

ORDINANCE NO. 95-24

AN ORDINANCE TO AWARD A CONSTRUCTION CONTRACT FOR THE AVON COMMERCE PARKWAY EXTENSION PROJECT AND DECLARING AN EMERGENCY

WHEREAS, to properly serve adjacent industrial development projects along Avon Commerce Parkway east of Moore Road the City of Avon recognizes that the roadway needs to be extended from its current endpoint which is approximately one thousand feet east of Moore Road to a point approximately one thousand additional feet eastward thus creating a roadway that is approximately two thousand feet in length; and

WHEREAS, the City of Avon has been working proactively with the industrial developer of the lands adjacent to the Avon Commerce Parkway Extension Project, Jackson Taylor Contractors, to form a Public/Private Partnership that will result in incentives which would be beneficial in promoting job growth and financial investment into the Avon Community; and

WHEREAS, the plans and specifications for the proposed roadway extension were prepared by the Bramhall Engineering & Surveying Company on behalf of Jackson Taylor Contractors and were approved by the Avon Planning Commission and the Avon City Engineer; and

WHEREAS, Jackson Taylor Contractors will construct underground infrastructure systems (water, sewer, drainage, etc.) and the roadway bed at entirely their cost and with their sole efforts in accordance with a Developer's Agreement that has been separately considered and approved via Ordinance No. 83-24, passed by Avon City Council on September 9, 2024; and

WHEREAS, upon Jackson Taylor Contractors securing a partial project acceptance from Avon City Council, the City of Avon has agreed to then construct the roadway subbase, pavement, and appurtenances thereto as a publicly bid project with partial financial assistance from an Ohio Department of Transportation Jobs & Commerce grant award; and

WHEREAS, upon completion of the publicly bid roadway project, the project site will be turned back over to Jackson Taylor Contractors to finish the roadway extension project with the installation of sidewalks, lighting, signs, pavement markings, final restoration, and appurtenances thereto prior to seeking a final project acceptance from Avon City Council; and

WHEREAS, Avon City Council passed Resolution R-21-24 on September 9, 2024, which authorized the public bid of said Avon Commerce Parkway Extension Project; and

WHEREAS, the public bids were opened and read aloud at noon on October 3, 2024, at the Avon City Hall, and the following bids were received:

Contractor	Bid Total
Fechko Excavating, LLC	\$303,408.60
Tri Mor Corporation	\$356,962.00

Fabrizi Trucking & Paving, Inc.	\$362,984.00
All Ways Construction, LLC	\$403,131.90
Anthony Allega Cement Contractor, Inc.	\$541,534.34
A & J Cement Contractors, Inc.	\$566,258.00

WHEREAS, the bid submitted by Fechko Excavating, LLC is approximately 37.5% below the Engineer's Estimate of \$485,709.00. A copy of the bid tabulation is attached hereto within Exhibit "A"; and

WHEREAS, the City Engineer has reviewed each of the bids submitted and is recommending that the bid submitted by Fechko Excavating, LLC be considered the lowest and best bid for the Avon Commerce Parkway Extension Project, a bid review memorandum is attached hereto as part of Exhibit "A"; and

WHEREAS, Council finds that it is in the best interest of the health, safety, and welfare of the Community that the City go forward with the awarding of a construction contract based on the public bid submitted by the Fechko Excavating, LLC for the Avon Commerce Parkway Extension Project, which was received on October 3, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That pursuant to public bids received on October 3, 2024, at Avon City Hall for the Avon Commerce Parkway Extension Project, the bid submitted by Fechko Excavating, LLC, in the amount of **Three Hundred Three Thousand Four Hundred Eight and 60/100 Dollars (\$303,408.60)** is declared to be the lowest and best bid. In furtherance of the Public/Private Partnership between the ODG Avon I, LLC and the City of Avon set forth in Ord. No. 83-24, the Mayor is hereby authorized to execute a construction contract with that entity. The Finance Director is hereby authorized to make payment in said amount from the 2024 Road Program Fund No. 409. In addition, the Finance Director is authorized to increase this appropriation by a reasonable amount for engineering and legal fees associated with this project.

Section 2 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3- That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to undertake and substantially complete the Avon Commerce Parkway Extension Project prior to the end of the 2024 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: October 21, 2024 DATE SIGNED: October 21, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: October 22, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: October 23, 2024
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 95-24, passed by the Council of said City on October 21, 2024.

IN WITNESS WHEREOF, I have on this 22nd day of October 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

**M E M O**

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To: Ryan Cummins, P.E.**From: Bryan Nero****Date: October 4, 2024****Project Number: 19439****Regarding: Avon Commerce Parkway Extension Project
Bid Results and Recommendation**

Please find enclosed a Bid Tabulation for the bids received on October 3, 2024, for the Avon Commerce Parkway Extension Project. A total of six (6) bids were submitted and opened at the City of Avon – City Hall. Bids ranged from a low bid of \$303,408.60 to a high bid of \$566,258.00.

The Engineers Estimate for the project was \$485,709.00. The low bid of \$303,408.60 as received from Fechko Excavating, LLC is approximately 37.5% below the Engineers Estimate for the project.

Summary of Bid Totals

Contractor	Bid Total
Fechko Excavating, LLC	\$303,408.60
Tri Mor Corporation	\$356,962.00
Fabrizi Trucking & Paving Co., Inc.	\$362,984.00
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The bid as submitted by Fechko Excavating, LLC has been reviewed and found to be in conformance with the requirements of the Contract Documents. Therefore, it is our recommendation to the City of Avon - City Council that Fechko Excavating, LLC is the lowest and best bid for the Avon Commerce Parkway Extension Project Project.

Cc: Duane Streater, City of Avon, Service Director
Steve Presley, City of Avon, Finance Director
John Gasior, City of Avon, Law Director

BIDDER'S CHECKLIST

Avon Commerce Parkway Extension Project (19439)
(3 Low Bidders)

Bid Opening Date – October 3, 2024

Avon, Ohio

Bid Components	Fechko Excavating, LLC	Tri Mor Corporation	Fabrizi Trucking & Paving Co., Inc.
Proposal - Completed and Signed	Yes	Yes	Yes
Clarification Nos. 1 - Submitted with Bid	Yes	Yes	Yes
Bid Bond or Check - Submitted with Bid	Yes – Bid Bond	Yes – Bid Bond	Yes – Bid Bond
Bidder's Qualification Statement – Completed with Bid	Yes	Yes	Yes
Personal Property Tax Statement – Complete with Bid	Yes	Yes	Yes
Non-Collusion Affidavit – Completed with Bid	Yes	Yes	Yes
Certifications for Finding of Recovery – Complete with Bid	Yes	Yes	Yes
Verification of Bid Total	Yes	Yes	Yes