 feet along the south line of lands conveyed to Samuel C. and Fleeta B. Fleming, or survivor as recorded in Deed Volume 701, Page 682 to an iron pin set 30.00 feet west of and at right angles to centerline station 207+64.23;
3. Thence South 25° 59' 08" East 170.85 feet to an iron pin set in the north line of lands conveyed to M. Kelly and Rebecca Cruise as recorded in Deed Volume 667, Page 654 being 30.00 feet west of and at right angles to centerline station 205+93.39;
4. Thence South 71° 39' 34" West 30.27 feet along the north line of Cruise to the TRUE PLACE OF BEGINNING containing 5205.13 square feet of land, all of which is present road occupied, but subject to all easements or reservations of record that may pertain to this parcel.

Grantor reserves the right of ingress and egress to and from any residual area.

This description was prepared under the supervision of William H. Long, P.S. 6505 from a survey made by Engineering Associates, Inc. The iron pins set are 3/4 inch diameter rebar, 30 inches in length topped with an identification cap marked ENGINEERING ASSOCIATES. The bearings referred to herein are relative to Grid North on the Ohio State Plane Coordinate System NAD83.

LEAVING IN THE PARCEL HEREIN DESCRIBED, 0.531 ACRE, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS.

Parcel Number: 67-01085.000

For last preceding instrument of title, see Volume 611, Page 2326, Official Records of Wayne County, Ohio.

[end of Exhibit "A"]

ORDINANCE NO. 2015-11

AN ORDINANCE AMENDING CHAPTER 160, BIDDING PROCEDURES AND CONTRACT REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ADOPTING PROVISIONS RELATIVE TO THE EVALUATION OF DESIGN-BUILD PROJECTS

WHEREAS, the director of administration has recommended the adoption of certain amendments to Chapter 160, Bidding Procedures and Contract Requirements, in order to facilitate the use of the design-build methodology as a cost-effective means of awarding contracts for the design and construction of public improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That Chapter 160, Bidding Procedures and Contract Requirements, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended at Section 160.061, DEFINITIONS, to read in accordance with the attached Exhibit A.

SECTION 2. That Chapter 160, Bidding Procedures and Contract Requirements, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended at Section 160.062, PROCEDURES, to read in accordance with the attached Exhibit B.

SECTION 3. That Chapter 160, Bidding Procedures and Contract Requirements, of the Codified Ordinances of the City of Wooster, Ohio is hereby by the adoption of the new amended Section 160.063, PROCUREMENT OF DESIGN-BUILD CONSTRUCTION PROJECT, to read in accordance with the attached Exhibit C.

SECTION 4. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading 4-6-15 2nd reading _____ 3rd reading _____

Passed: _____, 2015 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2015
Mayor

Introduced by: Barbara Knapic

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

This ordinance seeks to add design-build and construction management options to the current procedures for selecting design firms and contracting for public projects. These provisions seek to mirror the Ohio Revised Code provisions for such services, while allowing for some local discretion and flexibility.

These provisions would allow the option of requesting proposals for both design and construction services for large infrastructure projects, taking into account qualifications, capabilities, and cost. This delivery method would be used on a case by case basis as appropriate, where the size and complexity of the project exceed the in-house expertise and/or resources, or where outside construction management services would have been required.

Examples of potential projects would include the construction of Fire and Police stations, water and wastewater treatment plant improvements, or complex bridge construction or rehab. While the applications would be somewhat limited, the benefits could be considerable. Benefits include timeliness, fiscal control and construction quality. A design-build delivery method supports the lowest and BEST selection process, and emphasizes obtaining the best VALUE. Vendor selection would be based on performance and price while creating an environment where risk of non-performance is transferred to the vendor. These provisions would also increase the City's ability to match high quality, high performing designers with high quality, high performing contractors, and increase collaboration among all parties.

Large, complex capital projects are subject to a level of unpredictability from change orders, which can result in the final cost be more than the initial, low bid. Change orders can be the result of owner initiated changes, constructability issues and design professional errors and omissions. The results for large, complex projects could be non-performance issues such as delays, over budget, or quality issues, and possible litigation.

