I. AGENDA SCHEDULE

Please register to speak on items 9, 11 and 13 with the Clerk of the Commission. (Sign-up sheets at entrance of Commission Chambers.)

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
6. Communications and Petitions Distribution (if any)
7. Special Awards/Recognition
8. Discussion of City Manager’s Recommendations (See Section II)
9. Citizen Comments on City Manager's Recommendations
10. City Commission Action on City Manager’s Recommendations
11. Public Hearings: N/A
12. Discussion Item: N/A
13. Comments by Citizens - Please register to speak with the Clerk of Commission (Non - Calendar items) sign-up sheets at entrance of Commission Chambers
14. Comments by City Manager
15. Comments by City Commission
16. Work Session: Finance Committee Briefing - 5:00 p.m.  
https://www.daytonohio.gov/330/Government-TV
17. Miscellaneous (See Section VI)

II. CITY MANAGER RECOMMENDATIONS (Item #8 above)
The following recommendations are offered for City Commission approval.

A. Purchase Orders, Agreements and Contracts:
(All contracts are valid until delivery is complete or through December 31st of the current year).

1. Purchase Orders:

   AVIATION
   A1. Steinke Tractor Sales, Inc. (lawn equipment parts, materials and supplies as needed through 12/31/21) $10,000.00
1. (Cont’d):

**CIVIL SERVICE BOARD**

B1. Sparks, Steven dba Sparks Psychological Services, LLC (pre-employment psychological testing as needed through 12/31/21) $88,000.00

**ECONOMIC DEVELOPMENT**

C1. Longs Lawn Care (commercial ground maintenance services as needed through 12/31/21) 263,700.00

**PUBLIC WORKS**

D1. J.L. Kuck General Contractors, Inc. (two covered walkways with bi-monthly safety inspections) 84,750.00

D2. Kendall Electric, Inc. (electrical parts, supplies and related items as needed through 12/31/21) 10,000.00

**WATER**

E1. D M Anderson, Inc. (two refrigerated samplers and related items) 15,251.28

E2. YSI Incorporated (two preventative factory service plans) 4,200.00


**Total:** $475,901.28

B. Award of Contract:

2. **Bladecutters, Inc. – Award of Contract** – for Playground Equipment Installation (20% MBE Participation Goal/ 20% MBE Participation Achieved - Department of Public Works $138,450.00 (Thru 8/30/22)

3. **Ulliman Schutte Construction, LLC. – Award of Contract** – for odor control cover replacement project (10% DBE Participation Goal/0.13% DBE Participation Achieved) – Department of Water $4,352,500.00

E. Other – Contributions, Etc.:

4. **Miami Valley Regional Planning Commission (MVRPC) – Other** – for the annual membership dues – Department of Planning & Community Development $65,102.42 (Thru 12/31/21)
II. LEGISLATION:

Emergency Ordinance – First and Second Reading:

5. No. 31885-21 Amending the City’s Appropriations for the Year 2021, and Declaring an Emergency.

Ordinance – Second Reading

6. No. 31884-21 Authorizing the City Manager to Accept a Grant Award from the Ohio Department of Transportation for an Amount of Four Million Seven Hundred Forty-One Thousand Seventy Dollars and Zero Cents ($4,741,070.00) in Federal Safety Funds.

ORDINANCE NO. 31886-21

RESOLUTION NO. 6574-21

IMPROVEMENT RESOLUTION NO. 3599-21

INFORMAL RESOLUTION NO. 988-21
City Manager’s Report

From 2730 – PMB/Procurement

Date May 5, 2021

Expense Type Purchase Order

Total Amount $475,901.28

Name See Below

Address See Below

2021 Purchase Orders

<table>
<thead>
<tr>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>See below</td>
<td>See below</td>
<td>See below</td>
</tr>
</tbody>
</table>

Includes Revenue to the City ☑ Yes ☐ No

Affirmative Action Program ☑ Yes ☐ No ☐ N/A

Description

AVIATION

(A1) P0210730 – STEINKE TRACTOR SALES, INC. EATON, OH

- Lawn equipment parts, materials and supplies as needed through 12/31/2021.
- These goods are required to maintain and repair City-owned Massey Ferguson brand tractors.
- Steinke Tractor Sales, Inc. is recommended as the manufacturer’s authorized dealership; therefore, this purchase was negotiated.
- This amendment increases the previously authorized amount of $4,0000.00 by $10,000.00 for a total not to exceed $14,000.00 and therefore requires City Commission approval.
- The Department of Aviation recommends approval of this order.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>DIA Airport Operations</td>
<td>51000-3222-1301-43</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

Signatures/Approval

Approved by City Commission

Clerk

Date

Updated 06/2016
CIVIL SERVICE BOARD

(B1) P0210836 – SPARKS, STEVEN dba SPARKS PSYCHOLOGICAL SERVICES LLC, MASON, OH

- Pre-employment psychological testing as needed through 12/31/2021.
- These services are required for officer pre-employment testing.
- Sixteen (16) possible vendors were solicited and two (2) responses were received. This order establishes a price agreement per RFP 21-011CSB with pricing through 3/31/2024.
- The Civil Service Board requests additional authority of $60,000.00 through 12/31/2023.
- The Civil Service Board recommends acceptance of the lowest and best bid.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
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<tr>
<td>2021</td>
<td>General Fund</td>
<td>10000-1300-1159-62</td>
<td>$28,800.00</td>
</tr>
<tr>
<td>2022</td>
<td>General Fund</td>
<td>10000-1300-1159-62</td>
<td>$30,000.00</td>
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<tr>
<td>2022</td>
<td>General Fund</td>
<td>10000-1300-1159-62</td>
<td>$30,000.00</td>
</tr>
</tbody>
</table>

ECONOMIC DEVELOPMENT

(C1) P0210856 – LONGS LAWN CARE, JEFFERSON TOWNSHIP, OH

- Commercial Ground Maintenance Services as needed through 12/31/2021.
- These services are required to maintain City-owned properties.
- Nineteen (19) possible vendors were solicited and six (6) bids were received. This order establishes a price agreement per IFB 21014D with pricing through 3/31/2024.
- Longs Lawn Care is a Dayton certified entity.
- The Department of Economic Development requests additional authority of $175,800.00 through 3/31/2024.
- The Department of Economic Development recommends acceptance of the lowest and best bid.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>Real Estate Development</td>
<td>16304-2600-1159-41</td>
<td>$87,900.00</td>
</tr>
<tr>
<td>2022</td>
<td>Real Estate Development</td>
<td>16304-2600-1159-41</td>
<td>$87,900.00</td>
</tr>
<tr>
<td>2023</td>
<td>Real Estate Development</td>
<td>16304-2600-1159-41</td>
<td>$87,900.00</td>
</tr>
</tbody>
</table>
PUBLIC WORKS – CIVIL ENGINEERING

(D1) **P0210852 – J L KUCK GENERAL CONTRACTORS, INC., LUDLOW FALLS, OH**
- Two (2) covered walkways with bimonthly safety inspections.
- These goods and services are required for the safety of citizens at 24-32 East Fifth Street and 40 S. Main Street.
- Pursuant to Section 86 of the City of Dayton Charter, the City has declared an emergency, the necessary funds have been encumbered, and the supplier has been notified to proceed.
- Thirty-eight (38) possible vendors were solicited and one (1) response was received.
- The Department of Public Works recommends acceptance of the sole bid.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>Permanent Improvement Funds</td>
<td>40001-6450-1424-54</td>
<td>$84,750.00</td>
</tr>
</tbody>
</table>

PUBLIC WORKS – PROPERTY MANAGEMENT

(D2) **P0210755 – KENDALL ELECTRIC, INC., DAYTON, OH**
- Electrical parts, supplies and related items as needed through 12/31/2021.
- These goods are required to maintain existing electrical equipment and department facilities.
- Rates are in accordance with the City of Dayton’s existing price agreement IFB 21003N with pricing through 12/31/2023.
- Kendall Electric, Inc. qualifies as a Dayton local entity.
- This amendment increases the previously authorized amount of $10,000.00 by $10,000.00 for a total not to exceed $20,000.00 and therefore requires City Commission approval.
- The Department of Public Works recommends approval of this order.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>General Fund</td>
<td>10000-6480-1301-54</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>
WATER – WATER RECLAMATION

(E1) P0210326 – D M ANDERSON, INC., LYNCHBURG, OH
- Two (2) refrigerated samplers and related items.
- These goods are required to replace samplers in stations 1 and 10.
- D M Anderson, Inc. is the sole source manufacturer of Teledyne ISCO and QCEC automatic water/wastewater sampling and flow monitoring equipment; therefore, this purchase was negotiated.
- This amendment increases the previously authorized amount of $10,000.00 by $15,251.28 for a total not to exceed $25,251.28 and therefore requires City Commission approval.
- The Department of Water recommends approval of this order.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>Sanitary Sewer Operating</td>
<td>55000-3460-1301-54</td>
<td>$15,251.28</td>
</tr>
</tbody>
</table>

(E2) P0210652 – YSI INCORPORATED, YELLOW SPRINGS, OH
- Two (2) preventative factory service plans.
- These goods and services are required for two (2) EXO1 sondes preventative maintenance plans, calibrations and selected replacement parts for three (3) years.
- YSI Incorporated is the Original Equipment Manufacturer (OEM) for the EXO1 sondes; therefore, this purchase was negotiated.
- This amendment increases the previously authorized amount of $9,790.00 by $4,200.00 for a total not to exceed $13,990.00 and therefore requires City Commission approval.
- The Department of Water recommends approval of this order.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>Waste Water Treatment</td>
<td>55003-3460-1424-54-SF1415</td>
<td>$4,200.00</td>
</tr>
</tbody>
</table>

The aforementioned departments recommend approval of these orders.
From 6410 - Public Works Director
Supplier, Vendor, Company, Individual
Name Bladecutters Inc.
Address 5440 N. Dixie Dr.
Dayton, Ohio 45414

Date May 5, 2021
Expense Type Award of Contract
Total Amount $138,450.00 (thru 8/30/22)

Fund Source(s) Fund Code(s) Fund Amount(s)
2020 Infrastructure Parks Upgrades 49024-6410-1424-54 $138,450.00

Includes Revenue to the City ☑ Yes ☐ No
Affirmative Action Program ☑ Yes ☐ No ☐ N/A

Description
PLAYGROUND EQUIPMENT INSTALLATION
(20% MBE PARTICIPATION GOAL/20% MBE PARTICIPATION ACHIEVED)

This project consists of providing materials and labor to construct or install playground equipment at Ridgecrest Park and Nordale Park. Work shall include installing surfacing, borders, and playground equipment at both locations.

Three bids were received for this project. It is recommended that the contract be awarded to the second lowest bidder, Bladecutters Inc., in the amount of $138,450.00. This amount is the base bid in the amount of $138,450.00. The estimate cost for the project is $150,000.00. Project completion is August 1, 2021. The apparent low bidder submitted a bid utilizing zero (0) PEP-certified contractor and failed to meet the project’s participation goal. The low bidder also did not submit a valid waiver request.

This project is being funded using 2020 G.O. Debt.

