

ORDINANCE NO. 267 (22-23)

An Ordinance to amend Ordinance No. 245 (22-23), passed April 6, 2023, which authorized and directed the Director of Public Safety and Service for the City of Marietta, Ohio, to enter into contracts with three (3) different companies for the Marietta City Garage Upgrade Project, to-wit: Morrison, Inc. for heating and air conditioning; R. W. Miller Plumbing & Electric, Inc. for remodel of bathroom; and Eco Shine Polishing, Inc., for floor resurfacing, because the amount to be paid to each contractor in Ordinance No. 245 (22-23) did not factor in prevailing wage amounts. Now, after factoring in prevailing wage amounts, Morrison, Inc. shall be paid a sum not to exceed \$12,105.14; R. W. Miller Plumbing & Electric, Inc. shall be paid a sum not to exceed \$17,870.00; and Eco Shine Polishing, Inc. shall be paid a sum not to exceed \$9,300.00, for a grand total amount not to exceed \$39,275.14; using American Rescue Plan Act Funds, and declaring an EMERGENCY.

WHEREAS, the Marietta City Garage located on Ackerman Street, in the City of Marietta, Ohio, needs remodeled and upgraded. Specifically, the garage needs a new furnace and air conditioner; the bathroom needs a full remodel; and the existing floor needs to be resurfaced; and

WHEREAS, the City of Marietta received multiple bids from multiple companies to replace the furnace and air conditioner; to remodel the existing bathroom; and to resurface the floor; and

WHEREAS, after reviewing multiple quotes, the Director of Public Safety and Service of the City of Marietta, Ohio recommended that the City enter into an agreement with Morrison, Incorporated, of 410 Colegate Drive, Marietta, Ohio 45750, for the installation of the new furnace and air conditioner at the City Garage; and

WHEREAS, the City of Marietta, Ohio passed legislation on April 6, 2023, allowing the Director of Public Safety and Service to enter into a contract with **Morrison, Inc.**, of Marietta, Ohio, for the installation of a new furnace and air conditioner for the City Garage on Ackerman Street, in an amount which was not to exceed **\$10,634.30**; and

WHEREAS, the City of Marietta then realized that the quote that the City had received from Morrison, Inc., did not factor in a "prevailing wage" amount. Wherefore, the City requested that Morrison, Inc. revise their quote, so as to factor in a "prevailing wage" amount. In factoring in a "prevailing wage" amount, the cost of the project increased by \$1,471.14, per Exhibit "A" attached hereto and incorporated herein; and

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WHEREAS, after receiving the new quote from Morrison, Inc. with the inclusion of a "prevailing wage" amount, the Director of Public Safety and Service of Marietta, Ohio recommends that the city enter into an agreement with **Morrison, Inc.** for the installation of a new furnace and air conditioner for the City Garage on Ackerman Street, in an amount which is not to exceed **\$12,105.14**; and

WHEREAS, after reviewing multiple quotes, the Director of Public Safety and Service of the City of Marietta, Ohio recommended that the City enter into an agreement with R. W. Miller Plumbing & Electric, Inc., of 211 Fourth Street, P.O. Box 326, Beverly, Ohio 45715, for the remodel of the existing bathroom at the City Garage, which is to include the removal and disposal of the existing plumbing fixtures and partitions and the installation of new fixtures and partitions, including new toilets, urinal and lavatory; and

WHEREAS, the City of Marietta, Ohio passed legislation on April 6, 2023, allowing the Director of Public Safety and Service to enter into a contract with **R. W. Miller Plumbing & Electric, Inc.** of Beverly, Ohio, for the remodel of the existing bathroom at the City Garage, which is to include the removal and disposal of the existing plumbing fixtures and partitions and the installation of new fixtures and partitions, including new toilets, urinal and lavatory, in an amount which was not to exceed **\$15,370.00**; and

WHEREAS, the City of Marietta then realized that the quote that the City had received from R. W. Miller Plumbing & Electric, Inc, did not factor in a "prevailing wage" amount. Wherefore, the City requested that R. W. Miller Plumbing & Electric, Inc. revise their quote so as to factor in a "prevailing wage" amount. In factoring in a "prevailing wage" amount, the cost of the project increased by \$2,500.00, per Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, after receiving the new quote from R. W. Miller Plumbing & Electric, Inc. with the inclusion of a "prevailing wage" amount, the Director of Public Safety and Service of Marietta, Ohio recommends that the City enter into an agreement with **R. W. Miller Plumbing & Electric** for the removal and disposal of the existing plumbing fixtures and partitions and the installation of new fixtures and partitions, including new toilets, urinal and lavatory, in an amount which is not to exceed **\$17,870.00**; and