These proposed revisions to our design procedures and contract requirements are an attempt to provide an option for large, complex projects that will reduce change orders (stay on budget), maintain project schedules (stay on time), increase construction quality, reduce owner resources, and streamline the process of project delivery.

Ord # 11

Is there a need for rules suspension or time limitation when this must be passed?

No.

Manager Requesting

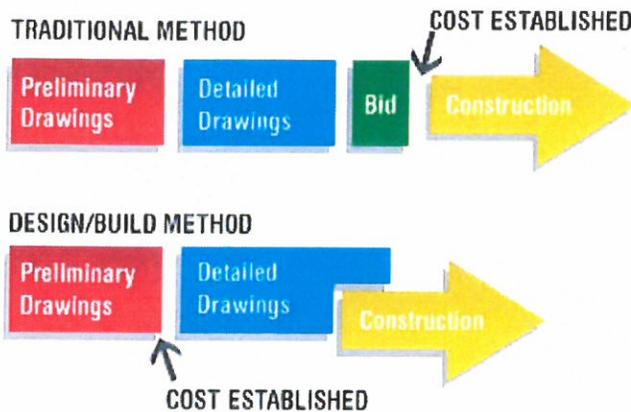
Joel Montgomery

Date

March 30, 2015

Approved for Agenda

Design Build VS Design-Bid-build



Advantages of Design Build Construction Approach

- **Project Cost Established In the Beginning**
Using the preliminary design allows more time for value engineering.
- **Efficient Time Management**
Eliminating the bidding and re-design process cuts time and cost of construction.
- **Innovative Development Solutions**
You will have access to fresh ideas through the partnership made between owner and contractor
- **Greater Cost Control**
Knowing costs earlier creates more opportunity for you to make different decision at every stage.
- **Single Source for Information**
Throughout the process, you will have a single source to contact regarding questions or concerns.
- **Design Build Team Effort**
Working as a team creates opportunity to explore the most cost effective construction methods.
- **Building Experience**
Developing a relationship with a building contractor experienced in the design build process allows the building project to be started sooner while saving time during the construction phases.
- **Consistent Construction Quality**
Working with a single source provides more accountability for quality of all elements.
- **Fewer Changes**
Putting design and construction under one source makes change orders the exception, not the rule.
- **Improved Risk Management**
Working with an experienced design build contractor balances your risk.

EXHIBIT A
(new language in *red italics*)

160.061 DEFINITIONS.

As used in this chapter:

(a) "Professional design firm" means any person legally engaged in rendering professional design services.

(b) "Professional design services" means services within the scope of practice of an architect or landscape architect registered under Chapter 4703 of the Ohio Revised Code or a professional engineer or surveyor registered under Chapter 4733 of the Ohio Revised Code.

(c) "Qualifications" means all of the following:

(1) *For a professional design firm, competence of the professional design firm to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education and experience of the employees within the firm who would be assigned to perform the services;*

(2) *For a design-build firm, competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect or engineer of record.*

(23) Ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services competently and expeditiously;

(34) Past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines;

(45) Other ~~similar~~ *relevant* factors, as determined by the Director of Administration or the Administrator of Wooster Community Hospital.

(6) *With respect to a design-build firm, compliance with sections 4703.182, 4703.332, and 4733.16 of the Revised Code, including the use of a licensed design professional for all design services.*

(d) *"Design-build contract" means a contract between a public authority and another person that obligates the person to provide design-build services.*

(e) *"Design-build firm" means a person capable of providing design-build services.*

(f) "Design-build services" means services that form an integrated delivery system for which a person is responsible to a public authority for both the design and construction, demolition, alteration, repair, or reconstruction of a public improvement.

(g) "Architect or engineer of record" means the architect or engineer that serves as the final signatory on the plans and specifications for the design-build project.

(h) "Open book pricing method" means a method in which a design-build firm provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build services awarded to the design-build firm.

