

ORDINANCE NO. 84-13

**AN ORDINANCE TO AWARD THE BID FOR THE
THE SCHWARTZ AND NAGEL ROAD INTERSECTION IMPROVEMENTS
AND DECLARING AN EMERGENCY**

WHEREAS, Council, pursuant to Resolution 16-13, passed on April 22, 2013, advertised for bids for the installation and construction of public improvements at the intersection of Schwartz and Nagel roads; and

WHEREAS, pursuant to Ohio Revised Code §153.12 , the City Engineer rejected the bids; and

WHEREAS, pursuant to Resolution No. R-21-13, passed June 3, 2013, bids were re-advertised; and

WHEREAS, the following bids were received:

Company	Base + Substitution	Alternate 1 + Substitution
DiGioia-Suburban Excavating, LLC	\$1,278,552.10	\$1,266,552.10
KMU Trucking & Excavating	\$1,317,714.55	\$1,305,073.05

WHEREAS, Service Director, Polaris Engineering and the City Engineer have elected to perform the Alternate 1 plus Substitution bid and recommend acceptance of the bid submitted by DiGioia-Suburban Excavating, LLC. in the amount of One Million, Two Hundred Sixty-Six Thousand Five Hundred Fifty-Two Dollars and 10/100 Cents (\$1,266,552.10) as the lowest and best bid received.

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

Section 1 - The bid submitted by DiGioia-Suburban Excavating, LLC. in the amount of One Million, Two Hundred Sixty-Six Thousand Five Hundred Fifty-Two Dollars and 10/100 Cents (\$1,266,552.10) is hereby accepted as the lowest and best bid received. Payment in the amount of One Million, Two Hundred Sixty-Six Thousand Five Hundred Fifty-Two Dollars and 10/100 Cents (\$1,266,552.10) shall be made from the Schwartz-Nagel Intersection Improvement Fund No. 468. Council further authorizes the Finance Director to transfer One Million, Two Hundred Sixty-Six Thousand Five Hundred Fifty-Two Dollars and 10/100 Cents (\$1,266,552.10) from the General Fund No. 101 to Fund No. 468 to meet the increased appropriations by the amount set forth in this Section. Further, the Finance Director is authorized to increase the appropriation by a reasonable amount for engineering and legal fees associated with this project.

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

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to award the bid for the installation and construction of public improvements at the intersection of Schwartz and Nagel roads; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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