

ORDINANCE NO. 21-19

**AN ORDINANCE TO ABANDON THE JOINT BID PROCESS AND REJECT ALL BIDS
SUBMITTED TO THE LORAIN COUNTY SOLID WASTE & RECYCLABLES
COLLECTION CONSORTIUM FOR THE COLLECTION, TRANSPORTATION
AND DELIVERY FOR DISPOSAL OR PROCESSING OF SOLID WASTE,
RECYCLABLE MATERIALS AND YARD WASTE GENERATED BY
AVON RESIDENTIAL UNITS, MUNICIPAL FACILITIES AND
DURING SPECIAL EVENTS AT DESIGNATED FACILITIES
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon has had a long history going back into the 1970s of permitting Republic Services (and its predecessors) to individually contract with the City's residents for solid waste, recycling, yard waste and bulk pickup services; and

WHEREAS, Service Committee of Council met on September 10, 2018 and began considering other options for residential trash pick-up in the City of Avon; and

WHEREAS, over the next few months, the Committee met with a representatives of the Lorain County Solid Waste & Recyclables Collection Consortium and with Republic Services, the City's current waste hauler, in an effort to determine how to obtain the best price and highest quality of service for the residents; and

WHEREAS, on September 24, 2018, Council passed Ordinance No. 80-18 to authorize the Mayor to participate in the Consortium and, without any obligation, become eligible to benefit from the Consortium's competitive bidding process that would seek bids from various waste hauling contractors in the area with service to begin on April 1st of 2019; and

WHEREAS, several meetings followed between representatives of the Consortium and members of Service Committee and the Consortium went out to bid and ultimately received bids from Kimble, Rumke and Republic in late December, 2018; and

WHEREAS, these bidders responded to a bid to provide for solid waste, recycling, yard waste and bulk pickup services to several townships and two municipalities, viz., Avon and Avon Lake; and

WHEREAS, on January 7th, 2019 and January 22nd, 2019, Service Committee of Council along with Finance Committee met to consider the various bids received by the Consortium; and

WHEREAS, on January 22nd, 2019 the joint Service and Finance Committees of Council voted to recommend the Kimble bid to all of City Council; and

WHEREAS, Council held the first of three readings on Ord. No. 11-19 titled "An Ordinance to award the bid for the Collection, Transportation and Delivery for Disposal or Processing of solid waste, recyclable materials and yard waste generated by residential units, municipal facilities and during special events at designated facilities and to authorize the Mayor to enter into a contract" on January 28th; and

WHEREAS, sometime after January 28th, the Administration was contacted by Republic Services, the current waste hauler under contract with City residents pursuant to a Memorandum of Understanding (MOU) passed by City Council on November 13, 2017 (See Ord. No. 95-17), and Republic presented a plan to continue waste hauling for the residents at a reduced price that also included service to the City and to the City Schools at no additional charge; and

WHEREAS, in the ensuing period Council held joint Finance and Service Committee meetings to reconsider the Consortium bids and consider the proposal submitted by Republic Services to continue service to Avon residents under an extended five (5) year MOU; and

WHEREAS, Council's Finance Committee met on February 11, 2019 and after much deliberation, voted to reject any and all bids submitted by the Consortium bidders; and

WHEREAS, Council, having considered the recommendation of Finance Committee, the extensive discussions before the body as a whole and all the facts and circumstances presented finds it to be in the best interests of the health, safety and welfare of the citizens of Avon to adopt the recommendation of the Finance Committee and reject all bids submitted by the Consortium.

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

Section 1 – That Council, pursuant to authority reserved to it in the Legal Notice to Bidders issued by the Lorain County Solid Waste & Recyclables Collection Consortium hereby abandons the Joint Bid Process and rejects all Bids submitted to the Consortium.

Section 2 – 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 3 - 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 reject all bids from the Lorain County Solid Waste & Recyclables Collection Consortium and thereby allow for the release of any bid bonds being held by the Consortium for that purpose; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor

PASSED: _____

DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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