

ORDINANCE NO. 50-16

**AN ORDINANCE TO AWARD THE BID FOR THE 2016
PAVEMENT MARKING PROGRAM
AND DECLARING AN EMERGENCY**

WHEREAS, Council, pursuant to Resolution R-5-16, passed on March 28, 2016, once again advertised for bids for the re-application of pavement markings on certain public streets within the City of Avon, known as the 2016 Pavement Marking Program; and

WHEREAS, City officials have determined that the pavement markings on certain portions of the following roads need to be re-applied: Avon Road, Case Road, Center Road, Chester Road, Colorado Avenue, Detroit Road, French Creek Road, Jaycox Road, Just Imagine Drive, Kinzel Road, Long Road, Main Street/Middle Road, Miller Road, Mills Road, Moon Road, Moore Road, Nagel Road, Recreation Lane, Riegelsberger Road, Schwartz Road and Stoney Ridge Road; and

WHEREAS, the public bids were opened and read aloud at noon on April 21, 2016 at Avon City Hall for the 2016 Pavement Marking Program are as follows:

Company	Bid
Dura Mark, Inc.	\$155,249.30
Ogelsby Construction, Inc.	\$194,867.69
A & A Safety, Inc.	\$223,840.40

WHEREAS, the Engineer's Estimate for the project was \$215,000.00 and the low bid was 27.8% below that amount; and

WHEREAS, the City Engineer included in the bid documents a series of alternate work items for the application of epoxy based paint markings on interstate overpass bridges. The apparent low bidder on the base bid, Dura Mark, Inc., also provided the total low bid for the alternate work items. Dura Mark, Inc.'s total cost of all the alternate items (epoxy marking) was \$15,049.00. The acceptance of the alternate work items would result in a reduction of the overall quantity of the base bid items in the amount of \$1,696.10. The total project cost of all alternate items less the non-performed items in the base bid results in a total project cost of \$168,602.20; and

WHEREAS, Council finds that it is in the best interest of the health, safety and welfare of the Community that the City go forward with awarding the bid for the 2016 Pavement Marking Program received on April 21, 2016.

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 Dura Mark, Inc. in the amount of One Hundred Sixty Eight Thousand, Six Hundred two Dollars and 20/100 (\$168,602.20), which includes the addition of noted alternate work items and reduction of corresponding base bid items for the 2016

Ordinance No. 50-16 (Con't.)

Pavement Marking Program is declared to be the lowest and best bid received. As such, Council hereby authorizes the Mayor to execute the construction contract with the Dura Mark, Inc. in said amount for the 2016 Pavement Marking Program.

Payment in the amount of One Hundred Sixty Eight Thousand, Six Hundred two Dollars and 20/100 (\$168,602.20) shall be made as follows: Approximately sixty percent (60%) from the Street Department Fund No. 201 and approximately forty percent (40%) out of the State Highway Fund No. 205. Further, the Finance Director is authorized to proportionately increase these appropriations 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 substantially complete the 2016 Pavement Marking Program prior to the end of the 2016 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. 50-16 (Con't.)

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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