

**CONNEAUT ENERGY SPECIAL IMPROVEMENT DISTRICT, INC.
BOARD OF DIRECTORS**

The Board of Directors (the "Board") of the Conneaut Energy Special Improvement District, Inc. (the "District") met on March 4, 2020 at 9:30 AM at Conneaut City Hall Council Chambers, 294 Main Street, Conneaut, Ohio 44030, with the following members present:

Mr. Bondra introduced the following resolution and Mr. Frause moved its passage:

RESOLUTION NO. 2020-04

**RESOLUTION AUTHORIZING WRITTEN RULES PRESCRIBING COMPETITIVE
BIDDING PROCEDURES**

WHEREAS, the Conneaut Energy Special Improvement District, Inc. (the "District") has been formed and the Board of Directors of the District (the "Board") has been established pursuant to the authority contained in Ohio Revised Code Chapter 1710; and

WHEREAS, Section 1710.11 of the Ohio Revised Code authorizes the Board to adopt written rules prescribing competitive bidding procedures for contracts awarded by District under Chapter 1710, which may differ from the competitive bidding procedures applicable to the participating political subdivisions of the District or those provided in Chapter 735 of the Revised Code.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

Section 1. The Board hereby adopts, pursuant to Section 1710.11 of the Ohio Revised Code, the written rules attached to this Resolution as Exhibit A prescribing the competitive bidding procedures for contracts awarded by the District.

Section 2. This Board hereby finds and determines that all formal actions taken relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Ohio Revised Code Section 121.22.

Section 3. This Resolution shall be in full force and effect immediately upon its passage.

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Mr. Hockaday seconded the motion and, after discussion, a roll call vote was taken and the results were:

Voting Aye: Hockaday, Zepiello, Prause, Ledford, Newcombs

Voting Nay: 0

Passed: March 4, 2020

BOARD OF DIRECTORS, CONNEAUT
ENERGY SPECIAL IMPROVEMENT
DISTRICT, INC.

Attest: [Signature]
Secretary

[Signature]
Chairperson

CERTIFICATE

The undersigned Secretary of the Board of Directors of the Conneaut Energy Special Improvement District, Inc. hereby certifies that the foregoing is a true copy of a resolution duly adopted by the Board of Directors of said District on March 4, 2020.

[Signature]
Secretary, Board of Directors
Conneaut Energy Special Improvement
District, Inc.

EXHIBIT A

[See Attached]

RULES FOR COMPETITIVE BIDDING PROCEDURES
OF
CONNEAUT ENERGY SPECIAL IMPROVEMENT DISTRICT, INC.

Section 1.01 – Authority.

Section 1710.11 of the Ohio Revised Code authorizes the Board of Directors to adopt written rules prescribing competitive bidding procedures for contracts awarded by the Conneaut Energy Special Improvement District, Inc. (the “District”). Pursuant to Section 1710.11, the procedures may differ from the competitive bidding procedures applicable to the participating political subdivisions of the district or those provided in Chapter 735 of the Revised Code. In accordance with this authority, the District has prescribed the following competitive bidding procedures.

Section 1.02 – Competitive Bidding Procedures.

When the cost of a contract for the construction of any building, structure, or other improvement thereof undertaken by the Board of Directors involves an expenditure estimated to be more than \$100,000, the Board of Directors shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation within the District except (1) as provided in Section 1.05 of this Policy and (2) when the Board of Directors elects to construct a building, structure, or other improvement thereof pursuant to a contract made with a construction manager at risk under Section 1.03 or with a design-build firm under Section 1.04.

Each contract awarded under this Section shall be let to the lowest and best bidder as determined at the sole discretion of the Board of Directors and each contract shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the Chairperson and Vice-Chairperson. Each contract shall be executed by an authorized officer of the District and by the contractor. Unless waived in writing by the Board of Directors prior to the receipt of any bids, each bid shall be accompanied by the bid security and contract bond described in sections 153.54, 153.57, and 153.571 of the Ohio Revised Code.

Nothing herein shall be construed to provide a bidder with a property interest in any contract. The Board of Directors may, at any time, reject any and all bids.

Section 1.03 – Construction Manager at Risk Selection Procedure.

When the Board of Directors elects to construct a building, structure, or other improvement thereof pursuant to a contract made with a construction manager at risk, the construction manager at risk shall be selected through the qualifications based process defined in this Section. The District shall publish a notice calling for responses to a request for

qualifications for the award of a construction manager at risk contract twice, with at least seven days between publications, in a newspaper of general circulation within the District. The District's request for qualifications shall describe the qualifications that will be evaluated which shall include, but will not be limited to, competence to perform the required management services as indicated by the technical training, education, and experience of the construction manager at risk's personnel, especially the technical training, education, and experience of the construction manager at risk's employees who would be assigned to perform the services.

The District shall evaluate the statements of qualifications submitted by respondents and rank the respondents. The Chairman, Vice-Chairperson, Secretary, or Treasurer may negotiate the contract price with the two respondents ranked most qualified as necessary to agree to financial terms with a construction manager at risk.

Nothing herein shall be construed to provide a respondent with a property interest in any contract. The District may, at any time, reject any and all statements of qualifications.

Section 1.04 – Design-Build Firm Selection Procedure.

When the Board of Directors elects to construct a building, structure, or other improvement thereof pursuant to a contract made with a design-build firm, the design-build firm shall be selected through the qualifications based process defined in this Section. The District shall publish a notice calling for responses to a request for qualifications for the award of a design-build contract twice, with at least seven days between publications, in a newspaper of general circulation within the District. The District's request for qualifications shall describe the qualifications that shall be evaluated, which shall include, but will not be limited to, competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect or engineer of record.

The District shall evaluate the statements of qualifications submitted by respondents and rank the respondents. The Chairman, Vice-Chairperson, Secretary, or Treasurer may negotiate the contract price with the two respondents ranked most qualified as necessary to agree to financial terms with a design-build firm.

Nothing herein shall be construed to provide a respondent with a property interest in any contract. The District may, at any time, reject any and all statements of qualifications.

Section 1.05 – Exceptions to the Competitive Bidding Process.

In the event that the Board of Directors by a majority vote determines either (1) that it is in the best interest of the District to waive the competitive bidding procedures or (2) that an urgent necessity exists, then the competitive bidding procedure described herein shall not apply and the project may be procured in the manner deemed appropriate by the Chairman, Vice-

Chairperson, Secretary, and Treasurer of the District. All such contracts, however, must be approved by the Board of Directors.

Nothing herein shall be construed to provide a bidder with a property interest in any contract. The District may, at any time, reject any and all bids.

Section 1.06 – Notice to Bidders.

Any advertisement providing notice to bidders or respondents under these Rules shall include the following information:

1. a general description of the proposed contract and the time and place where the plans and specifications and other specific items may be examined;
2. the time and place where bids or statements of qualifications will be opened; and
3. the time and place for submitting bids or statements of qualifications.

Adopted: March 4, 2020