

**ORDINANCE NO. 114-19**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DESIGN-BUILD CONTRACT WITH CPS CONSTRUCTION, INC. FOR DESIGN AND CONSTRUCTION OF A CITY HALL PARKING STRUCTURE, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Pursuant to the City's home rule authority under Section 3 of Article XVIII of the Ohio Constitution and the City's Charter, this Council enacted Ordinance Nos. 52-18 and 53-18, passed March 26, 2018, authorizing the Public Bidding Procedure and Requests for Qualifications (RFQ's) for a Criteria Developer for a design-build process for a public parking structure; and

**WHEREAS:** After review of the proposals including consultant interviews, Ordinance No. 134-18, passed September 10, 2018, authorized Desman Associates to be the most qualified Criteria Developer because they demonstrated substantial experience in parking deck design and construction oversight including working for governmental agencies as a Criteria Developer; and

**WHEREAS:** Desman Associates assisted the City in preparing a request for qualifications from Design Build Teams interested in performing this work and assisted in reviewing the qualification statements and determining which Design Build Teams were qualified to submit a proposal for this work; and

**WHEREAS:** On July 8, 2019, the three pre-qualified Design Build Teams submitted price and technical proposals; and

**WHEREAS:** Following extensive review and evaluation by the Selection Committee, CPS Construction, Inc. was recommended as the Design Builder for the project; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

**SEC. 1:** That pursuant to the home rule authority of the City under Section 3 of Article XVIII of the Ohio Constitution and the City's Charter, the Mayor is hereby authorized and directed to execute a Design-Build Contract with CPS Construction, Inc. for the design and construction of a public courthouse parking structure.

**SEC. 2:** That a copy of the Design-Build Contract referred to in Section 1 above is marked Exhibit A and attached hereto; said Contract and all of its parts are incorporated herein; the Contract is subject to final approval of the Medina City Law Director; and to the extent this Contract's terms may deviate from state law, the terms of this

Contract shall govern.

- SEC. 3:** That by this Ordinance, this Council again confirms the design-build process for the project which is the subject of the Contract authorized in Section 1 above and the process employed by the City to advertise and award the aforesaid Contract; and this Council finds that said process of advertisement and award of the Contract and the design-build process for this public improvement project is in the best interests of the City.
- SEC. 4:** That the funds to cover this contract, in the amount of \$3,714,000.00, are available in Account No. 301-0707-54412.
- SEC. 5:** That it is 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 action, were in meetings open to the public, in compliance with the law.
- SEC. 6:** That this Ordinance shall be considered an emergency measure necessary for furtherance of the public health, safety and general welfare of the inhabitants and visitors to the City in order to provide necessary and safe off-street parking to the public to further the interests of the City of Medina, at the earliest possible time; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** July 31, 2019

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** August 1, 2019

**SIGNED:** Dennis Hanwell  
Mayor