A Certificate of Funds, Tabulation of Bids, Human Relations Council’s verification letter, the Bid Form from the firm recommended for award, and street list are attached.

Signatures/Approval
Approved by City Commission

Division
Department
City Manager

FORM NO. MS-16

Clerk
Date

Updated 10/2019
CERTIFICATE OF FUNDS

SECTION I + A3: AF57- to be completed by User Department

X New Contract

Renewal Contract

Change Order:

Contract Start Date

05/05/21

Expiration Date

08/30/22

Original Commission Approval

$ 138,450.00

Initial Encumbrance

$ 138,450.00

Remaining Commission Approval

$ -

Original CT/CF

Increase Encumbrance

Decrease Encumbrance

Remaining Commission Approval

Required Documentation

Initial City Manager's Report

Initial Certificate of Funds

Initial Agreement/Contract

Copy of City Manager's Report

Copy of Original Certificate of Funds

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 138,450.00</td>
</tr>
</tbody>
</table>

Fund Code

49024 - 6410 - 1424 - 54 - - - - -

Fund Org Act Prog Act Loc

| Amount |

Fund Code

- - - - - - - - - -

Fund Org Act Prog Act Loc

Attach additional pages for more FOAPALS

Vendor Name: Bladecutters Inc.

Vendor Address: 5440 N. Dixie Dr Dayton Ohio 45414

Street City State Zip code + 4

Federal ID: 31-1265427

Commodity Code: 91831

Purpose: Award of Contract for Playground Equipment Installation (20% MBE Participation Goal)

Contact Person: David Burns

Public Works/Civil Engineering

937-333-4081

Department/Division Phone number

Originating Department Director's Signature: [Signature]

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director's Signature: [Signature]

Date: 4/27/2021

CF Prepared by: [Signature]

Date: 4/26/2021

CF/CT Number: 201-29-70

Finance Department

October 18, 2011
Playground Equipment Installation at Nordale Park and Ridgecrest Park (#7600244)
Owner: City of Dayton Ohio
Solicitor: Dayton OH, City of
03/25/2021 12:00 PM EDT
Engineer’s Estimate of Cost: $150,000

<table>
<thead>
<tr>
<th>Section Title Line Item</th>
<th>Item Code</th>
<th>Item Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Engineer Estimate</th>
<th>Play Care LLC</th>
<th>Bladecutter’s Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Playground Equipment Installation at Nordale Park and Ridgecrest Park</td>
<td>1 SPL</td>
<td>Playground</td>
<td>Each</td>
<td>2</td>
<td>$75,000.00</td>
<td>$150,000.00</td>
<td>$55,609.29</td>
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<tr>
<td>Base Bid Total:</td>
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<td></td>
<td></td>
<td></td>
<td>$150,000.00</td>
<td></td>
<td>$111,218.58</td>
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</table>

Extension

<table>
<thead>
<tr>
<th>Extension</th>
<th>Double Jay Construction Inc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Price</td>
<td>Extension</td>
</tr>
<tr>
<td>$138,450.00</td>
<td>$81,400.00</td>
</tr>
<tr>
<td>$138,450.00</td>
<td>$162,800.00</td>
</tr>
</tbody>
</table>
April 6, 2021

TO:         David M. Burns, Senior Engineer 1
            Bureau of Traffic Engineering
            Public Works

FROM:      Chrisondra Goodwine, Interim Business & Technical Assistance Administrator
            Human Relations Council (HRC)

SUBJECT: Playground Equipment Installation (20% MBE Participation Goal)

The apparent low bidder, PlayCare LLC, submitted a bid utilizing zero (0) PEP-certified contractor and failed to meet the project’s participation goal. PlayCare LLC did not submit a valid waiver request. The second lowest bidder, Bladecutter’s Inc. submitted a bid utilizing one (1) PEP—certified contractor to meet the project’s participation goal. The HRC’s contract compliance analysis has verified that Bladecutter’s Inc. is an approved bidder in the City of Dayton’s Affirmative Action Assurance program and that the company’s authorized representative signed the Contractor’s Certification to indicate fair hiring practices.

The recommended company to receive the above-mentioned construction award is as follows:

<table>
<thead>
<tr>
<th>Prime Contractor</th>
<th>Amount of Base Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bladecutter’s Inc.</td>
<td>$138,450.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Certified Business Participation</th>
<th>Committed Dollar AMT</th>
<th>% Toward Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>EWOL Trucking</td>
<td>$27,690.00</td>
<td>20%</td>
</tr>
</tbody>
</table>

Total Committed Participation 20% MBE

The attached participation forms should be included with the contract agreement. Contract compliance will include meeting verified participation and minimal worker utilization goals as stated in the Affirmative Action Program Equal Employment Opportunity form certified in the bid submission. If you have any questions or concerns, please feel free to contact me at (937) 333-1405.

CAG
PEP PARTICIPATION COMMITMENT AND/OR WAIVER REQUEST FORM

Instructions for Bidders/Proposers: Submit one (1) executed copy of this form with your Bid/Proposal.

- If Option 1 is selected you must also submit one (1) executed PEP-Certified SBE/MBE/WBE/DLSB Participation Form for each PEP-Certified Firm whose participation you plan to count toward the project/contract's participation goal(s).
- If Option 2 (WAIVER REQUEST) is selected you must also submit documentation of your Good Faith Efforts to the City of Dayton Human Relations Council (HRC) within two (2) business days of the Bid Opening / Proposal Due Date. Bidders/Proposers will receive no further reminders about this deadline.

The undersigned affirms that the Bidder/Proposer has satisfied the requirements of the Bid/RFP Specification in the following manner: (Check the box for Option 1 and/or Option 2 complete the appropriate spaces, and sign below.)

☐ Option 1. The Bidder/Proposer has secured enough commitment(s) from one or more PEP-Certified Firms to meet or exceed the project’s PEP participation goal(s). The Bidder/Proposer is committed to a minimum of:

<table>
<thead>
<tr>
<th>% SBE</th>
<th>% MBE</th>
<th>% WBE</th>
<th>% DLSB</th>
</tr>
</thead>
</table>

participation on this contract, as detailed on the executed PEP-Certified SBE/MBE/WBE/DLSB Participation Form(s) submitted with this Bid/Proposal.

☑ Option 2 (WAIVER REQUEST). The Bidder/Proposer is unable to meet the project’s PEP participation goal(s) and requests that the following goal(s) be waived: (Check all that apply.)

☐ SBE  ☐ MBE  ☐ WBE  ☐ DLSB

The Bidder/Proposer’s documentation of Good Faith Efforts to meet the participation goal(s) checked above must be submitted to the HRC within two (2) business days of the Bid Opening / Proposal Due Date. The Bidder/Proposer will receive no further reminders about this deadline.

A waiver will be granted based on a Bidder/Proposer’s documented Good Faith Efforts, and only when the HRC determines that the Bidder/Proposer has completed all of the following activities:

1. Solicited the interest of all PEP-Certified Firms having the capability to perform the work of the contract. The Bidder/Proposer must solicit this interest at least ten (10) business days before the Bid Opening / Proposal Due Date in order to allow the PEP-Certified Firm sufficient time to respond to the solicitation. Electronic communication will not be deemed as sufficient Good Faith Efforts, if it is the sole method of communication used.

2. Divided contract work items into economically feasible units to facilitate PEP participation, even when the Bidder/Proposer might otherwise prefer to perform these work items with its own forces.

3. Negotiated in good faith with PEP-Certified Firms, and considered the firms’ prices and capabilities as well as the contract goals. Rejected PEP-Certified Firms as being unqualified only for reasons based on a diligent investigation of their capabilities. The Bidder/Proposer’s standing within its industry; membership in specific groups, organizations, or associations; and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes to reject or not solicit bids from particular PEP-Certified Firms.

4. Provided interested PEP-Certified Firms with plans and specifications at no cost, or directed them to the Greater Dayton Minority Business Assistance Center (Dayton MBAC) for information about the project’s plans, specifications, and requirements at least ten (10) business days prior to the Bid Opening / Proposal Due Date in order to assist them in responding to a solicitation.

5. Sought the Dayton MBAC’s assistance or used the services of community organizations; contractors’ groups; local, state or federal business assistance offices; or similar organizations to find PEP-Certified Firms. Contacting the HRC for a list of certified companies will not be deemed as sufficient Good Faith Efforts.

NOTE: In determining whether a Bidder/Proposer has made Good Faith Efforts, the HRC may take into account the performance of other Bidders/Proposers in meeting the goal(s). For example, when the apparent low bidder fails to meet a participation goal but others meet it, the HRC may reasonably raise the question of whether, with additional reasonable efforts, the apparent low bidder could have met the goal.

Weston Sale
Digitally signed by Weston Sale
Date: 2021.03.16 08:20:10 -04'00'
(Signature of Bidder/Offeror's Authorized Agent)

PlayCare LLC
(Name of Bidder/Proposer's Firm)

Weston Sale
(Printed Name of Bidder/Offeror's Authorized Agent)

Sales Manager
(Title of Bidder/Offeror's Authorized Agent)
03/16/2021
(Date)
PEP-CERTIFIED

(SELECT ONE) PARTICIPATION FORM

Instructions for Bidders / Proposers: Submit one executed copy of this form for each Procurement Enhancement Plan (PEP)-Certified Firm whose participation you plan to count toward the project/contract's participation goal(s). This form must be included with your Bid. To split a PEP-Certified Firm's participation among more than one goal, submit a separate form for each goal (i.e., SBE, MBE, WBE, or DLSB).

SECTION 1: BIDDER / PROPOSER INFORMATION

Name of Bidder / Proposer's Firm: Bladecutters
Address: 5440 N. Dixie Dr.
City: Dayton State: OH ZIP: 45414
Telephone: (937) 274-3861 Email: info@bladecutters.com
Primes Base Bid $ 138,450
Name of Project: Playground Equipment Installation at Ridgeway and Norclark

SECTION 2: PEP-CERTIFIED BUSINESS & PARTICIPATION INFORMATION

Name of PEP-Certified Firm: EWOL Trucking
PEP-Certified Firm's Tax ID#: 31-1478486

Scope of Work to Be Performed by Certified Firm: Provide materials, equipment

<table>
<thead>
<tr>
<th>Total Dollar Amount Towards Goal</th>
<th>Percentage Towards Goal</th>
<th>Amount to Be Paid to This PEP Firm for the Work Described:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Bid $ 138,450</td>
<td>% 20</td>
<td>$ 27,690</td>
</tr>
<tr>
<td>Materials $</td>
<td>%</td>
<td>$</td>
</tr>
<tr>
<td>Labor</td>
<td>%</td>
<td>$</td>
</tr>
</tbody>
</table>

SECTION 3: AFFIRMATIONS

The above-named Bidder / Proposer affirms, under penalty of perjury, that it has negotiated in good faith with the above-named PEP-Certified Firm and will utilize the above-named PEP-Certified Firm for the type(s) of work and for the dollar amount(s) described above.

