

**ORDINANCE 2022-15**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO SEEK BIDS FOR THE CONSTRUCTION OF A WATER TOWER, AND FOR THE VILLAGE ADMINISTRATOR TO PRESENT THE LOWEST AND BEST BID TO VILLAGE COUNCIL FOR COUNCIL'S CONSIDERATION.**

**WHEREAS**, pursuant to Ohio Revised Code Section 731.141, the Village Council may authorize and direct the Village Administrator to seek bids for work under the Village Administrator's supervision that exceeds fifty thousand dollars (\$50,000) by advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the Village of Commercial Point or as otherwise provided by Ohio Revised Code Section 7.16, and after publicly opening and reading the bids received at the time, date, and place as specified in the advertisements to bidders or specifications; and

**WHEREAS**, the Village Council is authorized under Ohio Revised Code Section 731.141 to retain the authority to award or not award a contract to the lowest and best bidder after the receipt and public reading of such bids; and

**WHEREAS**, the Village of Commercial Point is authorized to provide for water works within the Village pursuant to Ohio Revised Code Section 743.01; and

**WHEREAS**, the Village of Commercial Point is in need of an additional water tower to serve the needs of the Village; and

**WHEREAS**, the Village Administrator has general supervision over the Village's public utilities, including water works, pursuant to Ohio Revised Code Section 735.273; and

**WHEREAS**, the Village Council wishes to authorize and direct the Village Administrator to seek bids, in accordance with Ohio Revised Code Section 731.141, to seek bids for the construction of a water tower and then to present to Village Council the lowest and best bid for Council's consideration.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:**

**Section 1. Placing Water Tower Construction Out to Bid.** The Village Administrator is hereby authorized and directed, in accordance with Ohio Revised Code Section 731.141, to seek contract bids for the construction of a water tower after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the Village or as otherwise provided by Ohio Revised Code Section 7.16.

**Section 2. Bid Specifications.** The Village Administrator is hereby authorized and directed to place the water tower construction contract out to bid with specifications determined by Sands Decker CPS, LLC. The bid specifications shall provide that the Village Council retains the ultimate authority and discretion to award the contract for the water tower construction after bids are received and read publicly. The specifications shall also provide that the Village Council retains the authority and discretion to decline to award the contract.

**Section 3. Presentation of Lowest and Best Bid to Village Council.** After the Village Administrator has completed the process described in Section 1 and Section 2 of this Ordinance, the Village Administrator shall report back to the Village Council with his report as to the lowest and best bidder for the water tower construction. The Village Administrator shall not award any contract without Council's approval provided via Ordinance or Resolution. Upon presentation of the lowest and best bid by the Village Administrator, Council shall consider the bid and decide whether to award the water tower construction contract to the lowest and best bidder. Council retains the right to decline to award any contract.

**Section 4. Open Meetings Certification.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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**Section 5. Effective Date.** This Ordinance shall take effect and be in force after the earliest date allowed by law.

Vote on Passage of the Ordinance:

Motion by: Tracy Joiner

2<sup>nd</sup>: Jason West

Roll Call:

Yes Nancy Geiger

Yes Tracy Joiner

Yes Jason West

Yes Ross Crego

Yes Ryan Mitchem

Yes Laura Wolfe

Adopted this 20<sup>th</sup> day of June, 2022.

  
Allan D. Goldhardt, Mayor

  
Wendy L. Hastings, Fiscal Officer

Approved as to Form:

  
Joshua Cartee, Village Solicitor