

**ORDINANCE NO. 123-15**

**AN ORDINANCE TO AWARD THE BID FOR THE CONSTRUCTION OF THE 2015 ASPHALT ROAD PROGRAM PHASE 1 WITH ALL APPURTENANCES THERETO AND DECLARING AN EMERGENCY**

**WHEREAS**, Council, pursuant to Resolution R-12-15, passed on August 10, 2015, advertised for bids for the construction of public improvements along Jaycox Road, known as the 2015 Asphalt Road Program Phase 1; and

**WHEREAS**, City officials have determined that Jaycox Road will be improved or reconstructed in two phases at the following location: approximately 400' North of Detroit Road to Chester Road, excluding the bridge over I-90 as detailed in plans and specifications prepared by the City Engineer and R.E. Warner & Associates. The first phase of the project and subject of this ordinance consists of storm sewer replacement, roadside ditch enclosure and appurtenances. The second phase of the project and subject to a separate future public bidding process will include cold in-place pavement recycling, road widening, asphalt pavement resurfacing, driveway rehabilitation, pavement marking, signage, maintaining traffic, restoration and appurtenances; and

**WHEREAS**, the public bids were opened and read aloud at noon on September 3, 2015 at Avon City Hall for the 2015 Asphalt Road Program Phase 1 Project. The bids received for are as follows:

| Company                             | Bid            |
|-------------------------------------|----------------|
| Underground Utilities, Inc.         | \$679,475.00   |
| Mr. Excavator, Inc.                 | \$702,659.50   |
| Fabrizi Trucking & Paving Co., Inc. | 743,425.00     |
| Trax Construction Company           | \$778,549.00   |
| KMU Trucking & Excavating, Inc.     | \$822,275.25   |
| DiGioia-Suburban Excavating, LLC    | \$953,832.00   |
| Sitetech, Inc.                      | \$1,044,622.83 |

**WHEREAS**, the Engineer's Estimate for the project was \$955,000.00 the low bidder's cost was 28.9% below that amount; and

**WHEREAS**, the City Engineer has reviewed each of the bids submitted and is recommending that the bid submitted by Underground Utilities, Inc. be considered the lowest and best bid submitted for the 2015 Asphalt Road Program Phase 1 project; and

**WHEREAS**, Council finds that it is in the best interest of the health, safety and welfare of the Community that the City proceed with awarding a construction contract to Underground Utilities, Inc. in the amount of \$679,475.00 for the 2015 Asphalt Road Program Phase 1 Project.

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

Section 1 - That the bid submitted by Underground Utilities, Inc. in the amount of Six Hundred, Seventy-Nine Thousand, Four Hundred and Seventy-Five Dollars and 00/100 Cents (\$679,475.00) for the 2015 Asphalt Road Program Phase 1 Project is hereby accepted as the lowest and best bid received. Said amount shall be transferred from the General Fund No. 101 to the Jaycox Road Improvement Fund No. 425. Payment in the amount of Six Hundred, Seventy-Nine Thousand, Four Hundred and Seventy-Five Dollars and 00/100 Cents (\$679,475.00) shall be made from the Jaycox Road Improvement No. 425, pursuant to directives of the Finance Director. Further, the Finance Director is authorized to increase the 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 complete the 2015 Asphalt Road Program Phase 1 Project prior to the end of the 2015 construction season; 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

Ordinance No. 123-15 (Con't)

ATTEST:

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Ellen R. Young  
Clerk of Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

Prepared By:  
John A. Gasiar, Esq.  
Law Director