

ORDINANCE NO. 88-22

**AN ORDINANCE TO REJECT THE BIDS FOR THE MAIN STREET &
MIDDLE ROAD PAVEMENT RESURFACING PROJECT
AND DECLARING AN EMERGENCY**

WHEREAS, City officials have determined a need for Main Street & Middle Road to be improved where recommended by the City Engineer in conjunction with the Streets Superintendent in the area between the Chester Road & Middle Road intersection to the south and the Main Street & Center Road (State Route 83) intersection to the north; and

WHEREAS, City Council, pursuant to Resolution R-18-22, passed on May 2, 2022, advertised for public bids to improve Main Street & Middle Road in the location described above, via removal of the top portion of the existing asphalt surface, partial and full depth pavement repairs at locations determined by the City Engineer, asphalt pavement resurfacing, reinstallation of impacted pavement markings, maintenance of traffic, and associated restoration activities; and

WHEREAS, the public bids were opened and read aloud at noon on June 9, 2022 at Avon City Hall and the following bids were received:

Contractor	Bid Total
Karvo Companies	\$437,008.75
Barbicas Paving, LLC	\$637,753.00

WHEREAS, the Engineer's Estimated cost for the project was set at \$373,315.00. As such, the bid submitted by the Karvo Companies is 17% 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 in the best interest of the health, safety, and welfare of the community that it be rejected; and

WHEREAS, the City Engineer is recommending that the project be reevaluated and then reconsidered for future bidding in January 2023 so that ample time is available for project completion during the 2023 construction season and market forces can be leveraged to reduce the overall cost of completion; and

WHEREAS, Council finds that it is in the best interest of the health, safety and welfare of the community that the City reject the bids for the Main Street & Middle Road Pavement Resurfacing Project received on June 9, 2022.

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

Ordinance No. 88-22 (Con't)

Section 1 - That the bids for the Main Street & Middle Road Pavement Resurfacing Project received on June 9, 2022 are hereby rejected pursuant to Ohio Revised Code 153.12 as they were 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 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 reject the bids for the Main Street & Middle Road Pavement Resurfacing Project as they 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: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

William D. Logan, Acting 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