(Signature of Bidder/Proposer's Authorized Agent)

Parker Davis
(Printed Name of Bidder/Proposer's Authorized Agent)

VP of Sales
(Title of Bidder/Proposer's Authorized Agent)

(Date)

IF THE BIDDER/OFFEROR IS NOT AWARDED A CONTRACT, OR IF THE HRC DOES NOT APPROVE OF THE TERMS AS STATED ABOVE, THEN ANY AND ALL REPRESENTATIONS ON THIS PARTICIPATION FORM SHALL BE NULL AND VOID.
PEP PARTICIPATION COMMITMENT AND/OR WAIVER REQUEST FORM

Instructions for Bidders/Proposers: Submit one (1) executed copy of this form with your Bid/Proposal.

- If Option 1 is selected, you must also submit one (1) executed PEP-Certified SBE/MBE/WBE/DLSB Participation Form for each PEP-Certified Firm whose participation you plan to count toward the project/contract’s participation goal(s).
- If Option 2 (WAIVER REQUEST) is selected, you must also submit documentation of your Good Faith Efforts to the City of Dayton Human Relations Council (HRC) within two (2) business days of the Bid Opening / Proposal Due Date. Bidders/Proposers will receive no further reminders about this deadline.

The undersigned affirms that the Bidder/Proposer has satisfied the requirements of the Bid/RFP Specification in the following manner: (Check the box for Option 1 and/or Option 2, complete the appropriate spaces, and sign below.)

☐ Option 1. The Bidder/Proposer has secured enough commitment(s) from one or more PEP-Certified Firms to meet or exceed the project’s PEP participation goal(s). The Bidder/Proposer is committed to a minimum of:

<table>
<thead>
<tr>
<th>% SBE</th>
<th>% MBE</th>
<th>% WBE</th>
<th>% DLSB</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td></td>
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</tbody>
</table>

participation on this contract, as detailed on the executed PEP-Certified SBE/MBE/WBE/DLSB Participation Form(s) submitted with this Bid/Proposal.

☐ Option 2 (WAIVER REQUEST): The Bidder/Proposer is unable to meet the project’s PEP participation goal(s) and requests that the following goal(s) be waived: (Check all that apply.)

☐ SBE  ☐ MBE  ☐ WBE  ☐ DLSB

The Bidder/Proposer’s documentation of Good Faith Efforts to meet the participation goal(s) checked above must be submitted to the HRC within two (2) business days of the Bid Opening / Proposal Due Date. The Bidder/Proposer will receive no further reminders about this deadline.

A waiver will be granted based on a Bidder/Proposer’s documented Good Faith Efforts, and only when the HRC determines that the Bidder/Proposer has completed all of the following activities:

1. Solicited the Interest of all PEP-Certified Firms having the capability to perform the work of the contract. The Bidder/Proposer must solicit this interest at least ten (10) business days before the Bid Opening / Proposal Due Date in order to allow the PEP-Certified Firm sufficient time to respond to the solicitation. Electronic communication will not be deemed as sufficient Good Faith Efforts, if it is the sole method of communication used.

2. Divided contract work items into economically feasible units to facilitate PEP participation, even when the Bidder/Proposer might otherwise prefer to perform these work items with its own forces.

3. Negotiated in good faith with PEP-Certified Firms, and considered the firms’ prices and capabilities as well as the contract goals. Rejected PEP-Certified Firms as being unqualified only for reasons based on a diligent investigation of their capabilities. The Bidder/Proposer’s standing within its industry; membership in specific groups, organizations, or associations; and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes to reject or not solicit bids from particular PEP-Certified Firms.

4. Provided interested PEP-Certified Firms with plans and specifications at no cost, or directed them to the Greater Dayton Minority Business Assistance Center (Dayton MBAC) for information about the project’s plans, specifications, and requirements at least ten (10) business days prior to the Bid Opening / Proposal Due Date in order to assist them in responding to a solicitation.

5. Sought the Dayton MBAC’s assistance or used the services of community organizations; contractors’ groups; local, state or federal business assistance offices; or similar organizations to find PEP-Certified Firms. Contacting the HRC for a list of certified companies will not be deemed as sufficient Good Faith Efforts.

NOTE: In determining whether a Bidder/Proposer has made Good Faith Efforts, the HRC may take into account the performance of other Bidders/Proposers in meeting the goal(s). For example, when the apparent low bidder fails to meet a participation goal but others meet it, the HRC may reasonably raise the question of whether, with additional reasonable efforts, the apparent low bidder could have met the goal.

(Signature of Bidder/Offerer’s Authorized Agent)  (Name of Bidder/Offerer’s Firm)

(Parker Davis)  (VP of Sales)  3/24/21

(Printed Name of Bidder/Offerer’s Authorized Agent)  (Title of Bidder/Offerer’s Authorized Agent)  (Date)
CITY OF DAYTON, OHIO
DEPARTMENT OF PUBLIC WORKS

Bid

Playground Equipment Installation

Ridgecrest Park

Nordale Park

Bidder
Bladecutter's Inc
5440 N Dixie Dr.
Dayton, OH
45414
Playground Equipment Installation at Nordale Park and Ridgecrest Park (#7600244)

Owner: City of Dayton Ohio
Solicitor: Dayton OH, City of
03/25/2021 12:00 PM EDT
Engineer's Estimate of Cost: $150,000

<table>
<thead>
<tr>
<th>Section Line Item</th>
<th>Item Code</th>
<th>Item Description</th>
<th>UofM</th>
<th>Quai Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Playground Equipment Installation</td>
<td>SPL</td>
<td>Playground Eq Each</td>
<td>2</td>
<td>$69,225.00</td>
<td>$138,450.00</td>
</tr>
</tbody>
</table>

Bladecutter's Inc.
Bidder is
An Individual
Firm Name

Business Address

Telephone

Partnership
Firm Name

Members of Firm and
Their Business Address

Telephone

Corporation
Name

State of Incorporation

Name and Title of
Officers with Authority
to Sign Contract

Phone (937) 274-3861
Fax (937) 274-9306

Home Office Address

Local Address

5440 N Dixie Dr. Dayton, OH 45414
5440 N Dixie Dr. Dayton, OH 45414

E-mail info@bladecutters.com

Federal I.D.# 31-1265427

Dated this 22 day of March , 2021

Bidder: Bladecutters (Person, Firm, or Corporation)

By:

Title: Pres
DISCLOSURE OF LITIGATION AND/OR INVESTIGATION

Disclosure of Litigation: Have you or any person, group, partnership, company, or corporation affiliated with you been engaged in the past three (3) years in litigation, mediation or any form of contractual dispute resolution with any state government or any political subdivision thereof including, without limitation, the State of Ohio, the City of Dayton, Ohio, or Montgomery County, Ohio? For the purpose of your response, “affiliated” means directly or indirectly controlling, controlled by, or under common control, with “control” meaning legally or operationally in a position to exercise restraint or direction over the other.

RESPONSE: YES [ ] NO [ ✔ ]

If your response is “YES” please separately identify each lawsuit, mediation or dispute resolution process in which you or your affiliate have been engaged during the past three (3) years. Identify the nature of the dispute, the parties involved, and the current status of the dispute. Attach or include any information you believe pertinent to a full understanding of the disputed matters.

Disclosure of Investigation or Criminal Proceedings:

Within the past three (3) years have you or any person, group partnership, company, or corporation affiliated with you:

(1) Been the subject of any criminal investigation, whether open or closed, or an indictment for any business-related conduct constituting a crime under local, state or federal law?

RESPONSE: YES [ ] NO [ ✔ ]

(2) Been the subject of:

(i) An indictment, grant of immunity, judgment or conviction (including entering into a plea bargain) for conduct constituting a crime; or
(ii) Any criminal investigation, felony indictment or conviction concerning the formation of any business association with, an allegedly false or fraudulent Minority Business Enterprise, Women-Owned Business Enterprise, or a Disadvantaged Business Enterprise

RESPONSE: YES [ ] NO [ ✔ ]

If your response is “YES” please separately identify each investigation and/or indictment. Identify the names of the investigating agency, the court caption and case number of any indictment, the nature of the investigation/indictment, the parties involved, the current status, and if completed the final outcome.
Within the past three (3) years has any individual previously identified or any individual currently or formerly having the authority to sign, execute or approve bids, proposals, contracts or supporting documentation on behalf of the company been:

(1) Sanctioned relative to any business or professional permit and/or license?
RESPONSE: YES ☐  NO ☑

(2) Suspended, debarred, or disqualified from any government contracting process?
RESPONSE: YES ☐  NO ☑

(3) The subject of a criminal investigation, whether open or closed, or an indictment for any business related constituting a crime under local, state, or federal law?
RESPONSE: YES ☐  NO ☑

(4) Charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a judgment for:

(i) Any business-related activity, including but not limited to fraud, coercion, extortion, bribe or bribe receiving, giving or accepting unlawful gratuities, immigration or tax fraud, racketeering, mail fraud, wire fraud, price-fixing or collusive bidding; or

(ii) Any crime, whether or not business-related, the underlying conduct of which related to truthfulness, including but not limited to filing of false documents or false sworn statements, perjury or larceny.

RESPONSE: YES ☐  NO ☑

If your response is “YES” please separately identify each investigation and/or indictment. Identify the names of the investigating agency, the court caption and case number of any indictment, the nature of the investigation/indictment, the parties involved, the current status, and if completed the final outcome.
Bond Number: SOH21127600

Contractor Information
Principal: Bladecutters, Inc. 937-274-3861
Address: 5440 N Dixie Drive Dayton Ohio 45414 United States
Contractor's State Vendor ID Number: 4874389

Owner/Obligee Information
Bond Form: Bid Bond in accordance with Contract Specifications
Owner / Obligee: City of Dayton
Address: 101 W Third St Dayton Ohio 45402 United States

Bond Information
Surety: Westfield Insurance Company
Rider Present: Click here to view
Amount of Bid Security: 10
Contract ID Number: 7600244
Description of Job: Playground Installation at Ridgecrest and Nordale Park

Primary Agency:
Hamler Gingrich Insurance Agency Inc
Power of Attorney Limited to: 7000000

Executed By:
Matt James Gingrich - 3/24/2021 12:12:44 PM ET
Phone: 937-698-4101
Email: mgingrich@hgi.ai.com

Know all men by these presents that Westfield Insurance Company, a Corporation duly organized under the laws of the State of Ohio, are held and firmly bound unto the above owner/obligee by this transmission. The surety agrees to waive the Statute of Fraud defense and further agrees that the owner/obligee is a third party beneficiary of the waiver for the purposes of enforcing this bid bond.
General Power of Attorney

CERTIFIED COPY

Know all men by these presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint

MICHAEL W. GRUBER, ROSEMARY DAMRON, LORI M. ORTIZ, JOINTLY OR SEVERALLY

of COLUMBUS and State of OH its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship.

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be it Resolved that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company hereof or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 21st day of MARCH, A.D. 2014.

WESSTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

By: Dennis P. Baus, National Surety Leader and Senior Executive

State of Ohio
County of Medina ss.

On this 21st day of MARCH, A.D. 2014, before me personally came Dennis P. Baus to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed

State of Ohio
County of Medina ss.

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this day of

A.D. 2014.

