



Prepared: 04/04/2018  
Introduced: 04/17/2018  
Revised:  
Adopted: 04/17/2018  
Effective: 04/17/2018

## RESOLUTION R-11-2018

### A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE PURPOSE OF CONSTRUCTING THE ROSE RUN PARK PROJECT

**WHEREAS**, Council previously authorized the budget for the design and construction of the Rose Run Project (Project), and subsequently approved, via resolution R-02-2018, waiving formal competitive bidding and instead utilizing the construction manager at risk (CMR) selection and delivery method, and

**WHEREAS**, the CMR process utilizes a qualification-based selection process consisting of a Request for Qualifications (RFQ), followed by a Request for Proposals (RFP), and

**WHEREAS**, three firms submitted Statements of Qualifications in the RFQ phase of the process, in which the city's Selection Committee found that all three firms were qualified and, as a result, an RFP was sent to the three firms seeking both Technical and Fee Proposals, and

**WHEREAS**, two of the three firms responded to the RFP and then made presentations to the Selection Committee, which resulted in the selection of Messer Construction (Messer) as the apparent successful offeror, and

**WHEREAS**; both firms proposals were within the Project budget previously approved by council;

**WHEREAS**, the city will be utilizing modified American Institute of Architects (AIA) contract, the terms of which are currently being finalized; and

**WHEREAS**, in the event consensus cannot be reached as to these contract terms, the city will move forward with the second ranked firm, which did not propose any contract modification, and;

**WHEREAS**, the contract provides the CMR to submit a Guaranteed Maximum Price (GMP) once Project design reaches 90% completion, and

**WHEREAS**, in addition to establishing the GMP, execution of the contract will enable the CMR to provide pre-construction services for the Project, and

**WHEREAS**, once the GMP is established, council will be presented with additional legislation authorizing the city manager to enter into a Guaranteed Maximum Price Amendment to the contract. Prior to the execution of this Amendment, the city may terminate the CMR contract without cause;

**WHEREAS**, this legislation also authorizes the city manager to enter into additional Project-related contracts such as construction inspection, testing and legal services.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of New Albany, State of Ohio, Counties of Franklin and Licking, that:

**Section 1.** City Council hereby finds that for the reasons set forth in the "WHEREAS" clauses herein, the city manager is hereby authorized to enter into a CMR contract with Messer Construction the apparent successor offeror, or, in the event acceptable contract terms cannot be reached, with the second ranked firm.

**Section 2.** At any time prior to Council's approval of a Guaranteed Maximum Price Amendment to the contract, the city may terminate the CMR contract without cause.


**Section 3.** The city manager is also hereby authorized to enter into additional Project-related contracts which are within the Project budget established by council.

**Section 4.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

**Section 5.** Pursuant to Article VI, Section 6.07(a) of the charter of the City of New Albany, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 17 day of April, 2018.

**Attest:**

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
\_\_\_\_\_  
Mitchell H. Banchevsky  
Law Director



Prepared: 04/06/2018  
Introduced: 04/17/2018  
Revised:  
Adopted: 04/17/2018  
Effective: 04/17/2018

## RESOLUTION R-12-2018

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE A BID AS PART OF A CONSORTIUM FOR THE ACCEPTANCE OF AND PROCESSING OF RESIDENTIAL RECYCLABLE MATERIALS GENERATED WITHIN THE CITY OF NEW ALBANY, OHIO**

**WHEREAS**, the City of New Albany and other Central Ohio communities have determined that to foster competition and provide for experienced waste collection, disposal and processing services, bidding together as a Consortium is desirable; and

**WHEREAS**, pursuant to Section 715.43 of the Ohio Revised Code, the City of New Albany may establish such collection systems and solid waste facilities as may be necessary or appropriate to provide for the safe and sanitary management of solid waste, including recyclable materials, generated within the City of New Albany; and

**WHEREAS**, the City of New Albany has determined that it may be in the best interests of its residents that the city arrange for the acceptance of and processing of all recyclable materials generated at residential units and municipal facilities located within the City of New Albany from a single contractor on an exclusive basis ("Recycling Services"); and

**WHEREAS**, the current Recycling Services Agreement between the City of New Albany and Rumpke of Ohio will expire on December 31, 2018, unless extended.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio that:


**Section 1:** That the city manager is hereby authorized to participate in a bid for the acceptance of and processing of all recyclable materials generated at residential units and municipal facilities located within the City of New Albany, together with other Central Ohio Consortium Communities.

**Section 2:** It is hereby 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 the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

**Section 3.** Pursuant to Article VI, Section 6.07(a) of the charter of the City of New Albany, this ordinance shall be in effect immediately upon passage.

CERTIFIED AS ADOPTED this 17 day of April, 2018.

**Attest:**

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director