EXHIBIT B

(new language in *red italics*)

160.062 PROCEDURES.

Notwithstanding the provisions of Ohio R.C. 9.33, 9.331, 9.332 and 153.65 through 153.71, inclusive, and any other provisions of the Ohio Revised Code which may conflict with or are inconsistent with the provisions of this section, the following provisions shall govern the selection and retention of professional design firms and construction managers by the City of Wooster and Wooster Community Hospital:

(a) All contracts for professional design firms and construction managers in the amount of ~~twenty-five~~ *fifty* thousand dollars (\$~~250,000~~), or more shall be awarded on the basis of the qualifications of the potential firm, including price, as determined by the Director of Administration or the Administrator of Wooster Community Hospital. As needed, the City and the hospital will issue a public notice soliciting statements of qualifications from firms interested in being considered for design, design-build, or construction management (*including construction manager at-risk*) projects. To be considered for a project, prospective firms must submit a statement of qualifications to the Director of Administration or the Administrator of the hospital in response to the notice. When it becomes necessary to hire a firm, the statements of qualifications will be reviewed and ranked by the Director of Administration or the Administrator of the hospital based upon the qualifications and experience of the contractor and other relevant factors (including, but not limited to, the number of such contracts already awarded to a firm or specific areas of expertise), as determined by the Director or the Administrator. Once ranked, the Director or the Administrator will select from the list no fewer than three firms standing highest on the list, and commence negotiations with the highest-ranking firm. In the event that fewer than three firms are ranked, the selection may be from those on the list, or another request for qualifications may be issued. If the Director or Administrator is unable to reach agreement with the highest-ranking firm, s/he shall notify the firm in writing of his/her intent to cease negotiations, and s/he may enter into negotiations with the next firm on the list. If negotiations with the next firm fail, s/he may follow the same procedure with the next firm on the list or s/he may request further proposals. In all cases, the Director or the Administrator reserves the right to reject any or all proposals. These procedures are not intended to be formal bidding requirements, but rather an informal procedure to determine the most qualified firm to which a contract should be awarded.

(b) The Director of Administration or the Administrator of Wooster Community Hospital is hereby authorized to promulgate rules and regulations for the purpose of carrying the provision of this section into effect. Such rules shall include a process for soliciting and receiving statements of qualifications and a process for selecting and awarding contracts. Such rules and regulations shall be published and made available upon request.

(c) In addition to complying with the above and other existing City ordinances and Charter provisions governing contracts and purchases generally, the Council is authorized to establish such further procedures as are deemed to be in the best interests of the City and the hospital for the selection of such design professionals and construction managers.

EXHIBIT C
(new language in *red italics*)

160.063 PROCUREMENT OF DESIGN-BUILD CONSTRUCTION PROJECT.

(a) Whenever it is deemed to be necessary to complete a public improvement project utilizing a design-build firm, upon authorization from Council, the Engineering Division of the City shall develop, or contract for the development of, a scope-of-work statement for that public improvement that defines the public improvement and in the judgment of the Engineering Division provides interested persons with sufficient information regarding the City's requirements for the public improvement to enable those persons to submit proposals for consideration that are consistent with the needs of the City. The scope-of-work statement may include preliminary criteria, design criteria, budget parameters, and schedule and delivery requirements for the public improvement.

(b) When the City is using the design-build methodology, the advertisement shall request a statement of qualifications for the design-builder, and may also require a statement of qualifications from any major subcontractors and sub-consultants to be used on the project, a response to a scope-of-work statement. In a separate sealed envelope, a technical proposal shall also be submitted. As used herein, the "technical proposal" shall describe the technical nature of the design-build proposal, include design concepts and address the requirements set forth in the scope-of-work statement for that improvement, and may include the following items as deemed appropriate by the City:

- (1) Line-item or unit cost proposal;*
- (2) Lump sum cost proposal and/or guaranteed maximum price;*
- (3) Schedule and date of substantial completion of the project upon which the contract price is based;*
- (4) Detailed response to the scope of work; and*
- (5) Such other information deemed appropriate by the City.*

(c) The City shall evaluate any responses submitted to it pursuant to subsection (a) hereof on the basis of the professional design and construction qualifications and the technical approach to the scope-of-work statement of the design-build firms who submit a response. The City also shall evaluate proposals submitted in accordance with subsection (i) hereof.

