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6 **A RESOLUTION concerning the application of the**  
7 **Competitive Sealed Proposal Process set forth in §§ 37.17 –**  
8 **37.28 in Chapter 37: Finance and Revenue of the Fort Wayne**  
9 **Code of Ordinances to the Redevelopment Commission**  
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12 WHEREAS, the City of Fort Wayne Code of Ordinances (“FWCO”) §§ 37.17 – 37.28  
13 promulgates a Competitive Sealed Proposal Process for entities bidding for professional services  
14 contracts with the City;

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16 WHEREAS, FWCO § 37.19 states that the City shall use one of the selection processes  
17 defined in § 37.17 for the procurement of professional services if the estimated cost for the  
18 professional services for the contract is greater than \$100,000.00;

19 WHEREAS, the Redevelopment Commission routinely contracts for professional  
20 services in which the estimated cost for the contract is greater than \$100,000.00;

21 WHEREAS, Ind. Code § 36-7-14-3(b) states that a redevelopment commission and a  
22 department of redevelopment are subject to oversight by the legislative body of the City and Ind.  
23 Code § 36-7-14-13(f) states that a redevelopment commission is expressly subject to the “same  
24 laws, rules, and ordinances of a general nature that apply to all other commissions or  
25 departments of the [City]”;

26 WHEREAS, many of the Redevelopment Commission’s contracts and agreements for  
27 professional services do not meet any of the exceptions to the Competitive Sealed Proposal  
28 Process identified in § 37.19 (B);

29 WHEREAS, Common Council has requested (via letters to the City’s Legal Department  
30 dated June 28, 2017 and April 25, 2019) that the Redevelopment Commission follow the  
31 Competitive Sealed Proposal Process or provide justifiable support for the position that  
32 Redevelopment Commission is not subject to the Competitive Seal Proposal Process;

33 WHEREAS, to date, neither the City nor Redevelopment Commission has provided  
34 Common Council or its attorney with a response to said requests; and,

35 WHEREAS, Common Council is obligated and desires to ensure all processes, rules,  
36 ordinances and requirements governing actions that come under its purview are followed by all  
37 entities subject to the terms controlling said actions, including the process outlined by the  
38 Competitive Sealed Proposal Process.

39 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE  
40 CITY OF FORT WAYNE, INDIANA:

**SECTION 1.** That Redevelopment Commission is subject to the Competitive Sealed Proposal Process identified in §§ 37.17 – 37.28 of FWCO, specifically at §§ 37.17 and 37.19, and is requested to comply with the bid process set forth therein.

**SECTION 2.** Should the Redevelopment Commission persist in its failure to comply with the Competitive Sealed Proposal Process, Council is resolved to take all actions necessary and available to ensure the Redevelopment Commission and all other departments of the City adhere to the Competitive Sealed Proposal Process, which actions may include, but shall not be limited to, reviewing contracts to which the Competitive Seal Proposal Process applied, but was not utilized and determining whether or not those contracts should be terminated, considered void or voidable, and/or seeking redress in the appropriate Court with proper jurisdiction to obtain a Court Order and ruling to obtain declaratory relief instructing the Redevelopment Commission to comply and potentially seeking an injunction enjoining the Redevelopment Commission from entering into further contracts subject to the Competitive Sealed Proposal Process, unless the Redevelopment Commission can show that they have complied with the Competitive Seal Proposal Process.

**SECTION 3.** The City of Fort Wayne by and through the Executive Branch or other division is requested to take all action necessary and proper to ensure that the Redevelopment Commission and all other departments subject to Competitive Sealed Bid Process are in compliance.

**SECTION 4.** That this Resolution shall be in full force and effect from and after its passage.

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Russ Jehl, Council Member

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Jason Arp, Council Member

**APPROVED AS TO FORM AND LEGALITY**

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Joseph G. Bonahoom, Attorney for City Council