

ORDINANCE NO. 97-22

**AN ORDINANCE TO REJECT THE BID FOR THE CONSTRUCTION
OF RESTROOM FACILITIES AT THE AVON AQUATIC CENTER,
NORTHGATE PARK AND EAGLE POINT PARK
AND DECLARING AN EMERGENCY**

WHEREAS, Avon City Council passed Resolution R-7-22 on February 28, 2022, which authorized the public bid to construct three public restroom facilities, one each within the Avon Aquatic Center Facility, Northgate Park, and Eagle Point Park; and

WHEREAS, the Service Department has hired Sixmo Architects to prepare architectural plans, contract specifications and secure Building Department approvals for each structure with each structure being substantially the same in size and appurtenances but may vary to some degree in aesthetic details; and

WHEREAS, the public bids were opened and read aloud at noon on July 7, 2022, at Avon City Hall and the following bid was the sole bid received:

Contractor	Bid Total
Dunlop and Johnston, Inc.	\$784,100.00

WHEREAS, the Architects' Estimated cost for the project bid was \$328,322.00. As such, the bid submitted by Dunlop & Johnston is approximately 240% more than the Architects' Estimate. A copy of the bid tabulation is attached hereto within [Exhibit A](#); and

WHEREAS, pursuant to Ohio Revised Code 153.12, the Service Director, the City Engineer, and Sixmo Architecture have all reviewed the bid submitted and are recommending that the bid submitted by Dunlop and Johnston, Inc. be rejected because the amount of the sole bid received is in excess of ten percent (10%) of the estimated cost of the project, and

WHEREAS, the City Administration after reviewing the bid believes that more responsive bids can be received by restructuring the bid request and coming back to City Council seeking a new resolution authorizing public bids at a future date; 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 bid for the Avon Parks 2022 Restroom Program received on July 7, 2022.

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

Section 1 - That pursuant to Ohio Revised Code §153.12, the public bid to construct three restroom facilities, one each within the Avon Aquatic Center Facility, Northgate Park, and Eagle Point Park received on July 7, 2022, at Avon City Hall is hereby rejected by Avon City Council.

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 current bid to construct three restroom facilities as being in excess of the 10% limitation set forth in ORC §153.12; therefore, this resolution 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: _____

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