

ORDINANCE NO. 13-18

AN ORDINANCE TO AWARD THE BID FOR THE JOSEPH, PUTH, ELIZABETH & DETROIT SANITARY SEWER PROJECT, PHASE 1 AND DECLARING AN EMERGENCY

WHEREAS, the City is in need of providing sanitary sewer service to several properties along Detroit, Joseph, Puth and Elizabeth roads (hereinafter referenced to as the "affected area") pursuant to an Ohio EPA Consent Agreement, Ord. No. 37-13, passed April 1, 2013; and

WHEREAS, Sitetech, Inc. (hereinafter referred to as "Sitetech"), a residential subdivider of land has received the necessary approvals and entered into a Subdivider's Agreement, Ordinance 21-17, to develop a subdivision of land to be known as the West Wickham Subdivision on acreage it owns in an area along the western edge of the Nagel Road Sanitary Sewer District as revised by Ordinance 89-16; and

WHEREAS, David A. and Kimberly A. Horwedel and Roy A. and Norma A. James own land on the north side of Detroit Road that abuts the southern end of the proposed West Wickham Subdivision where temporary and permanent easements were established via Ord. 8-17 which allow for the City of Avon to make a sanitary sewer connection from the West Wickham Subdivision to the Detroit Road Right-of-Way; and

WHEREAS, the connection from the West Wickham Subdivision to the Detroit Road Right-of-Way is hereby known as the Joseph, Puth, Elizabeth & Detroit Road Sanitary Sewer Project, Phase 1; and

WHEREAS, the scope of the project consists of the following: necessary tree clearing; installation of approximately 650 feet of sanitary sewer; removal of existing septic tanks; installation of sanitary cleanouts and manholes; and installation of a gravel access driveway as detailed in easement agreements with Horwedel & James and memorialized in Ordinance 8-17; and

WHEREAS, Finance Committee of Council met on November 27, 2017 and after considering whether to fund the project with an expenditure of public funds or by assessing abutting property owners, voted three (3) in favor and zero (0) opposed to recommend to City Council that the City move forward with public funding for this first phase of the project at no cost to abutting property owners; and

WHEREAS, Avon City Council, after reviewing the recommendation of the Finance Committee, finds that it is in the best interest of the health, safety and welfare of the Community that the City go forward with advertising for public bids to complete the Joseph, Puth, Elizabeth and Detroit Road Sanitary Sewer Project, Phase 1 at the City's expense; and

WHEREAS, Avon City Council via Resolution R-28-17, passed on December 4, 2017, authorized the advertisement for public bid of the Joseph, Puth, Elizabeth & Detroit Road Sanitary Sewer Project Phase 1; and

WHEREAS, the public bids were opened and read aloud at noon on January 11, 2018 at Avon City Hall for the Joseph, Puth, Elizabeth & Detroit Road Sanitary Sewer Project, Phase 1. The bids received are as follows:

Company	Bid
KMU Trucking & Excavating, LLC	\$93,610.00
Mr. Excavator, Inc.	\$104,489.30
Sitetech, Inc.	\$117,339.12

WHEREAS, the Engineer's Estimate for the Base Bid was \$100,000.00. As such the bid submitted by KMU Trucking & Excavating, LLC is 6.4% below the Engineer's Estimate. A copy of the bid tabulation is attached hereto as Exhibit A; and

WHEREAS, the City Engineer has reviewed each of the bids submitted and is recommending that the bid submitted by KMU Trucking & Excavating, LLC be considered the lowest and best bid for the Joseph, Puth, Elizabeth & Detroit Road Sanitary Sewer Project, Phase 1; 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 and award said bid to KMU Trucking to complete the Joseph, Puth, Elizabeth & Detroit Road Sanitary Sewer Project, Phase 1.

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

Section 1 - That the bid submitted by KMU Trucking & Excavating on January 11, 2018 in the amount of Ninety-Three Thousand, Six Hundred Ten Dollars and 00/100 Cents (\$93,610.00) is hereby accepted as the lowest and best bid received. Council hereby authorizes the Mayor to execute the construction contract with KMU Trucking and Excavating Inc. in said amount which shall be paid from the Sanitary Sewer Replacement and Depreciation Fund No. 406 pursuant to directives of the Finance Director. Said payment shall be made separate and apart from any other costs associated with subsequent Phases of the Joseph, Puth, Elizabeth and Detroit Sanitary Sewer Project that the City contemplates will be assessed to all property owners fronting the improvement at a future date. Further, the Finance Director is authorized to increase the 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 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 facilitate the start of construction at the earliest possible date after completion and acceptance of improvements in the West Wickham Subdivision; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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