

ORDINANCE NO. 2002-141

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OKI WINDOW SYSTEMS, INC. FOR AN AMOUNT NOT TO EXCEED \$115,000.00 FOR COMPLETION OF THE WINDOW SYSTEMS FOR THE NEW MUNICIPAL CENTER AND DECLARING AN EMERGENCY**

WHEREAS, emergent circumstances arose under which the prime glass contractor for the new Municipal Center, Greenville Glass, was unable to supply the materials and labor necessary to complete its contract with the City of Mason; and

WHEREAS, during Greenville Glass's non-performance and subsequent termination of the contract by the City of Mason, the City of Mason had urgent need to enclose the new Municipal Center with glass doors and windows in order to secure the building and complete it, including installing the wood paneling in the entry hallway, among other things; and

WHEREAS, the City of Mason's Construction Manager on the Project, Dugan & Meyers recommended OKI Window Systems, Inc. to complete the windows systems by installing some materials previously ordered, and ordering and installing other materials;

WHEREAS, OKI Glass Systems, Inc. promptly responded to the new Municipal Center and performed work and furnished materials which allowed the City of Mason to meet the dates for moving into, opening to the public, and dedicating the new Municipal Center; and

WHEREAS, some window-system-related installation work remains to be done to complete the building specifications under the original prime contract; and

WHEREAS, the City of Mason has made claims on the original prime contractor's performance bond, which claims are being analyzed by the surety, but have not yet been resolved; and

WHEREAS, without a capable glass contractor the City of Mason is unable to finish the new Municipal Center in accordance with the building's specifications;

WHEREAS, the Charter of the City of Mason, Section 5.04(J) authorizes Council to specify the amount for which supplies and materials may be purchased and labor may be performed without advertisement and competitive bidding; and

WHEREAS, immediately completing the work set forth in the original prime glazing contract, is necessary for the immediate preservation of the public peace, health, safety and welfare and this ordinance should be passed as an emergency ordinance under Section 4.07 of the Charter of the City of Mason, the specific necessity being the immediate need to complete the new Municipal Center because colder weather is upon us;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, five members elected thereto concurring:

Section 1. That the City Manager is hereby authorized to enter into a contract with OKI Window Systems, Inc. in an amount not to exceed \$115,000.00, without advertising or

competitive bidding, for the furnishing of materials and labor necessary for the completion of the prime glass contract for the new Municipal Center;

Section 2. That the Finance Director is hereby authorized to pay to OKI Window Systems, Inc. a sum not to exceed \$115,000.00 for the material, labor and services referred to in Section 1 of this ordinance; and

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare, and shall be effective immediately upon passage. The reason for said declaration of emergency is the need to complete the new Municipal Center in accordance with its specifications in time to protect the building, its contents and its users from the approaching colder weather and winter conditions and to minimize the expense of heating the new Municipal Center.

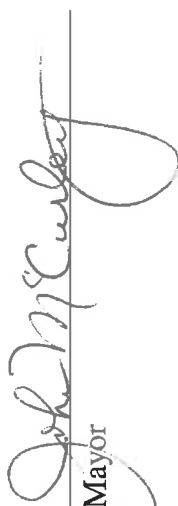
Passed this 11<sup>th</sup> day of November, 2002.

Attest:

  
Clerk of Council

11/6/02

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Mayor