(d) (1) Except as provided in subsection (d)(2) hereof, after completing this evaluation the City shall select not less than three design-build firms that it considers to be the most qualified to provide the required professional design and construction services.

(2) If the City determines that less than three design-build firms are qualified, the City may select less than three design-build firms on the condition that the City issues a written statement that includes the rationale for its determination.

(e) The City shall next request from the most qualified design-build firms selected

pursuant to subsection (d) hereof, a technical submission for the public improvement that includes design concepts and addresses the requirements set forth in the scope-of-work statement for that improvement.

(f) The City's request for a technical submission shall provide all of the following information:

- (1) A description of the project and project delivery;*
- (2) A preliminary project schedule;*
- (3) A description of desired services, including pre-construction, design, construction and construction management services;*
- (4) The estimated lump sum price of the public improvement;*
- (5) A request for a pricing proposal that shall be divided into a design services fee and a preconstruction and design-build services fee. The pricing proposal of each design-build firm shall include at least all of the following:*
 - (i) A list of key personnel and consultants for the project;*
 - (ii) The design-build firm's statement of general conditions and estimated contingency requirements;*
 - (iii) A preliminary project schedule.*
- (6) The criteria that the City will use in evaluating a technical submission;*
- (7) The deadline for submitting a technical submission.*

(g) To the extent information contained in the technical submission of a design-build firm with whom the City does not enter into a design-build construction contract can reasonably be considered a trade secret, such information shall remain the property of the design-build firm. The design-build firm shall prominently mark each document that it considers a trade secret as a trade secret.

Each design-build firm making a submission to the City shall grant the City an irrevocable, fully paid up license to use as it determines proper the information, concepts, ideas, techniques, processes, and similar information in its submission to the City. Except to the extent that the City enters into a contract with a design-build firm, the design-build firm will have no responsibility or liability to the City, its employees, contractors and/or agents related to the use of such information, concepts, ideas, techniques, processes and/or similar information.

(h) When evaluating the qualifications of a design-build firm the City shall consider all of the following factors relative to the design-build firm:

- (1) Competence of the design-build firm to perform the required professional*

design and construction services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the firm's employees who would be assigned to perform the services;

- (2) Ability of the design-build firm in terms of the firm's workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design and construction services competently and expeditiously;*
- (3) Past performance of the design-build firm as reflected by the evaluations of the City and previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines;*
- (4) Financial responsibility as evidenced by the capability to provide a letter of credit, a surety bond, certified check, or cashier's check in an amount equal to the value of the design-build construction contract, or by other means acceptable to the City;*
- (5) Other similar factors.*

(i) For selecting a design-build firm after submission of the technical submission, the City shall rank design-build firms based upon their qualifications and the City's evaluation of the value of each firm's proposal. The City may enter into negotiations for a design-build construction contract with the design-build firm it ranks most qualified to perform the required professional design and construction services at a compensation the City and design-build firm determined to be fair and reasonable, and also provides superior value. The City, in ranking design-build firms and their technical submissions may consider the factors in subsection (h) hereof as well as pricing, timing, and other matters deemed appropriate depending on the needs of the project.

(j) The City and design-build firm the City ranks as most qualified shall enter into negotiations for a design-build construction contract to ensure both of the following:

- (1) The design-build firm and the City mutually understand the essential requirements involved in providing the required professional design and construction services, contract terms, and any terms related to possible distribution of savings in final project costs.*
- (2) The design-build firm will make available the necessary personnel, equipment, and facilities to perform the professional design and construction services within the time required by the design-build construction contract.*
- (3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the City to the design-build firm for the project and that shall include the costs of all work, the cost of its*

general conditions, the contingency, and the fee payable to the design-build firm.

