

**VILLAGE OF WINDHAM
OHIO**

RESOLUTION NO. R-2011-68

**A RESOLUTION AUTHORIZING A CONTRACT WITH UTILITY SALES AGENCY,
LLC FOR THE 2011 WATER METER CHANGE OUT PROJECT WITHIN THE
VILLAGE OF WINDHAM, PORTAGE COUNTY, OHIO AND DECLARING AN
EMERGENCY**

WHEREAS, the Council of the Village of Windham has previously authorized the advertising for bids for the replacement of water meters throughout the whole of the Village of Windham by Resolution 2011-25, passed on April 28, 2011; and

WHEREAS, in Resolution 2011-43, the Council of the Village of Windham authorized an addendum to the specifications of the 2011 Water Meter Change Out Project; and

WHEREAS, no acceptable bids were received as the result of this advertising and by action taken in Resolution 2011- 57 all the bids were rejected; and

WHEREAS, the Council of the Village of Windham again authorized the advertising for bids for the replacement of water meters throughout the whole of the Village of Windham by Resolution 2011-59, passed on September 29, 2011; and

WHEREAS, advertisements were made in the Record Courier, a news paper of general circulation within the Village of Windham, on October 5, 2011 and October 12, 2011, that sealed bids for the 2011 Water Meter Change Out Project would be received at the Mayor's office within the Village of Windham until 11:00 a.m. on October 20th, 2011; and

WHEREAS, prior to the date the bids were to be opened and as the result of alleged irregularities in the bid package identified by a potential bidder the Council passed Resolution 2011- 64 which issued an Addendum to the specifications of the 2011 Water Meter Change Out Project, and which, among other changes directed all prospective bidders to identify any alleged defects, alleged irregularity or other alleged flaw in the bid specifications or procedure to the Village Administrator on or before 4:00 p.m. on October 20, 2011; and

WHEREAS, the Addendum moved the bid submittal deadline to 11:00 a.m. on October 26, 2011; and

WHEREAS, no prospective bidder or other interested individual has brought any alleged defects, alleged irregularity or other alleged in the bid specifications to the attention of the Village Administrator since the Addendum authorized by Resolution 2011- 64 has been issued; and

WHEREAS, sealed bids were received by the Village of Windham from two different contractors; and

WHEREAS, the sealed bid from Utility Sales Agency, LLC in the amount of One Hundred Ninety Two Thousand Seven Hundred Sixty Five Dollars & 75/100 (\$192,765.75) is the lowest bid that has been received; and

WHEREAS, the Village Administrator of the Village of Windham has checked the references of Utility Sales Agency, LLC., and has found that the references demonstrate that Utility Sales Agency, LLC to be a responsible and responsive company, capable of performing under the contract if the contract is awarded to them; and

WHEREAS, the Village Administrator has recommended that Utility Sales Agency, LLC has submitted the lowest responsive and responsible bid and that the 2011 Water Meter Change Out Project contract be awarded to Utility Sales Agency, LLC.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Windham, State of Ohio, two thirds or more of the members thereto concurring that:

Section 1: That the recommendation of the Village Administrator is hereby accepted.

Section 2: That the bid submitted by Utility Sales Agency, LLC is declared to be the lowest responsive and responsible bid.

Section 3: That a contract, in substantial conformity with that attached hereto and marked for identification as Exhibit "A" between Utility Sales Agency, LLC and the Village of Windham, is hereby authorized. The Mayor and the Fiscal Officer are directed to execute said contract.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 5: This Resolution is hereby declared to be an emergency measure, becoming effective immediately on passage by Council and approval by the Mayor, in order to advance the health, safety and general welfare of the Village of Windham, and for the further reason that it is necessary to begin the water meter replacement program within the Village of Windham at the earliest possible time, so that the customers of the Village of Windham water system receive accurate bills for the water actually used, no more and no less.

Passed in Council as an Emergency on this the 3rd day of November, 2011.

Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Barrett, Mrs. Miranda
Nays: None.

Attest:

Approved:

Village Fiscal Officer, Lloyd Billman

Mayor, Robert Donham II

Approved as to Legal Form:

Solicitor, Thomas Reitz