Frank A. Carrino, Secretary

BPOAC2 (combined) (06-02)
# OHIO FARMERS INSURANCE COMPANY
## BALANCE SHEET
**12/31/20**
(in thousands)

<table>
<thead>
<tr>
<th>Assets</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash, cash equivalents, and short term investments</td>
<td>23,041</td>
</tr>
<tr>
<td>Bonds</td>
<td>429,635</td>
</tr>
<tr>
<td>Stocks</td>
<td>130,912</td>
</tr>
<tr>
<td>Subsidiaries</td>
<td>2,333,949</td>
</tr>
<tr>
<td>Real estate</td>
<td>179,311</td>
</tr>
<tr>
<td>Premiums receivable</td>
<td>114,652</td>
</tr>
<tr>
<td>Other assets</td>
<td>162,574</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>3,374,074</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Liabilities</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Reserve for unearned premiums</td>
<td>168,415</td>
</tr>
<tr>
<td>Reserve for unpaid losses and loss expenses</td>
<td>327,709</td>
</tr>
<tr>
<td>Reserve for taxes and other liabilities</td>
<td>169,403</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>665,527</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Surplus</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Surplus to policyholders</td>
<td>2,708,457</td>
</tr>
<tr>
<td><strong>Total surplus</strong></td>
<td>2,708,457</td>
</tr>
</tbody>
</table>

| Total liabilities and surplus | 3,374,074 |

## State of Ohio

ss:
County of Medina

The undersigned, being duly sworn, says: That he is National Surety Leader - Surety Operations of Ohio Farmers Insurance Company, Westfield Center, Ohio; that said Company is a corporation duly organized, existing and engaged in business as a Surety Company by virtue of the Laws of the State of Ohio and authorized to do business in the State of Ohio, and has duly complied with all the requirements of the laws of said State applicable to said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress approved July 1947, 6 U.S.C. sec. 6-13; and that to the best of his knowledge and belief the above statement is a full, true, and correct statement of the financial condition of the said Company on the 31st day of December, 2020.

Attest:

Frank A. Carrino  
Group Legal Leader, Secretary

Sworn to before me this 10th day of February A.D. 2021.

My Commission Does Not Expire  
Sec. 147.03 Ohio Revised Code

Gary W. Stumper  
National Surety Leader  
Senior Executive

David A. Kotnik  
Attorney at Law  
Notary Public – State of Ohio
CITY OF DAYTON, OHIO
Department of Public Works

Responsible Contractor Bidding Requirements
(Form 1 of 3)

In accordance with Ordinance No. 31487-16 of the City of Dayton, Ohio Revised Code of General Ordinances,

I, ___________________________ hereby certify that

(print name – an Officer of the company)

Bladecutter's ___________________________ meets the following Contractor requirements relating to this City of Dayton construction project

Check All That Apply:

☑ Comply with all City of Dayton income tax obligations and requirements

☑ Maintain worker’s compensation insurance for all employees as required by the State of Ohio

☑ Comply with State or Federal prevailing wage rate laws, as applicable and required by the funding of this project

☑ Comply with the State of Ohio Bureau of Worker’s Compensation Drug Free Workplace Policy

☑ Maintain an unemployment compensation insurance policy registered with the State of Ohio Department of Job and Family Services

☑ Made a good faith effort to contract with one or more qualified minority business enterprises to perform work required by this project, in accordance with bid documents, ordinances, and applicable Federal and State law

By: ___________________________

(signature)

Title: ___________________________

Date: 3/22/2021
CITY OF DAYTON, OHIO
Department of Public Works

Responsible Contractor Bidding Requirements
(Form 2 of 3)

A. Please provide a complete listing of the fringe benefits provided to employees, including but not limited to health insurance and retirement benefits.

<table>
<thead>
<tr>
<th>Health Insurance</th>
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<table>
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<tr>
<th>Retirement Plan</th>
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</table>

B. Please identify any “bona fide apprentice training program” in which this company participates in accordance with the Ohio Bureau of Apprenticeship Training and the U. S. Department of Labor.

<table>
<thead>
<tr>
<th>n/a</th>
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C. Please provide a list of subcontractors whose quotes or information are included or used in the bid submitted for this project.

<table>
<thead>
<tr>
<th>EWOL Trucking</th>
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</tbody>
</table>
D. Please provide a list of all minority business enterprises contacted for the purpose of obtaining quotes to perform work for this project.

**EWOL Trucking**

__________________________________________

__________________________________________

__________________________________________

__________________________________________

__________________________________________

E. Provide a complete listing of any determinations of the bidder’s violations of federal, state, or local laws, including a list of all citations, orders, or recommendations issued to or against the bidder within the previous 3 years.

__________________________________________

__________________________________________

__________________________________________

__________________________________________

__________________________________________
CERTIFICATION
OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13
FOR CONTRACTS IN EXCESS OF FIVE HUNDRED DOLLARS ($500.00)

STATE OF OHIO,
COUNTY OF Montgomery ss:

John Scott being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of
   Bladecutter's ("the Contracting Party").

2. The Contracting Party is a/an (select one):
   □ Individual, partnership, or other unincorporated business association (including without
     limitation, a professional association organized under Ohio Revised Code Chapter
     1785), estate, or trust.
   ☑ Corporation organized and existing under the laws of the State of Ohio.
   □ Labor organization.

3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C.
   3517.93(I)(3) (with respect to non-corporate entities and labor organizations) or R.C.
   3517.93(J)(3) (with respect to corporations) are in full compliance with the political
   contributions limitations set forth in R.C. 3517.93(I) and (J), as applicable. I understand that
   a false representation on this certification constitutes a felony of the fifth degree pursuant to
   R.C. 3517.93(AA) and 3517.992(R)(3). Any contract that contains a falsified certification
   shall be rescinded.

   By: 

   Title: President
CITY OF DAYTON
CONTRACTOR NON-COLLUSION AFFIDAVIT

STATE OF Ohio  }  SS:
COUNTY OF Montgomery  }

John Scott, being first duly sworn deposes and
states that:

(1) He/she is President of
(owner, partner, officer, representative, or agent)
Bladecutter's
(business or organization name)

(2) He/She is fully informed respecting the preparation and contents of the attached Bid
and all pertinent circumstances respecting such Bid.

(3) Such offering is genuine and is not a collusive or sham offering.

(4) Neither the said Bidder nor any of its officers, partners, owners, agents,
representatives, employees or parties in interest, including this affiant, has in any way
colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm
or person to submit a sham Bid in connection with the Contract for which the attached Bid
has been submitted or to refrain from offering in connection with such contract, or has in
any manner, directly or indirectly, sought by agreement or collusion or communication or
conference with any other Bidder, or to secure through collusion, conspiracy, connivance
or unlawful agreement any advantage against the City of Dayton, its employees, or
citizens.

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted
by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder
or any of its agents, representatives, owners, employees, or parties in interest including
the affiant.

SIGNED

President
TITLE
Previous Work Experience

Bladecutter’s has installed similar structures for (but not limited to) the following customers with satisfaction of customer in all cases.

City of Dayton
David Burns—Departments of Public Works
(937) 333-4081

Johnny Appleseed Park District
Tyler Black — Deputy Director
(419) 221-1232

Harrison Township
Mark Coleman— Services Superintendent
937-274-6871

Woda Construction
Afrah Abdulkadir —Project Coordinator - Construction
(614) 641-2309

Creekside Townhomes
Joshua Fozo — Supervisor
(937) 890-7032
COMPANY PROFILE

Bladecutter's Lawn & Landscaping
5440 N. Dixie Dr.
Dayton, Ohio 45414

Year Established: 1984
State of Incorporation: Ohio
Number of Employees: 35 peak season

Organization Chart
Production: President/Owner: John Scott; Vice President of Sales: Parker Davis, Administrative: Tamie Hartman

Administrative: Lawn, Landscape, Hardscape & Snow Crew Supervisors turn in site sheets to office manager for work which was completed. Each site sheet contains site location; work performed and addresses any concerns, the customer is invoiced according to the terms of the contract.

Insurance: We will have our insurance company provide you with our insurance information. Let us know how you want to be named as an additional insured.

Workers Compensation: We will fax over our Workers Compensation Certificate
Law Suits: None
Bankruptcy: No

Lead Contact Information: John Scott – President
Office – 937.274.3861
Fax - 937.274.9306
Cell - 937.974.0150
E-mail – jlscott@bladecutters.com

Parker Davis – Vice President Sales & Operations
Office – 937.274.3861
Fax - 937.274.9306
Cell - 937.522.5200
E-mail – pdavis@bladecutters.com
COMPANY VISION, STRATEGY, AND CAPABILITIES

MISSION STATEMENT

To provide the highest attainable level of quality and service available to the customer.

To provide an excellent work atmosphere, responsibility, growth, benefits and income to all associates.

To increase quality, market share and profitability.

Bladecutter’s Philosophy

We provide the most effective landscape services with the highest horticultural standards.
We absolutely guarantee customer satisfaction…

Bladecutter’s Customer Service Goal

To make our landscape & snow removal services so pleasurable to customers that they are delighted with our services and desire to continue using them. Additionally, we want to provide an extra measure of service at no extra cost. In other words, we will “go the extra mile” for customer satisfaction.
Financial Profile

Bladecutter’s has been serving the greater Dayton area for 30 years. Projected sales for 2020 are expected to exceed 8 million.

Quality Program

Each new employee is required to work with an experienced supervisor, performing basic duties such as mower operations, weed eating and blowing, and for snow they are required to perform a minimum of 3 hours of plowing with a supervisor. The new employee spends three days in training on all other operations.

Safety Statistics, Records and Programs

Bladecutter’s is partnered with BROWZ ensuring safety, and qualified personnel on your jobsites.

Bladecutter’s is committed to provide a safe working environment for each employee, in all activities, at all times, but full cooperation and active participation is required.

1. Be aware of any dangers that may be involved in the work you are performing.
2. Proper working attire will be worn by all employees
3. All field employees must wear both ear and eye protection when operating any field machinery.
4. No employees will ride on any equipment or use any equipment unless proper seating and safety devices are provided.
5. All vehicular accidents, personal injuries, and property damage will be reported immediately to the owner.
6. Proper equipment and tools must be used for each job function to ensure maximum safety at all times.
7. Keep tools and equipment and stored properly and in designated area to avoid damage and injury.
8. Know where fire extinguishers and other safety equipment are kept at all times.

Certifications

Section 3 approved City of Dayton
References

City of Kettering/Kettering Business Park
Matt Byrd – Parks Department
937-296-2486
937-296-3338 Fax

URS (Caterpillar)
6611 Hoke Road
Clayton, OH 45315
Steve Beasley
937-529-7314

Fuyao Glass America
2801 W Stroop Road
Moraine, Ohio 45439
Mike Fullencamp
937-638-3027

Miami Township
10891 Wood Road
Miami Township, Ohio 45342
Rex Gore
937-608-7365
Ridgecrest Park
TOP VIEW

GENERAL NOTES:
This conceptual plan is based on information provided prior to construction. Detailed site information, including the following, should be obtained, evaluated, and utilized in the final design: exact site dimensions, topography, existing utilities, soil conditions and drainage solutions.

WARNING: Accessible safety surface material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC's Handbook for Public Playground Safety, Section 4: Surfacing.

