

ORDINANCE NO. 44-19

AN ORDINANCE TO REJECT THE BIDS FOR THE IMPROVEMENT OF CHESTER ROAD BETWEEN STATE ROUTE 83 AND AMERICAN WAY AND DECLARING AN EMERGENCY

WHEREAS, Council, pursuant to Resolution R-10-19, passed on April 8, 2019, advertised for bids for improvements to Chester Road between State Route 83 and American Way; and

WHEREAS, these improvements were necessitated by the increase in traffic volume and anticipated future development along Chester Road between St. Rt. 83 and American Way; and

WHEREAS, the public bids were opened and read aloud at noon on May 2, 2019 at Avon City Hall and the following bid (only one) was received:

Contractor	Bid Total
KMU Trucking & Excavating, LLC	\$1,387,491.15

WHEREAS, The Engineer's Estimated cost for the project was set at \$1,174,906.00. As such, the bid submitted by KMU Trucking & Excavating, LLC is 18.1% greater than the Engineer's Estimate. A copy of the bid tabulation is attached hereto as Exhibit A; and

WHEREAS, pursuant to Ohio Revised Code '153.12, the City Engineer is recommending that the Bid be rejected as it greater than 10% over the published Engineer's Estimate; and

WHEREAS, City Council, based upon the Engineer's recommendation, finds the bid submitted by KMU Trucking & Excavating, LLC to be greater than 10% over the published Engineer's Estimate, and that it is in the best interest of the health, safety and welfare of the community that the bid be rejected.

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

Section 1 - That the public bid submitted by KMU Trucking & Excavating, LLC which was authorized by Resolution R-10-19 and read aloud on May 2, 2019 is hereby rejected pursuant to Ohio Revised Code §153.12 as it was greater than 110% of the published Engineer's Estimate.

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 Resolution 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.

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 reject the bids for the Chester Road, State Route 83 to American Way Project as it exceeded 110% of the published Engineer's Estimate; therefore, this resolution 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