

CITY MANAGER'S REPORT
September 25, 2023 Council Meeting

1. W. Main Street Infrastructure Improvement Project update: While I can confirm that at the September 14, 2023 bid-opening we did receive a bid from S.E.T., Inc. that appeared to be a valid bid (\$8,892,027.44), (engineer's est. was \$8.25M) we've learned recently through numerous discussions with ODOT that we will not be able to accept it.

There are specific post-bid requirements that must be met by the low-bid contractor and within a specific period of time (5-days) before a bid can be deemed in full compliance. Unfortunately, at least one of these requirements, having to do with the DBE Utilization Plan and DBE Affirmation, known as Proposal Note (PN) 13, was not fully satisfied and per ODOT's Office of Business and Economic Opportunity, such a failure of compliance will result in the bid being rejected in accordance with ORC 5525.08. *PN13 requirements are outlined in the ODOT Template that is included with all LPA projects as part of the project specifications. Additionally, all prequalified contractors are aware of this requirement.

Due to the strict Federal Highway oversight of ODOT regarding this key LPA requirement, ODOT says there is no other option for the city but to rebid the project.

*The city could choose to award this project, but ODOT would then move forward with pulling the federal funding currently committed (\$2.25M).

Therefore, our plan forward is:

1. the city needs to request that ODOT District 4 LPA Manager reject S.E.T.'s bid due to non-compliance with PN13- Done
2. LPA Manager will then ask Office of Local Programs for concurrence- Done
3. Having OLP concurrence, we will need to officially reject S.E.T.'s bid- Looking to add Resolution tonight
4. Then, we can work to set up the next bid, with 21-days advertisement period

*I respectfully request we add to tonight's agenda the enclosed Resolution seeking to reject the bid of S.E.T., Inc., due to non-compliance of PN13.

2. OPWC (Round 38) Grant Application: Austin Rd. Pavement Improvement Project: As mentioned previously, our application, Austin Rd. Pavement Improvement Project, with an engineer's total project estimate of \$127,100, has been recommended for submittal in OPWC's Round 38. As such, a Resolution is on the agenda tonight Authorizing the CM to prepare and submit said application for funding.
3. GAAP Conversion for FYE December 31, 2023: Also on tonight's agenda is a Resolution authorizing the CM to enter into an agreement with Local Govt. Services (LGS), for the 2023 Gap Conversion. Contracting with LGS should eventually reduce our overall costs associated with the preparation of the city's yearly financial statements.