STRUCTURE#: NF5E449AA
PROJECT#: SSL2
DATE: 2/5/2021 | DRAWN BY: Alyssa
MIN. USE ZONE: 46' x 41'

PLAYCRAFT REP: Service Supply Ltd., Inc.
Ridgecrest Park
SITE PLAN

PROJECT#: SSL2
DATE: 2/5/2021  | DRAWN BY: Alyssa
MIN. USE ZONE: 46' x 41'

PLAYCRAFT REP:
Service Supply Ltd., Inc.

GENERAL NOTES:

This Preliminary Site Plan is based on measurements that were provided in the initial planning phase. All dimensions must be verified prior to the submission of a purchase order. Playcraft Systems will not be held responsible for any discrepancies between actual dimensions and dimensions submitted in the planning phase.

The Minimum Use Zone for a play structure is based on the product design at the time of proposal. Components and structure designs may be subject to change which may affect dimensions. Therefore, before preparing the site, we strongly recommend obtaining final drawings from the factory (available after the order is placed and included in the Assembly Manual).

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC’s Handbook For Public Playground Safety, Section 4: Surfacing.
For Kids
Ages 5-12

General Notes:
This conceptual plan is based on information provided prior to construction. Detailed site information, including the following, should be obtained, evaluated, and utilized in the final project design. Exact site dimensions, topography, existing utilities, soil conditions and drainage solutions.

Warning: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC's Handbook for Public Playground Safety, Section 4: Surfacing.

Structure#: NF5E449AA
Project#: SSL2
Date: 2/5/2021 | Drawn by: Alyssa

Min. Use Zone: 46' x 41'

Playcraft Rep:
Service Supply Ltd., Inc.
During the performance of this contract:

**Bladecutters**

**CONTRACTOR**

5940 N. Dixie Dr.

**ADDRESS**

937-274-3861

**TELEPHONE / FAX**


being the general contractor, assumes the responsibility and obligation to institute an Affirmative Action Program which complies with revised City Ordinances 24059 and 26090 and Executive Order 11246 on any city, federal or federally-assisted construction project, to insure Equal Employment Opportunity regardless of race, color, religion, sex, national origin, ancestry, place of birth, age, or marital status.

The successful contractor using one or more trades of construction employees must comply with Part I of these Affirmative Actions Program conditions to each such trade.

**Part I: Requirements.** To be eligible for award of a contract under this Invitation to Bid, contractors must certify as prescribed in Paragraph 1a, of the certification specified in Part II hereof that it adopts the minimum goals and timetables of minority and female worker utilization, and specific Affirmative Action steps set forth in Sections 1 and 2 of this Part I.

1.) **Goals & Timetables.** The goals of minority and female worker utilization required of the contractor are applicable to each trade which will be used on any project in Greene, Miami, Montgomery, and Preble Counties, OH (hereinafter the Economic Area).

The required goals and timetables are as follows:

<table>
<thead>
<tr>
<th>Period</th>
<th>Goals of Minority Worker Utilization</th>
<th>Goals of Female Worker Utilization</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 1/1/2000 to Present</td>
<td>11.5%</td>
<td>6.9%</td>
</tr>
<tr>
<td>From 4/1/80 to Present</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The percentage goals of minority and female worker utilization are expressed in terms of working hours of training and employment as a proportion of the total working hours to be worked by the contractor's entire work force in that trade on all projects (both federal and non-federal) in the Economic Area during the performance of this contract. The working hours for minority and female work and training must be uniform throughout the length of this contract, on all projects and for each of the trades. Further, the transfer of minority and/or female or trainee from employer-to-employer or from project-to-project for the sole purpose of meeting the contractor's goals shall be a violation of this Affirmative Action Program.

In reaching the goals for minority and female utilization, every effort shall be made to find and employ qualified journey-persons. Provided, however, and pursuant to the requirements of the Department of Labor Regulations, 29 CFR 5a.3, twenty-five percent (25%) of apprentices or trainees shall be employed on all projects and shall be in their first year of training, where feasible.

In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and/or trainees at the completion of the training subject to the availability of employment opportunities. Apprentices and trainees must be trained pursuant to programs which have been approved by the U.S. Department of Labor and/or the State of Ohio.

A contractor shall be deemed to be in compliance with the terms and requirements of this Part I by the employment and training of minorities and females in the appropriate percentage of the contractor's aggregate work force in the Economic Area for each trade for which it is committed to the goals under Part I.

However, no contractor shall be found to be in noncompliance solely on account of the contractor's failure to meet the goals and timetables, but such contractor shall be given the opportunity to demonstrate that all of the specific Affirmative Action steps specified in Part I have been instituted and has made every "good faith" effort to make these steps work towards the attainment of the goals and timetables.

2.) **Specific Affirmative Action Steps.** A contractor subject to Part I, must engage in Affirmative Action directed at increasing minority and female utilization, which is at least as extensive and as specific as the following steps:

a) The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' responses.

b) The contractor shall maintain a file of the names and addresses of each minority and female referred and what action was taken with respect to each referred worker. If the worker was not employed, the reason therefor. If the worker was not sent to the union hiring hall for referral, the contractor's file shall document this and the reasons therefore.

c) The contractor shall promptly notify the Dayton Human Relations Council (HRC) when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority and/or female, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.

d) The contractor should participate in training programs in the area; especially those approved by the U.S. Department of Labor and/or the State of Ohio.
e) The contractor shall disseminate the EEO Policy within the organization by including it in any policy manual, by publicizing it in company newspapers, annual reports, etc.; by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority and female employees.

f) The contractor shall ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor's employees are assigned to work. The contractor, where possible, will assign two or more women to all projects (both federal and non-federal) in the Economic Area during the performance of its contract or subcontract.

g) The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority and female organizations, schools, minority and female recruitment training organizations with the Dayton Economic Area.

h) The contractor shall make specific efforts to encourage present minority and female employees to recruit other minorities and females.

i) The contractor shall validate all tests and other selection requirements.

j) The contractor should develop on-the-job training opportunities; participate and assist in any association or employer-group training programs relevant to the contractor's employees needs consistent with its obligations under Part I.

k) The contractor shall evaluate all minority and female personnel for promotional opportunities and encourage employees to seek such opportunities.

l) The contractor shall ensure that seniority practices, job classifications, etc., do not have a discriminatory effect.

m) The contractor shall make certain that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

n) The contractor will monitor all personnel activities to ensure that its EEO Policy is being carried out.

o) The successful contractor shall solicit bids for work to be performed on this project under a subcontract from minority and female contractors and other business associations.

3.) Nothing herein is intended to relieve any contractor during the term of this project from compliance with any other local bid requirements. Further, it shall be the responsibility of each contractor to comply with all terms, conditions, and provisions of the Affirmative Action Programs.
Part II: Contractor's Certification. A contractor will not be eligible for award of a contract under this Invitation to Bid, unless such contractor has submitted as a part of the bid the following certification, which will be deemed a part of the resulting contract:

CONTRACTOR'S CERTIFICATION

[Name of Contractor]

(Contractor) certifies that:

1. The following listed construction trades will be used in performance of this project.
   - General Laborer
   - [Other trades as needed]

a) as to those trades set forth in the preceding paragraph one hereof, it adopts the minimum minority and female utilization goals and the specific Affirmative Action steps contained in this Affirmative Action Program. Compliance is measured in each trade of the contractor's aggregate work force for all construction work (both federal and non-federal) in the four Counties (Greene, Miami, Montgomery and Preble) subject to this Affirmative Action Program; and

b) the successful contractor will obtain from each subcontractor and submit to the contracting or administering agency prior to the award of any subcontract under this contract, the subcontractor certification required by the Affirmative Action Program.

SIGN: [Signature]

(Signature of Authorized Representative of Bidder)

FAILURE TO SIGN AND SUBMIT THIS DOCUMENT WITH YOUR BID WILL RESULT IN YOUR BID NOT BEING READ
PEP-CERTIFIED

(SELECT ONE) PARTICIPATION FORM

Instructions for Bidders / Proposers: Submit one executed copy of this form for each Procurement Enhancement Plan (PEP)-Certified Firm whose participation you plan to count toward the project/contract's participation goal(s). This form must be included with your Bid. To split a PEP-Certified Firm's participation among more than one goal, submit a separate form for each goal (i.e., SBE, MBE, WBE, or DLSB).

SECTION 1: BIDDER / PROPOSER INFORMATION

Name of Bidder / Proposer's Firm: Blade Cutters

Address: 5440 N. Dixie Dr.

City: Dayton

State: OH

ZIP: 45415

Telephone: (937) 274-3861

Email: info@bladecutters.com

Primes Base Bid $138,450

Name of Project: Playground Equipment Installation at Ridgeway and Norcold

SECTION 2: PEP-CERTIFIED BUSINESS & PARTICIPATION INFORMATION

Name of PEP-Certified Firm: EWOL Trucking

PEP-Certified Firm's Tax ID#: 31-1478486

Scope of Work to Be Performed by Certified Firm: Provide materials, haul material, trucking

<table>
<thead>
<tr>
<th>Total Dollar Amount Towards Goal</th>
<th>Percentage Towards Goal</th>
<th>Amount to Be Paid to This PEP Firm for the Work Described:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Bid $138,450</td>
<td>% 20</td>
<td>$27,690.00</td>
</tr>
<tr>
<td>Materials $</td>
<td>%</td>
<td>$</td>
</tr>
<tr>
<td>Labor</td>
<td>%</td>
<td>$</td>
</tr>
</tbody>
</table>

SECTION 3: AFFIRMATIONS

The above-named Bidder / Proposer affirms, under penalty of perjury, that it has negotiated in good faith with the above-named PEP-Certified Firm and will utilize the above-named PEP-Certified Firm for the type(s) of work and for the dollar amount(s) described above.

(Signature of Bidder/Proposer's Authorized Agent)

Parker Davis

(Printed Name of Bidder/Proposer's Authorized Agent)

VP of Sales

(Title of Bidder/Proposer's Authorized Agent)

(Date)

IF THE BIDDER/OFFEROR IS NOT AWARDED A CONTRACT, OR IF THE HRC DOES NOT APPROVE OF THE TERMS AS STATED ABOVE, THEN ANY AND ALL REPRESENTATIONS ON THIS PARTICIPATION FORM SHALL BE NULL AND VOID.
PEP PARTICIPATION COMMITMENT AND/OR WAIVER REQUEST FORM

Instructions for Bidders/Proposers: Submit one (1) executed copy of this form with your Bid/Proposal.

- If Option 1 is selected, you must also submit one (1) executed PEP-Certified SBE/MBE/WBE/DLSB Participation Form for each PEP-Certified Firm whose participation you plan to count toward the project/contract's participation goal(s).
- If Option 2 (WAIVER REQUEST) is selected, you must also submit documentation of your Good Faith Efforts to the City of Dayton Human Relations Council (HRC) within two (2) business days of the Bid Opening / Proposal Due Date. Bidders/Proposers will receive no further reminders about this deadline.

The undersigned affirms that the Bidder/Proposer has satisfied the requirements of the Bid/RFP Specification in the following manner: (Check the box for Option 1 and/or Option 2, complete the appropriate spaces, and sign below.)

