

ORDINANCE NO. 35-20

**AN ORDINANCE TO AWARD THE BID FOR THE VETERANS MEMORIAL PARK
STORM SEWER IMPROVEMENT PROJECT, PHASE I
AND DECLARING AN EMERGENCY**

WHEREAS, City of Avon had previously acquired Permanent Parcel No. 04-00-001-103-318, an 18.44-acre parcel of land located between the previous western border of Veterans Memorial Park and the eastern Right-of-Way line of Case Road; and

WHEREAS, City Officials have determined that Veterans Memorial Park and the Community as a whole would be benefitted by the completion of various public infrastructure improvements within the park including the construction of a new driveway and entrance across the acquired parcel out to Case Road; and

WHEREAS, a portion of the acquired parcel drains toward Case Road which does not currently have a consistent and sufficient drainage system to support the construction of future park improvements in that area; and

WHEREAS, the City Engineer has formulated engineered plans and specifications to install a storm sewer system beginning at Case Road and then progressing westward across Permanent Parcel No. 04-00-001-103-318 which lies on the west side of Case Road and is owned by the Fathers of St. Joseph, Inc. to a natural drainage outfall location, see Exhibit A; and

WHEREAS, the Fathers of St. Joseph, Inc. have granted a temporary and a permanent easement to the City of Avon to facilitate the installation of said storm sewer system which will serve as the storm sewer connection point at Case Road for future infrastructure projects within the western portion of Veterans Memorial Park; and

WHEREAS, Avon City Council passed Resolution R-8-20 on February 24, 2020 which authorized the public bid of the Veterans Memorial Park Storm Sewer Improvement Project, Phase I; and

WHEREAS, said project shall consist of the following: Installation of a storm sewer system beginning at Case Road and then progressing westward across Permanent Parcel No. 04-00-001-102-007 which lies on the west side of Case Road and is owned by the Fathers of St. Joseph, Inc. to a natural drainage outfall location; and

WHEREAS, the public bids were opened and read aloud at noon on March 19, 2020 at the Avon Isle Community Center and the following bids were received:

Contractor	Bid Total
KMU Trucking & Excavating, LLC	\$141,380.50
Perk Company, Inc.	\$149,499.00
Eclipse Companies, LLC	\$197,661.40
Nerone & Sons, Inc.	\$236,316.04

WHEREAS, the Engineer's Estimated cost for the project was \$155,860.00. As such, the bid submitted by KMU Trucking & Excavating, LLC is 9.3% less than the Engineer's Estimate. 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 KMU Trucking & Excavating, LLC be considered the lowest and best bid for the Veterans Memorial Park Storm Sewer Improvement Project, Phase I, a bid review memorandum is attached hereto as 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 following: awarding of a construction contract based on the public bid submitted by the KMU Trucking & Excavating, LLC for the Veterans Memorial Park Storm Sewer Improvement Project, Phase I which was received on March 19, 2020.

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 bids received on March 19, 2020 at the Avon Isle Community Center for the Veterans Memorial Park Storm Sewer Improvement Project, Phase I, the bid submitted by KMU Trucking & Excavating, LLC in the amount of One Hundred Forty One Thousand Three Hundred Eighty Dollars and 50/100 Cents (\$141,380.50) for the Veteran's Memorial Park Storm Sewer Improvement Project, Phase I is declared to be the lowest and best bid and the Mayor is hereby authorized to execute a construction contract with that entity. The Finance Director is hereby authorized to make payment from the Storm Water Drainage Improvement Fund No. 273. 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 Veterans Memorial Park Storm Sewer Improvement Project, Phase I prior to the end of the 2020 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

Ordinance No. 35-20 (Con't)

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