



## Legislation Details (With Text)

**File #:** O-212-23      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 4/4/2023      **In control:** Public Utilities Department  
**On agenda:** 4/18/2023      **Final action:** 4/18/2023  
**Title:** Authorizing the expenditure of \$26,324 from the Sanitary Sewer Operating Fund to E & K Construction for the emergency replacement and repair of a manhole and attached sewer mains located at 3160 S Byrne Road; authorizing the mayor to enter into necessary contracts; finding that the competitive procurement process was waived under TMC Section 187.20; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/18/2023	1	City Council	Suspension	Pass
4/18/2023	1	City Council	Emergency	Pass
4/18/2023	1	City Council	Passage	Pass

DPU041623SBYRNE  
Sewer & Drainage Services  
Calvin Harris (x2170)  
Revised

**Authorizing the expenditure of \$26,324 from the Sanitary Sewer Operating Fund to E & K Construction for the emergency replacement and repair of a manhole and attached sewer mains located at 3160 S Byrne Road; authorizing the mayor to enter into necessary contracts; finding that the competitive procurement process was waived under TMC Section 187.20; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

Sewer inspectors were made aware of a water in the basement caused by a damaged lateral in the right of way, connected to sewer main No. CO92 located at 3160 S Byrne Road. To alleviate the sewer backup inside the residence, a repair had to be made. The repair was considered an emergency because it needed immediate repair to assure the safety of the citizens. The Department of Public Utilities (DPU) required the expertise and equipment available through a private contractor to complete repairs in February of 2023. TMC Section 187 requires City Council to be informed of the emergency and for authorization to pay the repair and waiving the competitive bidding. Sufficient funds are available within the DPU operating budget to pay for this emergency sanitary sewer repair.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the sum of \$26,324 authorized for expenditure from the Sanitary Sewer Operating Fund, Account Code 6070-37000-4000558STDSTD, to E & K Construction for payment of the emergency sewer system repairs near 3160 S Byrne Road.

SECTION 2. That the Mayor is authorized to enter into a contract for the purpose authorized in Section 1, upon terms and conditions acceptable to the Director of Public Utilities and Director of Law.

SECTION 3. That Council finds and determines that, pursuant to TMC Chapter 187.20, formal competitive bidding was waived for the reason that it was an emergency that could not have been reasonably foreseen and would result in an interruption or detriment to utility services and the repair cost has been deemed reasonable by the Director of Public Utilities.

SECTION 4. That the Finance Director is authorized to issue warrant or warrants against the account code identified in Section 1 above in an amount not to exceed \$26,324 in payment of the above authorized obligations upon presentation of proper voucher or vouchers.

SECTION 5. That this ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance must be immediately effective in order to facilitate the expeditious payment of the invoice received for the emergency repairs relating to the sewer lateral repair in the right of way attached to No. CO92, in the rear of 3160 S Byrne Road.

Vote on emergency clause: yeas 11, nays 0.

Passed: April 18, 2023, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 18, 2023  
Wade Kapszukiewicz  
Mayor