WHEREAS, after reviewing multiple quotes, the Director of Public Safety and Service of the City of Marietta, Ohio recommended that the City enter into an agreement with Eco Shine Polishing, Inc., of P.O. Box 7, Belpre, Ohio 45714, for the resurfacing of the existing floor at the City Garage; and

WHEREAS, the City of Marietta, Ohio passed legislation on April 6, 2023, allowing the Director of Public Safety and Service to enter into a contract with **Eco Shine**

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Polishing, Inc. of Belpre, Ohio, for the resurfacing of the existing floor at the City Garage, in an amount which was not to exceed **\$7,800.00**; and

WHEREAS, the City of Marietta then realized that the quote that the City had received from Eco Shine Polishing, Inc. did not factor in a “prevailing wage” amount. Wherefore, the City requested that Eco Shine Polishing, Inc. revise their quote so as to factor in a “prevailing wage” amount. In factoring in a “prevailing wage” amount, the cost of the project increased by \$1,500.00, per Exhibit “C” attached hereto and incorporated herein; and

WHEREAS, after receiving the new quote from Eco Shine Polishing, Inc. with the inclusion of a “prevailing wage” amount, the Director of Public Safety and Service of Marietta, Ohio recommends that the City enter into an agreement with **Eco Shine Polishing, Inc.** for the resurfacing of the existing floor at the City Garage in an amount which is not to exceed **\$9,300.00**; and

WHEREAS, the City of Marietta, Ohio has received a distribution of monies (the “ARPA Funds”) from the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19); and

WHEREAS, Section 603(c) generally provides that:

(1) USE OF FUNDS. Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024 -

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

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(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that:

Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” [The “standard allowance”].

WHEREAS, the Rule further observes that:

The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss particularly for Coronavirus State and Local Fiscal Recovery Fund’s smallest recipients.

This change is intended to promote administrative efficiency and simplify revenue loss calculation for smaller recipients.

WHEREAS, the Rule further clarifies that recipients can use:

SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the [Final Rule four-step process]. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise.

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WHEREAS, some common examples of “government services” expressly recognized by Treasury are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure

WHEREAS, “Government services is [deemed by Treasury] the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements;” and

WHEREAS, funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including:

- Deposit into pension funds
- Satisfaction of settlements or judgments
- Contributions to financial reserves or “rainy day” funds
- WHEREAS, the City of Marietta, Ohio has determined in the judgment of the City, that the Marietta City Garage Update Project qualifies as a permitted use of the ARPA Funds, in direct support of maintenance, and other infrastructure.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

Section 1: That Ordinance No. 245 (22-23) that was passed on April 6, 2023 is here amended so as to authorize and direct the Director of Public Safety and Service for the City of Marietta, Ohio, to enter into contracts with three (3) different companies for the Marietta City Garage Upgrade Project, to-wit: Morrison, Inc. for heating and air conditioning; R. W. Miller Plumbing & Electric, Inc. for remodel of bathroom; and Eco Shine Polishing, Inc., for floor resurfacing, at newly amended contract prices which now include the factoring in of “prevailing wage” amounts. Now, after factoring in prevailing wage amounts, Morrison, Inc. shall be paid a sum not to exceed \$12,105.14; R.W. Miller Plumbing & Electric, Inc. shall be paid a sum

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not to exceed \$17,870.00; and Eco Shine Polishing, Inc. shall be paid a sum not to exceed \$9,300.00, for a grand total amount not to exceed \$39,275.14; using American Rescue Plan Act Funds, and declaring an EMERGENCY.

- Section 2: The City of Marietta, Ohio elects to use the standard allowance by way of Ordinance 21(22-23) and its presumption of revenue loss due to the public health emergency and to use the amount authorized herein to fund government services.
- Section 3: The allocation is hereby authorized and shall be paid from the ARPA Fund, in an amount not to exceed: **\$39,275.14.**
- Section 4: The Project described herein serves the objectives of the Act by providing services traditionally provided by a government, namely maintaining infrastructure.
- Section 5: Accordingly, the Project is in the best interests of the City of Marietta, Ohio and is deemed a priority for the community.
- Section 6: No obligations paid under the authority of this Ordinance were incurred prior to March 3, 2021.
- Section 7: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
- Section 8: That this Ordinance shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio, and for the further reason that immediate action is necessary in order to secure the new quotes as outlined hereinabove.

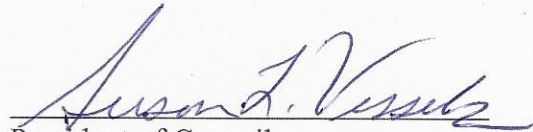
WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Introduced by the Public Lands and Buildings Committee, William Farnsworth, Chairman.



Chairman

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Passed this 4th day of May, 2023.


President of Council

ATTEST:


Clerk of Council

Approved this 4th day of May, 2023.


Mayor

First Reading May 4, 2023

Second Reading Suspended

Third Reading Suspended