

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager
4 Public Works Director

5 **RESOLUTION 23-102**
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 AUTHORIZING REIMBURSEMENT IN THE AMOUNT OF \$110,000 TO
9 BEACHY CONSTRUCTION FOR THE CONSTRUCTION OF A
10 SHOULDER EXTENSION ON WEST FAIRVIEW AVENUE FOR USE BY
11 NON-MOTORIZED TRANSPORTATION AND AUTHORIZING THE
12 CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE
13 DOCUMENTS.
14

15 WHEREAS, Ordinance 23-35(A) appropriated \$110,000 from the HART Roads Fund as
16 part of the former Non-Motorized Transportation Opportunity Program, for the construction
17 of an extended shoulder on the West Fairview Avenue Extension Project that would be built
18 as part of the Terra Bella Subdivision; and
19

20 WHEREAS, The developer of the Terra Bella Subdivision is Beachy Construction; and
21

22 WHEREAS, Homer City Code allows exceptions to be made to bidding requirements in
23 the case where a sole source procurements is justified, HCC 3.16.060(i); and
24

25 WHEREAS, A sole source procurement is justified because:

- 26 1. Beachy Construction will be on site with its subcontractors, equipment and
27 materials, doing exactly the same work for the subdivision development as
28 it will be doing for the extended shoulder and it is highly unlikely another
29 developer or contractor could mobilize and perform the same work as cost
30 effectively; and
31 2. It is not feasible to have two contractors doing underground utility work in
32 the same place at the same time.
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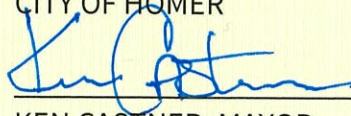
34 WHEREAS, Beachy Construction's cost to perform the work is deem fair and
35 reasonable, compared to historic costs for similar work.
36

37 NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby authorizes
38 reimbursement in the amount of \$110,000 to Beachy Construction for the construction of an
39 extended shoulder on West Fairview Avenue for use by non-motorized transportation.
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41 PASSED AND ADOPTED by the Homer City Council this 25th day of September, 2023.
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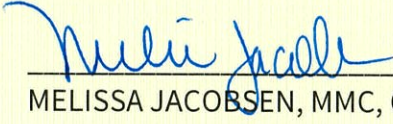
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CITY OF HOMER

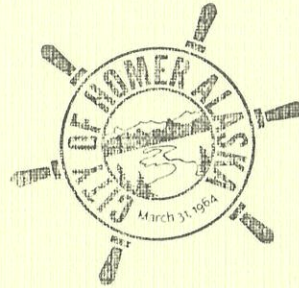


KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK





MEMORANDUM

Resolution 23-102, Authorizing Issuance of a Sole Source Contract in the Amount of \$110,000 to Beachy Construction to Construct a Shoulder Extension on West Fairview Avenue for Use by Non-Motorized Transportation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and City Council
Date: September 20, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

I. Issue: The purpose of this Memorandum is to request approval to reimburse Beachy Construction for the construction of an extended shoulder on West Fairview Avenue for use by non-motorized transportation.

II. Background:

Ordinance 23-35(A) appropriated \$110,000 from the HART Roads Fund as part of the former Non-Motorized Transportation Opportunity Program, for the construction of an extended shoulder on the West Fairview Avenue Extension Project that would be built as part of the Terra Bella Subdivision. The developer of the Terra Bella Subdivision is Beachy Construction.

Homer City Code allows exceptions to be made to bidding requirements in the cases where a sole source procurements is justified, HCC 3.16.060(i). A sole source procurement is justified in this case because:

1. Beachy Construction was on site with its subcontractors, equipment and materials, doing exactly the same work for the subdivision development as it will be doing for the extended shoulder and it is highly unlikely another developer or contractor could mobilize and perform the same work as cost effectively;
2. It was not feasible to have two contractors doing underground utility work in the same place at the same time.

Beachy Construction's cost to perform the work is deem fair and reasonable, compared to historic costs for similar work.

- III. RECOMMENDATIONS:** That the City Council approves reimbursement to Beachy Construction in the amount of \$110,000 to construct the West Fairview Avenue Extended Shoulder.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 23-35(A)
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING
9 \$110,000 FROM THE HOMER ACCELERATED ROADS AND TRAILS
10 (HART) ROADS FUND FOR A NON-MOTORIZED OPPORTUNITY
11 PROJECT ON WEST FAIRVIEW AVENUE.

12
13 ~~WHEREAS, The City experimented with various small works programs during the 2022~~
14 ~~and 2023 fiscal years; and~~

15
16 ~~WHEREAS, Small works programs were developed to ensure funding is available for~~
17 ~~projects that are “known unknowns” and of a size to be too big for the operational budget, but~~
18 ~~too unpredictable in timing for the capital budget; and~~

19
20 ~~WHEREAS, the programs proved valuable, however, we’ve learned that there are clear~~
21 ~~benefits to reworking the programs for administrative purposes and public transparency; and~~

22
23 ~~WHEREAS, the existing programs will be closed and re-launched through new~~
24 ~~ordinances; and~~

25
26 ~~WHEREAS, future spending from these programs will require a separate ordinance for~~
27 ~~any new projects wishing to use the funds set aside for the program; and~~

28
29 WHEREAS, Ordinance 22-25 appropriated \$750,000 to the Non-Motorized
30 Transportation Opportunity Program within HART Roads; and

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32 WHEREAS, One of the targeted opportunities was to construct an extended shoulder on
33 the West Fairview Avenue Extension project that would be built as part of the new Terra Bella
34 Subdivision; and

35
36 WHEREAS, Design work commenced on the shoulder extension project, paid for with
37 monies authorized by Ordinance 22 -25; and

38
39 WHEREAS, Construction is slated for summer 2023, with an expected cost of \$108,698
40 for the extended shoulder work.

41
42 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
43

44 Section 1. The Homer City Council hereby amends the FY23 Capital Budget by
45 appropriating \$110,000 for a non-motorized opportunity project on West Fairview Avenue as
46 follows:

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<u>Fund No.</u>	<u>Description</u>	<u>Amount</u>
160	HART Roads	\$110,000

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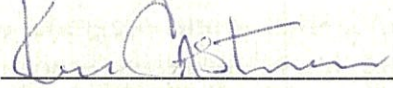
51 Section 2. This is a budget amendment ordinance only, is not permanent in nature,
52 and shall not be codified.

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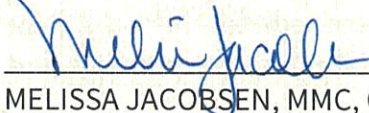
54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of May, 2023.

55

56 CITY OF HOMER

57 
58 _____
59 KEN CASTNER, MAYOR

60 ATTEST:

61 
62 _____
63 MELISSA JACOBSEN, MMC, CITY CLERK

64

65 YES: 6

66 NO: 0

67 ABSTAIN: 0

68 ABSENT: 0

69

70 First Reading: May 8, 2023

71 Public Hearing: *May 22, 2023*

72 Second Reading: *May 22, 2023*

73 Effective Date: *May 23, 2023*