Option 1. The Bidder/Proposer has secured enough commitment(s) from one or more PEP-Certified Firms to meet or exceed the project's PEP participation goal(s). The Bidder/Proposer is committed to a minimum of:

<table>
<thead>
<tr>
<th>% SBE</th>
<th>% MBE</th>
<th>% WBE</th>
<th>% DLSB</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

participation on this contract, as detailed on the executed PEP-Certified SBE/MBE/WBE/DLSB Participation Form(s) submitted with this Bid/Proposal.

Option 2 (WAIVER REQUEST). The Bidder/Proposer is unable to meet the project's PEP participation goal(s) and requests that the following goal(s) be waived: (Check all that apply.)

☐ SBE   ☐ MBE   ☐ WBE   ☐ DLSB

The Bidder/Proposer's documentation of Good Faith Efforts to meet the participation goal(s) checked above must be submitted to the HRC within two (2) business days of the Bid Opening / Proposal Due Date. The Bidder/Proposer will receive no further reminders about this deadline.

A waiver will be granted based on a Bidder/Proposer's documented Good Faith Efforts, and only when the HRC determines that the Bidder/Proposer has completed all of the following activities:

1. Solicited the interest of all PEP-Certified Firms having the capability to perform the work of the contract. The Bidder/Proposer must solicit this interest at least ten (10) business days before the Bid Opening / Proposal Due Date in order to allow the PEP-Certified Firm sufficient time to respond to the solicitation. Electronic communication will not be deemed as sufficient Good Faith Efforts, if it is the sole method of communication used.

2. Divided contract work items into economically feasible units to facilitate PEP participation, even when the Bidder/Proposer might otherwise prefer to perform these work items with its own forces.

3. Negotiated in good faith with PEP-Certified Firms, and considered the firms' prices and capabilities as well as the contract goals. Rejected PEP-Certified Firms as being unqualified only for reasons based on a diligent investigation of their capabilities. The Bidder/Proposer's standing within its industry; membership in specific groups, organizations, or associations; and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes to reject or not solicit bids from particular PEP-Certified Firms.

4. Provided interested PEP-Certified Firms with plans and specifications at no cost, or directed them to the Greater Dayton Minority Business Assistance Center (Dayton MBAC) for information about the project's plans, specifications, and requirements at least ten (10) business days prior to the Bid Opening / Proposal Due Date in order to assist them in responding to a solicitation.

5. Sought the Dayton MBAC's assistance or used the services of community organizations; contractors' groups; local, state or federal business assistance offices; or similar organizations to find PEP-Certified Firms. Contacting the HRC for a list of certified companies will not be deemed as sufficient Good Faith Efforts.

NOTE: In determining whether a Bidder/Proposer has made Good Faith Efforts, the HRC may take into account the performance of other Bidders/Proposers in meeting the goal(s). For example, when the apparent low bidder fails to meet a participation goal but others meet it, the HRC may reasonably raise the question of whether, with additional reasonable efforts, the apparent low bidder could have met the goal.

(Signature of Bidder/Offeror's Authorized Agent)  (Name of Bidder/Proposer's Firm)

(Parker Davis)  (Title of Bidder/Offeror's Authorized Agent)  3/24/21

(Printed Name of Bidder/Offeror's Authorized Agent)
From 3460 - Water/Water Reclamation

Supplier, Vendor, Company, Individual

Name Ulliman Schutte Construction, LLC.

Address 9111 Springboro Pike
Miamisburg, Ohio 45342

Date May 5, 2021

Expense Type Award of Contract

Total Amount $4,352,500.00

Fund Source(s) Fund Code(s) Fund Amount(s)
Water Pollution Control Loan Fund N/A N/A

Includes Revenue to the City ☑ Yes ☐ No  Affirmative Action Program ☑ Yes  ☐ No  N/A

Description

ODOR CONTROL COVER REPLACEMENT PROJECT
10.00% DBE PARTICIPATION GOAL/0.13% DBE PARTICIPATION ACHIEVED

The Department of Water requests City Commission approval to enter into a construction contract with Ulliman Schutte Construction LLC in the amount of $4,352,500.00. The contract is for the construction of the Odor Control Cover Replacement Project for the Water Reclamation Facility. This project will be funded by the State of Ohio Water Pollution Control Loan Fund (WPCLF) and the Ohio EPA, Division of Environmental and Financial Assistance (DEFA) will approve and manage the loan. The execution of this contract for the construction work will occur only after DEFA has approved the loan, which is scheduled to occur within the next two weeks.

The Dayton City Commission authorized the City to submit the loan application by Resolution No. 6551-20 on November 25, 2020.

On April 15, 2021, the City received one bid for this project from Ulliman Schutte Construction, LLC. The bid came in well under the Engineer's Estimate for this project including alternates and contingency of $6,045,000.00. The amount of the award to Ulliman Schutte Construction LLC includes the base bid of $3,775,000.00, Alternate No.1 Contingency Allowance of $377,500.00 and Alternate No.2 Remobilization allowance of $200,000.00. This project consists of the replacement of Odor Control Covers at the WRF. The original odor control covers were installed in 1992 and are in need of replacement. These covers are necessary to meet Dayton's Water Reclamation Facilities' obligation for Odor Control. The covers are being replaced with Fiber Reinforced Plastic grating with rubber matting.

The time of completion for the project is 18 months. The loan will be repaid using Sanitary Sewer funds, and the initial repayment period will begin by mid-year 2023.

The Department of Water will manage the construction, review all work, approve contractor invoices and submit payment requests directly to DEFA, who will pay the contractor. Therefore, a City Certificate of Funds is not necessary since no City funds will be used to directly pay the contractor.

A Tabulation of Bids, Human Relations Council's verification letter, Engineer's recommendation letter, and the Bid Form from the firm recommended for award are attached.

Signatures/Approval

Approved by City Commission

Clerk
Date

Updated 8/2016
MEMORANDUM

April 29, 2021

TO: Shelley Dickstein
   City Manager

FROM: Michael Powell, Director
       Department of Water

SUBJECT: Odor Control Cover Replacement Project: Project Award and WPCLF Loan

On November 25, 2020, Dayton City Commission approved Resolution No. 6551-20 which authorized the City Manager to apply for and enter into a Water Pollution Control Loan Fund (WPCLF) Loan agreement which will be approved by the Ohio EPA, Division of Environmental and Financial Assistance (DEFA) for the Odor Control Cover Replacement Project.

The City has provided DEFA with the bid documents and DEFA is ready to recommend the Odor Control Cover Replacement Project Loan at their May 10, 2021 meeting. In order to approve the loan, DEFA requires an intent to award for the selected vendor approved by the Dayton City Commission. The executed City Manager’s Report with permission to enter into contract will be submitted to DEFA to meet this requirement.

The City Manager’s Report recommends Ulliman-Schutte as the selected vendor for the project. Below provides context and detail regarding the Engineer’s Estimate, bid and loan value:

- The Engineer’s Estimate for this project including alternates and contingency was $6,045,000.
- On April 15, 2021, bids were received for the Odor Control Cover Replacements Project. Ulliman-Schutte supplied a bid in the amount of $4,352,500 which included the alternates and contingency.
- The WPCLF Loan will cover:
  - Ulliman-Schutte Award $4,352,500
  - DEFA Required Additional Contingency (5%) $ 217,600 *
  - Construction Phase Services (provided by design vendor) $ 180,000 **
  - Total Anticipated WPCLF Loan Amount $4,750,100

*DEFA automatically adds a 5% contingency to the loan. If needed by the City, it would require separate Commission action for amendment. **The $180,000.00 is already approved by separate commission action for Hazen and Sawyer Contract CT20-2579 by Resolution 6500-20 on May 13, 2020.
No appropriation is necessary for the construction contract as Ulliman-Shutte’s disbursements will be paid directly from the loan following review, approval and submittal by the City of Dayton Department of Water.

I recommend proceeding with the intent to award to Ulliman-Schutte Construction contingent on “Receipt of the WPCLF Loan”. If this meets your approval, we will move to get this on the May 5, 2021 Commission Calendar.

Copy:  J. Parlette; L. Lofton; A. Zonin; C. Clark; N. Dailey
<table>
<thead>
<tr>
<th>Item Code</th>
<th>Item Description</th>
<th>UoF/M</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Work</td>
<td>L.S.</td>
<td>1</td>
<td>$3,230,965.00</td>
<td>$3,230,965.00</td>
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<tr>
<td>2</td>
<td>Concrete Surface Spall Repair</td>
<td>S.F.</td>
<td>950</td>
<td>$98.00</td>
<td>$93,100.00</td>
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<tr>
<td>3</td>
<td>Concrete Formed Spall Repair</td>
<td>S.F.</td>
<td>200</td>
<td>$360.00</td>
<td>$72,000.00</td>
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<td>4</td>
<td>Anti-Corrosion Rebar Coating</td>
<td>L.F.</td>
<td>1,140</td>
<td>$75.00</td>
<td>$85,500.00</td>
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<td>5</td>
<td>Supplemental Reinforcement Repair</td>
<td>L.F.</td>
<td>375</td>
<td>$65.00</td>
<td>$24,375.00</td>
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<td>6</td>
<td>MIC Coating</td>
<td>S.F.</td>
<td>3,145</td>
<td>$28.00</td>
<td>$88,060.00</td>
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<td>7</td>
<td>Stainless Steel RW Gate Slide Gates and Actuators</td>
<td>EA</td>
<td>4</td>
<td>$45,250.00</td>
<td>$181,000.00</td>
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**Alternate No. 1 Contingency Allowance**

<table>
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<tr>
<th>Item Code</th>
<th>Description</th>
<th>UoF/M</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Contingency Allowance (Ten Percent (10%) of the Contractors Total Base Bid)</td>
<td>EA</td>
<td>1</td>
<td>$377,500.00</td>
<td>$377,500.00</td>
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**Alternate No. 2 Remobilization Contingency Allowance**

<table>
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<tr>
<th>Item Code</th>
<th>Description</th>
<th>UoF/M</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-2</td>
<td>Remobilization Allowance ($200,000)</td>
<td>EA</td>
<td>1</td>
<td>$200,000.00</td>
<td>$200,000.00</td>
</tr>
</tbody>
</table>

**Alternate No. 3 Slide Gate Supplier Deduct**

<table>
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<tr>
<th>Item Code</th>
<th>Description</th>
<th>UoF/M</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
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</thead>
<tbody>
<tr>
<td>A-3</td>
<td>Alternate Slide Gate Supplier Deduct</td>
<td>EA</td>
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<td>$0.00</td>
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</tbody>
</table>

**Base Bid Total:** $3,775,000.00
April 22, 2021

TO: Nick Dailey, P.E., Chief Engineer
Department of Water

FROM: Chrisondra Goodwine, Interim Business & Technical Assistance Administrator
Human Relations Council (HRC)  

SUBJECT: Odor Control Cover Replacement Project (10% DBE Participation Goal) Project

The apparent low bidder, Ulliman Schutte Construction, LLC, submitted a bid utilizing one (1) DBE-certified contractor to meet 0.13% DBE project’s participation. While they did not meet the participation goal, they did submit sufficient documents of their good faith efforts to achieve the participation goals. The waiver request was timely and complied with the appendix A to 49 CFR part 26.

