

ORDINANCE NO. 108-19

AN ORDINANCE TO REJECT THE BIDS FOR THE BRIAR LAKES PUMP STATION ABANDONMENT PROJECT AND DECLARING AN EMERGENCY

WHEREAS, Avon City Council passed Resolution R-8-19 on April 8, 2019 declaring it necessary to improve French Creek Road and Century Lane by the installation of sanitary sewers and the abandonment of the existing pump station on French Creek Road; and

WHEREAS, City Council, pursuant to Resolution R-15-19, passed on May 20, 2019, advertised for public bids to construct a sanitary sewer and all appurtenances thereto along French Creek Road from 38151 French Creek Road to 37556 French Creek Road, to connect an existing sanitary sewer along Century Lane south of Detroit Road beginning near 37889 Detroit Road to an existing sanitary sewer system along Century Lane north of Detroit Road near 3004 Century Lane and to remove from service an existing outdated sanitary sewerage pump station and associated force main; and

WHEREAS, the French Creek Improvement and the Century Lane Improvement are so situated in relation to each other that in order to complete each of those Improvements in the most practical and economic manner both should be improved at the same time, with the same kind of materials and in the same manner; and

WHEREAS, the public bids were opened and read aloud at noon on June 13, 2019 at Avon City Hall and the following bids were received:

Contractor	Bid Total
Mr. Excavator, Inc.	\$1,392,675.45
Underground Utilities, Inc.	\$1,441,470.00

WHEREAS, The Engineer's Estimated cost for the project was set at \$1,013,450.00. As such, the bid submitted by Mr. Excavator, Inc. is 37.4% 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 is greater than 10% over the published Engineer's Estimate; and

WHEREAS, Council, upon review of the Engineer's recommendation, finds the bid submitted by Mr. Excavator, Inc. to be greater than 10% over the published Engineer's Estimate and in the best interest of the health, safety and welfare of the community that it 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 Mr. Excavator, Inc. which was authorized by Resolution R-15-19 and read aloud on June 13, 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, 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 reject the bids for the Briar Lakes Pump Station Abandonment Project as it exceeded 110% of the published Engineer's Estimate; 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