(k) If the City fails to negotiate a construction contract with the design-build firm it ranks most qualified, the City shall inform the firm in writing of the termination of negotiations. The City shall then enter negotiations with the design-build contractor it ranked next most qualified. If these negotiations fail, the City shall inform the design-build firm in writing of the termination of negotiations, and the City shall enter negotiations with each next most qualified design-build firm it selected and ranked pursuant to subsection (h) hereof, in order of the firm's ranking, until a design-build construction contract is negotiated or until the City exhausts the number of design-build firms it initially selected.

(l) If the City fails to negotiate a design-build construction contract with any of the design-build firms selected and ranked pursuant to subsection (h) hereof, it may do either of the following:

- (1) Select additional design-build firms, rank those firms on the basis of their qualifications, and enter into negotiations with the firm it ranks most qualified, in the manner specified in subsections (h) and (i) hereof;*
- (2) Use any other procedure permitted by law to contract for the construction of the public improvement.*

(m) A design-build firm that is awarded a design-build construction contract for the construction of a public improvement shall provide a letter of credit, a surety bond, certified check or cashier's check, or by other means acceptable to the City for not less than an amount equal to the amount of the contract minus the amount of the contract related to providing design services. The design-build firm shall have and maintain, or be covered by, a professional liability insurance policy acceptable to the City. The bond and the liability insurance policy shall be provided by a company that is authorized to do business in this State.

**REQUEST FOR AGENDA ITEM
AUTHORIZATION FOR CONTRACT**

Division: **Administration**

Meeting Date Requested: **April 6, 2015**

Project Name: **Safety Center Proposals**

Approved for Agenda:

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1. Estimated Total Cost: **The preliminary estimated cost for a combined police and fire safety center is \$7,000,000, including construction, design and construction management.**

2. Is the full amount budgeted? YES or **NO**. If no, how is the purchase to be funded? **Funds would need to be appropriated from the unencumbered balance in the Capital Improvement Fund.**

3. Description of Purchase: **Request to advertise and solicit proposals for design-build services for a new Police and Fire Safety Center, and to enter into a contract with the firm who submits the lowest and best proposal.**

4. Justification\Benefits: **The City's current Fire and Police facilities are outdated, undersized and poorly located to serve the citizens and businesses of Wooster in 2015 and beyond. A new Fire station and Police station are required to best serve the current needs of the City.**

In addition, a Police and Fire Safety Center is a large, complex project requiring more resources and expertise than exists within the City organization. A design-build project delivery process will allow the City to match a high quality, high performing designer with a high quality, high performing contractor to deliver a quality project while limiting project performance issues.

5. Will this project affect the city's operating costs? **The City's operating costs should not be greatly affected. With a new Police station, the O&M cost currently paid to the County for use of space at the Justice Center will be avoided.**

6. What alternatives exist and what are the implications of the alternatives. **The alternative to not constructing a new Fire station is reduced response times to the developed area of the City north of Milltown Road. Expanding the Police station to the appropriate size requires a new facility, as space is not available at the Justice Center.**

Alternatives to the design-build delivery method would be the traditional design-bid-build process, with a separate construction manager contract. This process traditionally takes longer, and on large, complex projects can result in more change orders and construction delays.

7. Is this a sole source request? YES **NO** If yes, explain the circumstances:

8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **No.**

Joel Montgomery
Director of Administration

Date: March 31, 2015

Res #38

RESOLUTION NO. 2015-39

A RESOLUTION AUTHORIZING THE MAYOR TO DECLARE THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF WOOSTER TO REIMBURSE ITS WATER POLLUTION CONTROL FUND FOR WATER POLLUTION CONTROL PLANT IMPROVEMENTS WITH THE PROCEEDS OF TAX-EXEMPT DEBT OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY

WHEREAS, the City of Wooster has been presented a Project Grant/Loan Agreement for the purpose of improving the Water Pollution Control Plant, in accordance with EPA Findings, by the Ohio Public Works Commission, and is requesting reimbursement for payments made to the contractor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Mayor reasonably expects to receive a reimbursement for the project named WATER POLLUTION CONTROL PLANT IMPROVEMENT, as set forth in Appendix A of the Project Agreement, with the proceeds of bonds to be issued by the State of Ohio. He is further authorized to execute any necessary documents in connection therewith for obtaining financial reimbursement.