The HRC has verified that Ulliman Schutte Construction, LLC., is an approved bidder in the City of Dayton’s Affirmative Action Assurance program and that the company’s authorized representative signed the Contractor’s Certification to indicate fair hiring practices.

The verified company to receive the above-mentioned construction award is as follows

<table>
<thead>
<tr>
<th>PRIME CONTRACTOR</th>
<th>AMOUNT OF BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ulliman Schutte Construction, LLC.</td>
<td>$3,775,000.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CERTIFIED BUSINESS PARTICIPATION</th>
<th>COMMITTED DOLLAR AMT</th>
<th>% TOWARD GOAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kes Harris Trucking</td>
<td>$5,000.00</td>
<td>0.13% DBE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TOTAL COMMITTED PARTICIPATION</th>
<th>0.13% DBE</th>
</tr>
</thead>
</table>

Should the awarding department move forward with Ulliman Schutte Construction, LLC., the attached Letters of Intent should be included with the contract agreement. Contract compliance will include meeting verified participation and minimal worker utilization goals as stated in the Affirmative Action Program Equal Employment Opportunity form certified in the bid submission. If you have further questions or concerns, please feel free to contact me at 333-1405.

CAG
DEMONSTRATION OF GOOD FAITH EFFORTS FORM

Instructions for Bidders: Submit one executed copy of this form with your Bid, along with:

- An executed DBE Participation Form (Letter of Intent) for each certified Disadvantaged Business Enterprise (DBE) firm whose participation you plan to count toward the project’s DBE participation goal, and
- Documentation of your good faith efforts, if applicable.

SECTION 1: BIDDER’S AFFIRMATION OF GOOD FAITH EFFORTS

The undersigned Bidder has satisfied the DBE participation requirements of the Bid Specification in the following manner:

(Check one of the following boxes, complete the appropriate spaces, and submit the required documents with your Bid.)

☐ The Bidder has secured enough DBE participation to meet or exceed the project’s DBE participation goal.

The Bidder is committed to a minimum of _____________% DBE participation on this project, as described on the enclosed DBE Participation Form(s).

☐ The Bidder made good faith efforts to meet the project’s DBE participation goal but was unable to do so.

However, the Bidder is committed to a minimum of _____________% DBE participation on this project, as described on the enclosed DBE Participation Form(s). The Bidder is also enclosing documentation of its good faith efforts with this Bid.

SECTION 2: BIDDER’S SIGNATURE

William Little
(Signature of Bidder’s Authorized Agent)
Digitally signed by William Little
Date: 2021.04.15 11:47:03 -04'00'

William G. Little
(Printed Name of Bidder’s Authorized Agent)

Vice President
(Title of Bidder’s Authorized Agent)

Ulliman Schutte Construction, LLC
(Bidding Firm’s Name)

04/15/2021
(Date)
### SECTION 1: BIDDER INFORMATION

**Name of Bidder's Firm:** Ulliman Schutte Construction, LLC  
**Address:** 9111 Springboro Pike  
**City:** Miamisburg  
**State:** OH  
**ZIP:** 45342  
**Telephone:** (937) 910-9900  
**Email:** wlittle@ullimanschutte.com

### SECTION 2: DBE FIRM & PARTICIPATION INFORMATION

**Name of DBE Firm:** Kes Harris Trucking, LLC  
**DBE Firm's Tax ID:** 31-1703925  
**Address:** 1660 S Yellow Springs St.  
**City:** Springfield  
**State:** OH  
**ZIP:** 45506  
**Telephone:** (937) 323-8486  
**Email:** kesheeharris@gmail.com

**Name of Project:** Odor Control Cover Replacement

**Type(s) of Work to Be Performed by This DBE Firm If Bidder Is Awarded:** Miscellaneous trucking, gravel, and hauling services

**Amount to Be Paid to This DBE Firm for the Work Described:**

<table>
<thead>
<tr>
<th>Base Bid</th>
<th>Alternate #1</th>
<th>Alternate #2</th>
<th>Alternate #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous trucking, gravel, and hauling services</td>
<td>$5,000.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*IF BID INCLUDES MORE THAN THREE (3) ALTERNATES, ATTACH ADDITIONAL PAGES AS NEEDED.*

### SECTION 3: AFFIRMATIONS

The above-named **Bidder** affirms, under penalty of perjury, that it has negotiated in good faith with the above-named DBE firm and will utilize the above-named DBE Firm for the type(s) of work and for the dollar amount(s) described above.

**William Little**  
(Signature of Bidder’s Authorized Agent)  
Digitally signed by William Little  
Date: 2021.04.15 11:46:55-04'00'

**William G. Little**  
(Printed Name of Bidder’s Authorized Agent)

**Vice President**  
04/15/2021  
(Date)

**(Title of Bidder’s Authorized Agent)**

___

**IF THE BIDDER IS NOT AWARDED A CONTRACT, OR IF THE HRC DOES NOT APPROVE OF THE TERMS AS STATED ABOVE, THEN ANY AND ALL REPRESENTATIONS ON THIS PARTICIPATION FORM SHALL BE NULL AND VOID.**
PEP-CERTIFIED SBE / MBE / WBE / DLSB (CIRCLE ONE) PARTICIPATION FORM

Instructions for Bidders / Proposers: Submit one executed copy of this form for each Procurement Enhancement Plan (PEP)-Certified Firm whose participation you plan to count toward the project/contract's participation goal(s). This form must be included with your Bid. To split a PEP-Certified Firm's participation among more than one goal, submit a separate form for each goal (i.e., SBE, MBE, WBE, or DLSB).

SECTION 1: BIDDER / PROPOSER INFORMATION

Name of Bidder / Proposer's Firm: Ulliman Schutte Construction, LLC
Address: 9111 Springboro Pike
City: Miamisburg
State: OH
ZIP: 45342
Telephone: (937) 910-9900
Email: wlittle@ullimanschutte.com
Primes Base Bid $3,775,000
Name of Project: Odor Control Cover Replacement

SECTION 2: PEP-CERTIFIED BUSINESS & PARTICIPATION INFORMATION

Name of PEP-Certified Firm: Kes Harris Trucking, LLC
PEP-Certified Firm’s Tax ID#: 31-1703925
Scope of Work to Be Performed by Certified Firm: Miscellaneous trucking, gravel, and hauling services

<table>
<thead>
<tr>
<th>Total Dollar Amount Towards Goal</th>
<th>Percentage Towards Goal</th>
<th>Amount to Be Paid to This PEP Firm for the Work Described</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Bid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$5,000</td>
<td>%100</td>
<td>$5,000</td>
</tr>
<tr>
<td>Materials</td>
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<td></td>
</tr>
<tr>
<td>$</td>
<td>%</td>
<td>$</td>
</tr>
<tr>
<td>Labor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$</td>
<td>%</td>
<td>$</td>
</tr>
</tbody>
</table>

SECTION 3: AFFIRMATIONS

The above-named Bidder / Proposer affirms, under penalty of perjury, that it has negotiated in good faith with the above-named PEP-Certified Firm and will utilize the above-named PEP-Certified Firm for the type(s) of work and for the dollar amount(s) described above.

(Signature of Bidder/Proposer's Authorized Agent)
William G. Little
(Printed Name of Bidder/Proposer's Authorized Agent)
Vice President
(Date)

The above-named PEP-Certified Firm affirms, under penalty of perjury, that it has negotiated in good faith with the above-named Bidder / Proposer and that it will perform, and is certified to perform, the type(s) of work described above for the dollar amount(s) as stated above.

(Signature of PEP-Certified Firm's Authorized Agent)
Keshed Harris
(Printed Name of PEP-Certified Firm's Authorized Agent)
Office Manager
(Date)

IF THE BIDDER/OFFEROR IS NOT AWARDED A CONTRACT, OR IF THE HRC DOES NOT APPROVE OF THE TERMS AS STATED ABOVE, THEN ANY AND ALL REPRESENTATIONS ON THIS PARTICIPATION FORM SHALL BE NULL AND VOID.
DBE PARTICIPATION FORM (LETTER OF INTENT)

**SECTION 1: BIDDER INFORMATION**

Name of Bidder’s Firm: Ulliman Schutte Construction, LLC

Address: 9111 Springboro Pike

City: Miamisburg  State: OH  ZIP: 45342

Telephone: (937) 910-9900  Email: wlittle@ullimanschutte.com

**SECTION 2: DBE FIRM & PARTICIPATION INFORMATION**

Name of DBE Firm: 

DBE Firm’s Tax ID#: 

Address: 

City:  State: 

Telephone:  Email: 

Name of Project: Odor Control Cover Replacement

<table>
<thead>
<tr>
<th>Type(s) of Work to Be Performed by This DBE Firm If Bidder Is Awarded*</th>
<th>Amount to Be Paid to This DBE Firm for the Work Described*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bid:</td>
<td>$</td>
</tr>
<tr>
<td>Alternate #1:</td>
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</tr>
<tr>
<td>Alternate #2:</td>
<td>$</td>
</tr>
<tr>
<td>Alternate #3:</td>
<td>$</td>
</tr>
</tbody>
</table>

*IF BID INCLUDES MORE THAN THREE (3) ALTERNATES, ATTACH ADDITIONAL PAGES AS NEEDED.

**SECTION 3: AFFIRMATIONS**

The above-named Bidder affirms, under penalty of perjury, that it has negotiated in good faith with the above-named DBE firm and will utilize the above-named DBE Firm for the type(s) of work and for the dollar amount(s) described above.

(Signature of Bidder’s Authorized Agent)

William G. Little

(Printed Name of Bidder’s Authorized Agent)

Vice President  04/15/2021

(Date)

If the Bidder is not awarded a contract, or if the HRC does not approve of the terms as stated above, then any and all representations on this participation form shall be null and void.
Dayton Odor Control Cover Replacement

PEP DBE Solicitation

DBE Good Faith Efforts

April 15, 2021
Dayton Odor Control Cover Replacement
Ohio Unified DBE Solicitation

DBE Good Faith Efforts

April 15, 2021

Ulliman Schutte
Building a Better Environment®
April 19, 2021

Mr. Sean Driscoll, DEFA Representative
Engineering Section
Ohio EPA
Division of Environmental and Financial Assistance
PO Box 1049
Columbus, Ohio 43216-1049

RE: Intent to Award
Dayton Odor Control Cover Replacement Project

Mr. Driscoll:

Ohio EPA DEFA has received the City of Dayton’s Construction Loan Application for the Odor Control Cover Replacement Project and intends to award the subject loan at the OWDA May 10, 2021 meeting. In preparation for the loan, you have advised that the City of Dayton should submit all of the prerequisite Bid Docs; Recommendation to Award and a Resolution of Award to your office by April 22, 2021.

As a matter of clarification, the City of Dayton does not award contracts by Resolution. The mechanism for Dayton City Commission’s authorization is done by a City Manager Report (CMR). Once Commission approves the authorization to award, the Commission Clerk signs the CMR as well as the City Manager. Attached is the draft CMR prepared for the May 5th Commission meeting.

On April 15, 2021, the City of Dayton opened bids on the Odor Control Cover Replacement Project. Ullman Schutte was the apparent low bidder. As part of the bid package, all contractors were advised that this project would be funded by an Ohio EPA Construction Loan and the award of the contract would be subject contingent upon Ohio EPA’s approval of the loan. Currently, the City of Dayton’s loan is scheduled to be approved at the OEPA/OWDA meeting on May 10, 2021.

