

RESOLUTION NO. 17-2023

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE RATIFYING AND AFFIRMING THE DECISION OF THE SERVICE DIRECTOR PERTAINING TO THE ASPHALT OVERLAYS, CONCRETE REMOVAL AND REPLACEMENT, CRACK SEALING AND BITUMINOUS SURFACE TREATMENTS TO VARIOUS CITY STREETS FOR THE ANNUAL STREET MAINTENANCE AND REHABILITATION PROGRAM BID AWARDS, AND DECLARING AN EMERGENCY

WHEREAS, the city advertised for bids for asphalt overlays, concrete removal and replacement, crack sealing and bituminous surface treatments to various city streets for the annual street maintenance and rehabilitation program to be opened on February 16, 2023 at 12:00 PM; and

WHEREAS, the city Service Director did open all bids submitted on February 16, 2023; and

WHEREAS, the Service Director presented the bid results to City Council at a regular Council meeting on February 28, 2023 at which time Council awarded bids; and

WHEREAS, on March 15, 2023, the city Clerk of Council received an email from Shelly Company protesting the award of the asphalt portion of the annual street maintenance and rehabilitation program, via email dated March 14, 2023 at 6:08 PM; and

WHEREAS, the city Law Director informed City Council of the bid protest at the March 28, 2023 regular City Council meeting, at which time City Council scheduled a work session for April 18, 2023 to hear said protest; and

WHEREAS, the city Law Director responded to Shelly Company by letter dated April 6, 2023 informing the date and time of the bid protest hearing via email and regular U.S. Mail; and

WHEREAS, on April 18, 2023 City Council held the work session where the representative from Shelly Company was afforded an unlimited opportunity to make his presentation and be heard, and did so, he was permitted to present City Council with documents in an effort to support Shelly's position, which was presented. Service Director Borczuch was also permitted to make a presentation to City Council; and

WHEREAS, City Council carefully took into consideration all the materials and arguments presented and finds nothing that should result in the alteration of the original bid award. Based on the totality of the situation and Council's careful review, it is clear that The Shelly Company's bid was not the "best" bid for the City's purposes. Now therefore,

