

RESOLUTION NO. 2024-23

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE VILLAGE OF ANTWERP, OHIO TO MAKE A TOTAL EXPENDITURE IN EXCESS OF \$75,000.00 FOR ENGINEERING SERVICES RELATED TO THE CANAL WENTWORTH WATERLINE AND STORM IMPROVEMENT PROJECT AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village Administrator has previously entered into a contract, pursuant to Ohio Revised Code § 731.141, for professional engineering services provided by CT Consultants, Inc. related to the Canal Wentworth Waterline and Storm Improvement project, in the amount of Seventy-four Thousand Five Hundred dollars (\$74,500.00), which is beneath the limit established by ORC § 9.17; and

WHEREAS, CT Consultants, Inc., has advised that an additional Twenty-nine Thousand Two Hundred dollars (\$29,200.00) in professional engineering services is required to ensure the successful completion of the Canal Wentworth project; and

WHEREAS, Patriot Rail Company has advised that an additional expenditure of Five Thousand Five Hundred dollars (\$5,500.00) is required to review and approve of the professional engineering plans required to complete the Canal Wentworth project; and

WHEREAS, the Village Administrator is not required to put these additional professional engineering services by CT Consultants, Inc., or the additional review of professional engineering plans by Patriot Rail Company, out for public bid in accordance with ORC § 731.141, because these services represent “services of a specialized nature requiring the exercise of peculiar skill and aptitude,” more specifically, professional engineering services, which are exempted from the public bid requirement of ORC § 731.141 as recognized by the Supreme Court of Ohio in *State ex rel Doria v. Ferguson*, 145 Ohio St. 12 (1945); and

WHEREAS, the Ohio Environmental Protection Agency has advised that an additional expenditure of Four Thousand Nine Hundred Twenty-four dollars (\$4,924.00) is required to review and approve of the professional engineering plans required to complete the Canal Wentworth project; and

WHEREAS, the Village Administrator is not required to put this additional review of professional engineering plans by the Ohio EPA out for public bid in accordance with ORC § 731.141 because this is an expenditure for services provided by an Agency of the State of Ohio.

WHEREAS, the Canal Wentworth project is necessary for the preservation of the public health, safety and welfare of the residents of the Village and therefore this Resolution is deemed to be an emergency for the reason that the above stated additional expenditures are required in order to keep the project on track for completion and to avoid subsequent additional expenditures.

NOW, THEREFORE, BE IT RESOLVED BY A MINIMUM OF A THREE-FOURTHS VOTE by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. That the rules requiring three readings of any ordinance or resolution prior to its passage by a minimum of the majority of the council are hereby suspended pursuant to Ohio Revised Code Section 705.15.

Section 2. The Village Administrator is authorized to make an additional expenditure of Twenty-nine Thousand Two hundred dollars (\$29,200.00) to CT Consultants, Inc. for additional professional engineering services required for the successful completion of the Canal Wentworth Project.

Section 3. The Village Administrator is authorized to make an additional expenditure of Five Thousand Five Hundred dollars (\$5,500.00) to Patriot Rail Company for review and approval of professional engineering plans required for the successful completion of the Canal Wentworth Project.

Section 4. The Village Administrator is authorized to make an additional expenditure of Four Thousand Nine Hundred Twenty-four dollars (\$4,924.00) to the Ohio EPA for review and approval of professional engineering plans required for the successful completion of the Canal Wentworth Project.

Section 5. That it is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 6: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, and welfare of the Village of Antwerp, Ohio and for the further reason that the expenditures identified herein need to be made to allow the Canal Wentworth project to proceed on track for successful completion, said project being necessary for the preservation of the public health, safety and welfare of the residents of the Village, and provided it receives the affirmative vote of at least three-fourths of the members of this Council, the Resolution shall take effect and be in force immediately upon its adoption by this Council or otherwise it shall take effect and be in force after the earliest period allow by law.

Passed: 6-0

Date: 11/13/2024



Jan Reeb
Mayor of the Village of Antwerp

ATTEST:



Kevin Hornish, Fiscal Officer