It is the City of Dayton’s intent to proceed with Dayton City Commission’s authorization to award this project at its May 5, 2021 meeting. Upon Commission approval, the contract documents will be routed to Ullman-Schutte Construction for signatures. However, the contracts will likely not
be signed by the City until May 12, 2021. Therefore, the contract will not become legally binding until signed by the City Manager.

Upon Commission approval at their May 5th meeting, we will forward to you a copy of the signed CMR. Included within this submittal are all of the documents required for your compliance review of the bidding procedures. We would request that you continue advancing this project for the Loan Award on May 10, 2021. Please advise if additional information is needed.

Sincerely,

_______________________________
Larry Kremer, P.E.
Sr. Engineer II
Division of Water Reclamation

Copy:  
Steen Reese, P.E., Hazen & Sawyer
Chris Clark, WRF Division Manager
Eric Myers, WRF Division Administrator
Nick Dailey, P.E., Chief Engineer
From 2340 - Planning & CD / Land Use Administration

Supplier, Vendor, Company, Individual

Name Miami Valley Regional Planning Commission (MVRPC)

Address 10 N. Ludlow Street, Suite 700
Dayton, OH 45402

Date May 5, 2021

Expense Type Other, (See Description Below)

Total Amount $65,102.42 (thru 12/31/2021)

Fund Source(s) Fund Code(s) Fund Amount(s)
General fund 10000-2340-1231-53 $65,102.42

Includes Revenue to the City ☒ Yes ☐ No
Affirmative Action Program ☒ Yes ☐ No ☐ N/A

Description

2021 Miami Valley Regional Planning Commission Annual Membership Dues

The Department of Planning and Community Development requests approval to pay the attached invoice in the amount of $65,102.42 for the City of Dayton’s 2021 Miami Valley Regional Planning Commission (MVRPC) membership dues. Dues are based on U.S. Bureau of Census population figures, and are computed at forty-six cents ($0.46) per capita, as specified in the Agency’s funding assessment provisions. For the City of Dayton, this is 141,527 (our 2010 Census population count) multiplied by $0.46 for a total of $65,102.42.

This membership allows the City of Dayton to participate in and vote on important regional planning and transportation issues. Additionally, this membership provides the City access to the Ohio Department of Transportation’s funding process.

A Certificate of Funds and invoice are attached.

Signatures/Approval

Approved by City Commission

Clerk

Date

Updated 8/2016
CERTIFICATE OF FUNDS

SECTION I - to be completed by User Department

<table>
<thead>
<tr>
<th>x</th>
<th>New Contract</th>
<th>Renewal Contract</th>
<th>Change Order</th>
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<tbody>
<tr>
<td>Contract Start Date</td>
<td>upon execution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expiration Date</td>
<td>12/31/21</td>
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<tr>
<td>Original Commission Approval</td>
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<td>Initial Encumbrance</td>
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<tr>
<td>Remaining Commission Approval</td>
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<tr>
<td>Original CT/CF</td>
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<td>Increase Encumbrance</td>
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<tr>
<td>Decrease Encumbrance</td>
<td>$-</td>
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<tr>
<td>Remaining Commission Approval</td>
<td>$-</td>
<td></td>
<td></td>
</tr>
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</table>

NO DRAFT DOCUMENTS PERMITTED

Required Documentation

- X Initial Agreement/Contract/Invoice
- X Initial Certificate of Funds
- X Initial City Manager's Report
- Copy of City Manager's Report
- Copy of Original Certificate of Funds

<table>
<thead>
<tr>
<th>Amount: $65,102.42</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Code 10000 - 2340 - 1231 - 53 - XXXX - XXXX</td>
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<tr>
<td>Fund Org Acct Prog Act Loc</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Code XXXX - XXXX - XXXX - XX - XXXX - XXXX</td>
</tr>
<tr>
<td>Fund Org Acct Prog Act Loc</td>
</tr>
</tbody>
</table>

Attach additional pages for more FOAPALs

Vendor Name: Miami Valley Regional Planning Commission
Vendor Address: 10 N. Ludlow Street, Suite 700 Dayton, Ohio 45402
Street City State Zip code + 4
Federal ID: 54-2188250
Commodity Code: 918-96
Purpose:

2021 Miami Valley Regional Planning Commission (MVRPC) Annual Membership dues (invoice attached)

Contact Person: Tony Kroeger x3673 Planning & Community Development 4/21/2021
Department/Division Date

Originating Department Director's Signature:

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director Signature: 4/27/2021

CF Prepared by: laura williams 4/20/2021

CF/CT Number: CF21-D125

October 18, 2011
To: City Of Dayton  
101 W Third Street  
Dayton, OH 45401-0022

<table>
<thead>
<tr>
<th>INVOICE</th>
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<tbody>
<tr>
<td>INVOICE #</td>
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<tr>
<td>1010</td>
<td>4/20/2021</td>
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</tbody>
</table>

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<tr>
<th>Date Ordered</th>
<th>Customer Order No.</th>
<th>Ordered/Authorized By:</th>
<th>Terms</th>
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<tbody>
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<td></td>
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<td></td>
<td>Due May 20, 2021</td>
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</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>MVRPC Membership Investment CY2021</td>
<td>141,527</td>
<td>0.46</td>
<td>65,102.42</td>
</tr>
</tbody>
</table>

Quantity represents the population figures from 2010 U.S Census

Invoice Total 65,102.42

For internal use only

<table>
<thead>
<tr>
<th>GL #</th>
<th>Project #</th>
<th>Cust</th>
<th>CR</th>
</tr>
</thead>
<tbody>
<tr>
<td>4610</td>
<td>DAYT CI</td>
<td></td>
<td>65,102.42</td>
</tr>
</tbody>
</table>

THANK YOU

Please make check payable to: Miami Valley Regional Planning Commission  
10 N. Ludlow Street, Suite 700  
Dayton, OH 45402-1855
AN ORDINANCE

Amending the City’s Appropriations for the Year 2021, and Declaring an Emergency.

WHEREAS, On February 24, 2021, this Commission passed an appropriation ordinance for the year 2021, being Ordinance Number 31870-21, which provided for the appropriation of $671,808,100 to the various funds of the City of Dayton; and,

WHEREAS, The City Manager and Department Directors arranged a work program for 2021 for which there are now modifications in several funds that require amendment to the 2021 appropriations made in Ordinance Number 31870-21; and,

WHEREAS, The City’s Charter and State law mandate that no expenditures be made except pursuant to appropriations authorized by the Commission; and,

WHEREAS, To provide for the usual daily operations of the various departments of the City until the end of the current calendar year, it is necessary that this Ordinance take effect at the earliest possible date; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That appropriations for the year 2021 made by this Commission pursuant to Ordinance No. 31870-21 of monies available to the City, or in the process of collection by the City, and not otherwise encumbered, are amended as shown within the following funds:

<table>
<thead>
<tr>
<th>GOVERNMENTAL FUND TYPE</th>
<th>2021 Appropriations (Original)</th>
<th>2021 Appropriations (First Revised)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1200 Clerk of Commission</td>
<td>1,255,400</td>
<td>1,255,400</td>
</tr>
<tr>
<td>1300 Civil Service Board</td>
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<td></td>
</tr>
<tr>
<td>Expenses</td>
<td>1,384,900</td>
<td>1,384,900</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>14,700</td>
<td>14,700</td>
</tr>
<tr>
<td>Total</td>
<td>1,399,600</td>
<td>1,399,600</td>
</tr>
<tr>
<td>1400 Human Relations Council</td>
<td>870,000</td>
<td>870,000</td>
</tr>
<tr>
<td>2100 City Manager's Office</td>
<td>1,321,900</td>
<td>1,321,900</td>
</tr>
<tr>
<td>2101 Public Affairs</td>
<td>1,198,000</td>
<td>1,198,000</td>
</tr>
<tr>
<td>2105 Office of Sustainability</td>
<td>155,000</td>
<td>155,000</td>
</tr>
<tr>
<td>2300 Dept. of Planning and Community Development (including Housing Inspection)</td>
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<td></td>
</tr>
<tr>
<td>Expenses</td>
<td>3,680,500</td>
<td>3,680,500</td>
</tr>
<tr>
<td>Transfers Out</td>
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</tr>
<tr>
<td>Total</td>
<td>3,830,500</td>
<td>3,830,500</td>
</tr>
</tbody>
</table>
April 27, 2021

TO: Shelley Dickstein, City Manager

FROM: Diane T. Shannon, Director
Dept. of Procurement, Management and Budget

SUBJECT: 2021 First Revised Appropriation

Management and Budget is submitting the 2021 First Revised Appropriation for City Commission consideration at the May 5, 2021 meeting. This revision is occurring earlier than normal to accept the American Rescue Plan (ARP) funding.

The City is scheduled to receive $147.1 million from the ARP over two equal installments. The legislation states that the first tranche must be distributed within 60 days of the March 11, 2021 date that President Biden signed the bill into law. The second tranche will be distributed no earlier than 12 months after the first payment.

The total appropriation has increased $73.6 million, reflecting the ARP funding. In accordance with Auditor of State guidance, we have created a new fund type entitled “Local Fiscal Recovery Fund” for recording and tracking these expenditures.

Please let me know if you have any questions or require additional information.

DTS/sb

Attachment

Cc: Mr. Parlette
    Ms. Lofton
    PMB Staff
AN ORDINANCE

Authorizing the City Manager to Accept a Grant Award from the Ohio Department of Transportation For an Amount of Four Million Seven Hundred Forty-One Thousand Seventy Dollars and Zero Cents ($4,741,070.00) in Federal Safety Funds.

WHEREAS, The State of Ohio Department of Transportation ("ODOT") has identified the need for safety improvement for North Main Street from Great Miami Boulevard to Shoup Mill Road in the City of Dayton; and

WHEREAS, The City of Dayton intends to cooperate with the State of Ohio Director of Transportation in the planning, design, and construction of said improvement; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That the City Manager is authorized, on behalf of the City of Dayton, to execute all documents and agreements necessary to accept a grant from the Ohio Department of Transportation in an amount of Four Million Seven Hundred Forty-One Thousand Seventy Dollars and Zero Cents ($4,741,070.00).

Section 2. That the City shall cooperate with the Director of Transportation in the Project as follows:

A. The City will assume and bear all costs of the Project, less the amount of Federal-Aid set aside by the Director of Transportation for financing the Project from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

B. In addition, the City also agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items requested by the City for the Project which are not necessary for the Project, as determined by the State and Federal Highway Administration.

Section 3. That the City agrees that all right-of-way required for the Project will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs. The City agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.
Section 4. That upon completion of the Project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance of the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for such maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 5. That the City Manager is hereby authorized on behalf of the City to enter into contracts with the Director of Transportation to complete the Project.

Passed by the Commission................................., 2021

Signed by the Mayor.............................................., 2021

__________________________
Mayor of the City of Dayton, Ohio

Attest:

__________________________
Clerk of the Commission

Approved as to form:

__________________________
City Attorney