1 **CITY OF HOMER** 2 HOMER, ALASKA 3 City Manager/ 4 Public Works Director 5 **RESOLUTION 22-062** 6 7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA 8 AWARDING A CONTRACT TO ARNO CONSTRUCTION IN THE NOT 9 TO EXCEED AMOUNT OF \$60,868 FOR THE CONSTRUCTION OF 10 THE WEST FAIRVIEW AVENUE (ERIC LANE) PATH AND 11 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE 12 THE APPROPRIATE DOCUMENTS. 13 WHEREAS, Ordinance 22-25 appropriated funds to establish the Non-motorized 14 15 Transportation Opportunity Program and Resolution 22-053 authorized a task order to Bishop Engineering, LLC to design the West Fairview Avenue (Eric Lane ) Path as part of that program; 16 17 and 18 19 WHEREAS, A residential subdivision is currently being constructed around the alignment of the West Fairview Avenue (Eric Lane); and 20 21 22 WHEREAS, Arno Construction is building the subdivision roads and utility lines in the new subdivision; and 23 24 25 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 26 Avenue (Eric Lane) path constitutes "construction completion services" because the subject 27 path involves the expansion of an on-going road construction project where the developer's 28 29 contractor is already engaged in the process of building a road and installing water/sewer utilities; and 30 31 32 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 33 competitive sealed bidding is not practicable." HCC 3.16.110(a). In the subject case, the City's 34 competitive sealed bidding process was not practicable because the window of opportunity to 35 take advantage of the on-going construction project is short-lived. If we followed the 36 37 traditional competitive sealed bidding process, this opportunity would be lost; and 38 39 WHEREAS, Arno Construction submitted a quote of \$60,868 for the work, which the City has determined to be fair and reasonable because it would cost more to bring in another 40

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contractor; and

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NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby awards the contract for the West Fairview Avenue (Eric Lane) Path to Arno Construction in the Not to Exceed amount of \$60,868 and authorizes the City Manager to execute the appropriate documents. PASSED AND ADOPTED by the Homer City Council on this 8th day of August, 2022. CITY OF HOMER KEN CASTNER, MAYOR ATTEST: Fiscal Note: Ord 22-25 \$60,686