Ordinance No. 136 - **2020**

Authorizing The Mayor, Finance Director And Director of Public Service To Enter Into A Contract With Rocky Ridge Development, LLC, 3793 Silica Road, Suite B, Sylvania, Ohio 43560 For Removal Of Approximately 20,000 Tons For The Water Treatment Plant Spent Lime Disposal Service For A Period Of One (1) Year At A Cost Of $29.75 Per Cubic Yard Per Contract Specifications; And Declaring An Emergency

Summary And Background

Ordinance No. 1-2020 passed by Oregon City Council on January 13, 2020, authorized the Director of Public Service to receive bids for various items used in the various departments of the City.

Bids were advertised in accordance with law and were received and opened on December 2, 2020.

It has been determined by the Department of Public Service that the bid received is the lowest and bid to meet the needs of the City of Oregon. **Now, Therefore,**

Be It Ordained By The Council Of The City Of Oregon, Ohio, That:

Section 1. The Mayor, Finance Director and Director of Public Service are hereby authorized and directed to enter into an agreement with Rocky Ridge Development, LLC, 3793 Silica Road, Sylvania Ohio 43560 for removal of approximately 20,000 tons for the Water Treatment Plant Lime Disposal Service for a period of one (1) year at a cost of $29.75 per cubic yard, per contract specifications, be and the same hereby accepted in accordance with unit prices as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. 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 any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and that the consideration, reading and adoption of this Ordinance has been in accordance with Article III, Section 9 of the City Charter as amended.

Section 3. This Ordinance is hereby declared to be an emergency measure and shall take effect upon its passage and signature by the Mayor. The reason for the emergency lies in the fact that this Ordinance is necessary to ensure the efficient operation of the Water Treatment Plant.

Vote on passage as an emergency: Yeas 7 Nays 0 Abs 0

Passed as an emergency measure: December 21, 2020

President of Council

Approved:

Mayor

Attest:

Clerk of Council

"Exhibit A"

Interoffice Memo

TO: Paul Roman-Director of Public Service

FROM: Doug Wagner - Superintendent of Water

SUBJECT: Spent Lime Bids

DATE: December 15, 2020

We have reviewed the bids for the spent lime bids opened on December 2, 2020. We recommend awarding the 2021 Spent Lime Contract to Rocky Ridge Development LLC, in the amount of $29.75 per cubic yard ($7.46 less than 2020), which we feel is our **best bid** option. Rocky Ridge was awarded the 2020 contract for 15,000 cubic yards at $37.21 per cubic yard, and completed more than the contracted amount (17,000 cubic yards) in 8 months.

Midwest Compost Inc. currently has an incomplete contract to haul spent lime from 2018, and has been threatened numerous times with liquidated damages, due to lack of performance. The water plant has been in an emergency situation for many years due to contractor non-performance and has forced us to change our methods to deal with the overabundance of lime. Due to this non-performance in 2018 and again through 2019, along with two fruitless requests for bids, we purchased an excavator for removing the lime from the lagoons to dry in the field behind the water plant, however a lot of this work was done on overtime due to Midwest Compost not performing the previous contracts. We were able to gain enough capacity in lagoon storage to get through the year, and also created a product that was easier to handle for contractors and farmers. Rocky Ridge was the successful bidder in 2020 to remove the excess "dried stockpile" and did so in record time, while Midwest Compost continued to slowly attempt to complete the two year behind contract.

Midwest Compost submitted bids for $22.00/cubic yard, and $36.60/dry ton which appears to be a lower bid per cubic yard but after discussion with them, they have always hauled our spent lime in liquid form and did not intend to transport our spent lime in cubic yard form for this contract. In adjusting the cubic yard price of Rocky Ridge to dry tons (assuming 80% solids after drying) the cost per dry ton would be $37.19, which is $0.59 higher, for a contract total of $8,850 more, however Rocky Ridge is still the best bid considering their past performance, and the additional costs incurred by the water plant in dealing with the nonperformance of Midwest Compost. Additionally, the still incomplete 2018 contract with Midwest Compost was issued for 10,000 dry tons, and precludes our recommendation to award 15,000 addition tons.

Sincerely,

Doug Wagner
Superintendent of Water

"EXHIBIT A"

Bid Tabulation

2021 WTP Spent Lime Disposal Services

City of Oregon, Ohio

Date: Wednesday, December 2, 2020
Time: 11:00 A.M.

Opened By: Paul Roman, P.E.
Witnesses: D. Wagner, S. Gutekunst, R. Shultz & J. Bosh

Unit Price: 20,000 Cubic Yards or 15,000 Dry Tons, if Hauled by Tanker

Bidder	Bid Guarantee	Unit Price Bid	Unit	Notes
Rocky Ridge Development, LLC **3793 Silica Road, Suite B** **Sylvania, OH 43560**	Cashier's Check $59,500	$29.75 / CY	20,000 Cubic Yards	
Denali Water Solutions **3308 Bernice Avenue** **Russellville, AR 72802**	Bid Bond 10%	$36.80 / CY	20,000 Cubic Yards	Delinquent Tax Statements were marked Not Applicable, but not signed.
Midwest Compost, Inc. **7250 State Route 101 E** **Clyde, OH 43410**	Penal Sum	$22.00 / CY - $36.60 / Dry Ton	20,000 Cubic Yards & 15,000 Dry Tons	
Lime Corp, Ltd **3095 Homeward Way** **Fairfield, OH 45014**	Bid Bond 10%	$34.70 / CY - $75.00 / Dry Ton	20,000 Cubic Yards & 15,000 Dry Tons	

Bid Tab Results Will Be Available on the City's Web site at www.oregonohio.org (Click on Bidding Information)