

ORDINANCE NO. 84-15

**AN ORDINANCE TO AWARD THE BID FOR THE CONSTRUCTION
OF THE NAGEL SOUTH FLOOD CONVEYANCE PROJECT - PHASE THREE
AND DECLARING AN EMERGENCY**

WHEREAS, Council, pursuant to Resolution 23-14, passed on December 8, 2014, advertised for bids for the construction of public improvements along Nagel Road, south of Schwartz; and

WHEREAS, The project will consist of replacement of approximately 1335 L.F. of undersized storm sewer on Nagel Road; and

WHEREAS, the following bids were received for the third phase of this construction as follows:

Company	Bid
Charles Akers Construction	\$315,447.70
Buckeye Excavating & Construction	\$317,970.00
Eclipse, Co., LLC	\$338,480.22

WHEREAS, the bid submitted by Charles Akers Construction, Inc. has been reviewed and found to be incomplete and non-responsive at Page P-2(d) in that the total project cost was not provided. In addition, not all references reviewed were positive, including a negative prior experience with this contractor in the City of Avon on the Joseph, Puth and Elizabeth storm sewer project and finally, the estimated time of completion was considerably shorter than the other bidders; and

WHEREAS, the bid submitted by the next lowest bidder, Buckeye Excavating & Construction, was also reviewed and it was found that although the bid was \$2,522.30 higher than the bid submitted by Charles Akers Construction, the estimated time of completion was significantly less and references were more positive; and

WHEREAS, based on the above circumstances, the Service Director and the City's Consulting Engineer recommend acceptance of the bid submitted by Buckeye Excavating & Construction in the amount of Three Hundred Seventeen Thousand Nine Hundred Seventy Dollars and 00/100 Cents (\$317,970.00) as the lowest and best bid received.

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

Section 1 - That the bid submitted Buckeye Excavating & Construction in the amount of Three Hundred Seventeen Thousand Nine Hundred Seventy Dollars and 00/100 Cents (\$317,970.00) is hereby accepted as the lowest and best bid received. The Finance Director is authorized to transfer said amount from the General Fund No. 101 to the Nagel South Flood Control Fund No. 419. Payments are to be made from Fund No. 419 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.

Ordinance No. 84-15 (Con't)

Section 2 - 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 3 - 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 award the bid for the Nagel South Flood Conveyance Project - Phase Three so that work can begin at the earliest possible date; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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