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6/27/22

**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Public Works Director

**RESOLUTION 22-057**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA  
AWARDING A CONTRACT TO A FIRM TO BE DETERMINED IN AN  
AMOUNT TO BE DISCLOSED FOR THE CONSTRUCTION OF THE  
WEST FAIRVIEW AVENUE PATH AND REPLACEMENT OF FIRE  
HYDRANTS AND AUTHORIZING THE CITY MANAGER TO  
NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Ordinance 22-25 appropriated funds to establish the Non-motorized  
Transportation Opportunity Program and Resolution 22-053 authorized a task order to Bishop  
Engineering, LLC to design the West Fairview Avenue Pat as part of that program; and

WHEREAS, A residential subdivision is currently being constructed around the  
alignment of the West Fairview Path; and

WHEREAS, Arno Construction is building the subdivision roads and utility lines and East  
Road Services, Inc. is the contractor with which the City has an IDIQ contract to provide services  
that are very similar to the services required for the path; and

WHEREAS, HCC 3.16.060 allows an exception to the competitive bidding requirements  
for "*construction completion services*". HCC 3.16.060(f). The build-out of the W. Fairview Ave.  
path constitutes "*construction completion services*" because the subject path involves the  
expansion of an on-going road construction project where the developer's contractor is  
already engaged in the process of building a road and installing water/sewer utilities; and

WHEREAS, HCC 3.16.110 allows the City is authorized to "*procure supplies, services or  
construction by competitive sealed proposals*" if the "*City Manager determines that use of  
competitive sealed bidding is not practicable.*" HCC 3.16.110(a). In the subject case, the City's  
competitive sealed bidding process was not practicable because, as mentioned above, the  
window of opportunity to take advantage of the on-going road construction project is short-  
lived. If we followed the traditional competitive sealed bidding process, this opportunity  
would be lost; and

WHEREAS, Fire hydrant replacement included in the project is subject to an allocation  
of funds from the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund by  
ordinance, and execution of the contract is contingent on adoption of Ordinance 22-36.

43 WHEREAS, Public Works submitted the design to Arno Construction and East Road  
44 Services, Inc. and \_\_\_\_\_ was the lowest bidder.

45  
46 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby  
47 awards the contract for the West Fairveiw Path and replacement of fire hydrants to \_\_\_\_\_  
48 in the amount of \_\_\_\_\_ and authorizes the City Manager to execute the appropriate  
49 documents.

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51 PASSED AND ADOPTED by the Homer City Council on this 27<sup>th</sup> day of June, 2022.

52  
53 CITY OF HOMER

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56 \_\_\_\_\_  
57 KEN CASTNER, MAYOR

58  
59 ATTEST:  
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62 \_\_\_\_\_  
63 MELISSA JACOBSEN, MMC, CITY CLERK

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65 Fiscal Note: Ord 22-25 \$\_\_\_\_\_ and Ord \_\_\_\_\_ Water CARMA \$