

ORDINANCE NO. 113-15

AN ORDINANCE TO AWARD THE BID FOR THE INSTALLATION OF THE CELLULAR BASED AUTOMATIC WATER METER READING SYSTEM FOR THE AVON UTILITY DEPARTMENT AND TO ENTER INTO AGREEMENTS WITH BADGER METER AND BEACON AMA TO IMPLEMENT SAME AND DECLARING AN EMERGENCY

WHEREAS, the Utility Department, pursuant to Resolution 13-14, passed on July 14, 2014, advertised for bids for the installation of a cellular based automatic water meter reading system for water/sanitary sewer accounts in the City of Avon: and

WHEREAS, The project will include, but not be limited to, the comprehensive installation of new e-meters, cellular endpoints, and the required infrastructure to communicate meter reading information in order to more efficiently monitor consumption of water by the system’s users; and

WHEREAS, the following bid for the installation of a cellular based automatic water meter reading system was received:

Company	Bid
Badger Meter, Inc.	\$4,521,304.93

WHEREAS, the bid package submitted by Badger Meter, Inc also included ALTERNATE BID ITEM(s), as called for in the Bid Proposal documents, which offers a reduction to the total bid amount as follows:

Alternate Bid Item(s)	Bid Reduction
Use of Engineered Polymer E-meters	\$267,500.00
Allow longer installation schedule* * Beyond December 1, 2015	\$77,612.50

WHEREAS, the Utilities Director, the Service Director and the City’s Consulting Engineer recommend acceptance of the bid submitted by Badger Meter, Inc., incorporating the listed ALTERNATE BID ITEM(s), in the amount of Four Million, One Hundred Seventy Six Thousand One Hundred Ninety Two Dollars and Forty Three Cents (\$4,176,192.43) as the lowest and best bid received; and

WHEREAS, the Utilities Director, the Service Director and the City’s Consulting Engineer have resolved all Exceptions and Assumptions submitted by Badger Meter Inc. with the Bid Proposal to their satisfaction through a Memorandum of Understanding which shall be included as a component part of the Contract Documents; and

WHEREAS, Badger Meter Inc. and its cellular service aggregator and data-hosting service providers have developed a hosted, on-demand, web-based service web site, accessible to

its customers to provide metering and water usage service information, communicated through a cellular network, for its customers, and documentation to assist customers in using the web site and the service; and

WHEREAS, the Utilities Director, the Service Director and the City's Consulting Engineer recommend entering into a Master Agreement with Badger Meter Inc. for the right to access and use the service from the web site for the Utility Department's internal business use and for the benefits of its Authorized Consumers in accordance with the Agreement and in consideration of the payment of the Service Fees as called for in the Agreement and in the bid proposal for the installation of a cellular based automatic water meter reading system.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the bid submitted by Badger Meter Inc. in the amount of Four Million, One Hundred Seventy Six Thousand One Hundred Ninety Two Dollars and Forty Three Cents (\$4,176,192.43) is hereby accepted as the lowest and best bid received. The City's payments for the project shall be made in equal amounts from the Water Revenue Fund No. 611 (50% of total project costs) and the Sanitary Sewer Fund # 2 Fund No. 631 (50% of total project costs). The City received \$3,000,000.00 in Bond Anticipatory Notes in May, 2015, authorized by Ordinance No. 54-15, to be used for the water meter reading system. In addition to the appropriations for this project, the Finance Director is further authorized to increase the appropriations for engineering and legal expenses associated with this project.

Section 2 – The Mayor be and he is further authorized to enter into a Master Agreement with Badger Meter Inc. for the right of the Utility Department and its Authorized Consumers to access and use the service from the Badger Meter Inc. hosted, on-demand, BEACON AMA Managed Solution web site to provide metering and water usage service information, upon the recommendations of the Utilities Superintendent, and approved as to form by the City Law Director, in accordance with all authority granted to and limitations upon the City Director of Finance.

Section 3 - 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 of 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.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to award the bid for the Cellular Based Automatic Water Meter Reading System so that work can begin at the earliest possible date; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 113-15 (Con't.)

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasiar, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____

In Five Places as
Provided by Council

Prepared By:
John A. Gasiar, Esq.
Law Director