SECTION 2. The maximum aggregate principal amount of bonds, other than for costs of issuance expected to be issued by the State of Ohio for reimbursement to the local subdivision, is \$3,817,000.00.

SECTION 3. The Clerk of the Wooster City Council is hereby directed to file a copy of this Resolution with the City of Wooster for the inspection and examination of all persons interested therein, and also to deliver a copy of this Resolution to the Ohio Public Works Commission.

SECTION 4. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 5. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division; and for the further reason that time is of the essence in making a timely request for reimbursement for the funds described above; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2015 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2015
Mayor

Introduced by: Craig Sanders

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested April 20, 2015
Project Name WRRF OPWC Loan Money	Approved for Agenda
Estimated Total Cost \$ 3,689,770 (Total Project Costs), (OPWC: \$500,000 Grant, \$713,852.00 zero interest loan money),(\$2,475,918 Sanitary Sewer Fund)	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to authorize the acceptance of zero percent interest loan money from the OPWC for upgrades to the WRRP. Previous legislation has accepted \$500,000 of grant monies from the OPWC. After that legislation was past the City was offered the zero percent interest loan money. This Resoulution is a house cleaning item to officially accept the loan.	
Justification / Benefits	
Will This Project Effect the City's Operating Costs	
What Alternatives Exist and What Are The Implications of The Alternatives	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to request that the monies be paid out.	
Division Manager Roger Kobilarcsik	Date April 16, 2015

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

Requested is Council's authorization allowing the Director of Administration to apply for a grant, up to \$62,385, from the Ohio Department of Natural Resources (ODNR) for the construction of a Volleyball Court and Basketball Court over the existing Christmas Run Park pond; to accept such a grant if awarded; to execute any necessary documents in connection therewith, and declaring an emergency.

This request is meant to take the place of an earlier resolution seeking permission to apply for the same grant for the purpose of reconstructing the Wooster Kiwanis Bob Tuck Playground at Christmas Run. Because the grant would likely not allow a funded project to commence before 2016, and because the Wooster Kiwanis Club and generous donors have been willing to assist the project to allow for an earlier autumn 2015 build, the NatureWorks grant application would be better suited to another major goal of enhancing Christmas Run Park.

The current pond at Christmas Run Park has a concrete border and is too shallow to allow for sustainable fish populations, but rather, has been an issue for algae and mosquito management. At the same time, the concrete perimeter of the pond provides an excellent fit for a basketball court and a volleyball court, only several feet away from the proposed new playground.

The total project cost is \$93,000. The ODNR Natureworks Grant, which is offering a 75 percent reimbursement grant up to \$62,385 for recreational developments in Wayne County for 2015, is especially well-suited for recreation projects such as the proposed basketball and volleyball courts. The project to convert the pond to the courts would provide and encourage additional activity for the park's 1,000 weekly visitors, and has been unanimously approved by the Parks and Recreation Commission on March 23, 2015.

In 2014, Council approved Resolution 2014-56, authorizing an ODNR NatureWorks Grant Application, which resulted in the award of a \$19,800 grant to chip, seal, and mark existing parking at the Wooster Soccer Complex.

Is there a need for rules suspension or time limitation when this must be passed?

The grant application is due no later than May 1, 2015. Full authorization must be granted prior to this date in order to apply for funding.

Manager Requesting

Date

Approved for Agenda



PREPARED BY
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All boundaries ARE NOT survey quality and are for reference only.

Scale: 1"=30'

-  663 Sq Yd Asphalt
-  609 Sq Yd Sand