

ORDINANCE NO. 30-25

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH K.E. McCARTNEY & ASSOCIATES, INC. TO PERFORM
THIRD-PARTY REVIEW SERVICES FOR THE STATE ROUTE 83
SIDEWALK PROJECT (LOR SR83-16.76, PID 119934)
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon applied for and was awarded a Systemic Safety Grant by the Ohio Department of Transportation (ODOT) to construct sidewalks on each side of State Route 83 (Center Road) between Kinzel Road and Falcon Crest Avenue, said project being known as the LOR-SR83-16.76 Sidewalk Project, PID 119934; and

WHEREAS, a recent ODOT policy change for projects funded with federal dollars requires municipalities with a Consulting City Engineer to have a separate Third-Party Reviewer if the Consulting City Engineer's firm provides design engineering services for the project; and

WHEREAS, the new ODOT policy went into effect after the time the Consulting City Engineer Ryan Cummins, P.E. and his firm CVE began work on the project; and

WHEREAS, the Service Director prepared a scope of services and identified K.E. McCartney & Associates as a reputable engineering company familiar with ODOT processes; and

WHEREAS, due to the limited services needed to fill the Third-Party Reviewer role for the State Route 83 Sidewalk Project, it was not necessary to follow a Quality Based Selection (QBS) process as the anticipated cost of such services was anticipated to be less than \$50,000.00; as such the Service Director selected K.E. McCartney & Associates to serve in the role; and

WHEREAS, K.E. McCartney & Associates prepared a cost proposal to provide Third-Party Reviewer services for the State Route 83 Sidewalk Project and submitted it for the city's consideration; and

WHEREAS, City Council has reviewed the contract for professional third-party review services submitted by K.E. McCartney & Associates, and it finds the agreement to be in the best interests of the health, safety, and welfare of the citizens of Avon in facilitating proper project oversight.

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

Section 1 - That the Mayor is hereby authorized to execute a contract with K.E. McCartney & Associates, Inc. for Third-Party Review Services related to the Rt. 83 (Center Road) Sidewalk Installation Project, LOR-SR83-16.76 Sidewalk Project, PID 119934, in substantially the form as set forth in the attached [Exhibit A](#), which when finalized, shall be incorporated herein by this reference.

Section 2 - Payment in the amount up to **Six Thousand, Five Hundred Forty-Five Dollars and 88/100 Cents (\$6,545.88)** shall be made from the State Route 83 Pedestrian Walkway Program Fund No. 473.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such 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 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to meet established ODOT's project timelines; 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, President of Council

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: _____
Electronically and at City Hall as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director