

**RESOLUTION R-2016-12**

**A RESOLUTION AUTHORIZING A CONTRACT WITH THE ENGINEERING FIRM BURGESS & NIPL FOR ENGINEERING DESIGN SERVICES AND PROJECT MANAGEMENT FOR THE WATER TP IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY.**

WHEREAS, the Council of the Village of Windham has previously applied for and been awarded a grant from the Ohio Public Works Commission to make various improvements to the Windham Water Treatment Plant, located on North Main Street in Windham, Ohio, which undertaking is hereinafter referred to as the Water TP Improvements Project; and

WHEREAS, the Council of the Village of Windham has entered into an agreement with the Ohio Public Works Commission to accomplish the Water TP Improvement Project, which agreement contains deadlines, including but not limited to construction completion dates which are now in the past; and

WHEREAS, an engineering firm is needed in order to perform Professional Design Services and Project Management for the Water TP Improvements Project; and

WHEREAS, to meet the deadlines in the agreement with the Ohio Public Works Commission the Council of the Village previously passed Resolution 2015-18 authorizing a design professional services contract with Thomas Fok & Associates, Inc. and the Village Council anticipated that Thomas Fok & Associates, Inc. would provide project management services on the WWTP Improvements Project which Thomas Fok & Associates, Inc. designed; and

WHEREAS, a new Mayor took office in the Village of Windham in March of 2016 and upon taking office the new Mayor was informed by Thomas Fok & Associates, Inc. that Thomas Fok & Associates, Inc. would not be performing professional design services or project management services for the Water TP Improvements Project; and

WHEREAS, the Council of the Village of Windham wishes to authorize the Mayor and the Fiscal Officer to enter into a contract with the engineering firm of Burgess & Niple for professional design services and project management for the Windham Water TP Improvements Project; and

WHEREAS, the Council of the Village of Windham has determined that the need to hire an engineering firm for professional design services and project management is a matter of eminent concern and of an emergency nature, because deadlines established in the agreement with the Ohio Public Works Commission have been missed and the Village is in jeopardy of losing the grant award.

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

Section 1: The Mayor and the Fiscal Officer are hereby authorized to enter into an agreement with Burgess & Niple for professional design services and project management services for the Windham Water TP Improvement Project, in substantial conformity with the document attached hereto and marked for identification as Exhibit "A".

Section 2: This action is declared to be an emergency measure, to which Ohio Revised Code 153.71(B) applies. This is an emergency requiring immediate action for the reason that the contract with Burgess & Niple for the Windham Water TP Improvement Project must be entered into now, so that the work to install the improvements can be advertised and competitively bid, and further so that contracts to construct and install the Windham Water TP Improvements Project can be completed in conformity to the agreement with the Ohio Public Works Commission.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that the deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public sale in compliance with all legal requirements including Section 121.22 of the Revised Code of the State of Ohio.

Section 4: This Resolution is declared to be an emergency measure, becoming effective immediately upon passage by Council and approval by the Mayor to protect the health, safety, morals and general welfare of the Village, and for the further reason that the Village of Windham needs to have design services and project management for the Water TP Improvements Project now.

PASSED IN COUNCIL AS AN EMERGENCY this 20<sup>th</sup> day of April, 2016

Votes of Council:     Ayes: 6  
                              Nays: 0

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Mayor Deborah Blewitt

ATTEST:

\_\_\_\_\_  
Fiscal Officer

Approved as to form:

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Solicitor