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*President of Council*

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*Clerk of Council*

# City of Milloughby Hills

DAVID M. FIEBIG  
CHRISTOPHER HALLUM  
LAURA LENZ  
JANET R. MAJKA  
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## ORDINANCE NO. 2019-23

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### **AN ORDINANCE TO ACCEPT THE BID PROVIDED BY NERONE & SONS, INC. FOR THE DODD ROAD BANK STABILIZATION PROJECT AND DECLARING AN EMERGENCY.**

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**WHEREAS**, a small portion of the Dodd Road embankment (around 75 feet) has recently failed and has exposed guardrail posts and roadway material; and

**WHEREAS**, this section of the road is approximately 500 feet and is in close proximity to the river bank that is in immediate need of protection; and

**WHEREAS**, this project is time sensitive for the following reasons: (a) critical to maintain the integrity of the roadway, as well as health, safety, and welfare of the public; (b) intent is to complete stabilization construction prior to planned resurfacing of Dodd Road in 2019; as part of the resurfacing project, this portion of Dodd Road will be shifted several feet further away from the bank; (c) required permitting from Army Corp of Engineers is currently unpredictable, and could be a factor in schedule; and

**WHEREAS**, on June 14, 2018, Council adopted Ordinance No. 2018-30, contracting Bowen to oversee the work of KS Associates and to act as the City's representative during the retaining wall analysis and design process; and

**WHEREAS**, on June 14, 2018, Ordinance No. 2018-31, adopted by Council, approved a contract with KS Associates for up to \$68,000 to perform the design; and

**WHEREAS**, on January 24, 2019, a motion was made authorizing the Mayor to advertise for contractor bids; and

**WHEREAS**, on February 14, 2019, Ordinance No. 2019-14, adopted by Council accepted the proposal provided by Richard L. Bowen + Associates, Inc. for the bidding and construction administration of the stabilization project; and

**WHEREAS**, the project description for the bidding and construction administration of the Dodd Road Embankment Protection Projection (aka Dodd Bank Stabilization Project) involves the construction of a drilled shaft retaining wall between Dodd Road and the Chagrin River, approximately 500 feet northeast of Milann Drive; and

**WHEREAS**, the project was advertised in the News-Herald on February 14<sup>th</sup> and February 21<sup>st</sup>; invitations to bid were distributed to thirty-one contractors and bid documents were distributed to The Builder's Exchange and ConstructConnect planrooms; five contractors purchased bid documents, two contractors attended the prebid meeting, and three contractors submitted bids by the March 7, 2019 deadline; and

**WHEREAS**, the bid of \$392,466.57 received from Nerone & Sons, Inc. is 8.5% over the Engineer's Opinion of Probable Construction Cost of \$361,777,000; however, the bid of Nerone & Sons, Inc. was the best and lowest of the three bids received; and

**WHEREAS**, Nerone & Sons, Inc. has agreed to offer a credit for the City's Service Department to perform the tree removal on site which needs to be completed before the March 31, 2019 Indian bat restrictions take effect; and

**WHEREAS**, the Army Corps of Engineers (ACOE) has not yet finalized their permitting of the work in the river; however, Nerone & Sons, Inc. has agreed to start work without the ACOE permit and complete as much of the project as legally possible without a permit, as any construction delay costs incurred by Nerone & Sons, Inc. due to lack of permitting may result in additional cost to the City; and

**WHEREAS**, Nerone & Sons, Inc. fully understands the scope of work, proposes a 90-day construction schedule and 90-day road closure and has a good history of working with various municipalities and organizations in the Northeast Ohio area; and

**WHEREAS**, the City’s Road Superintendent has worked with Nerone and Sons, Inc. in the past and highly recommends them.

***NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

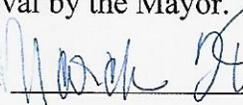
**SECTION 1.** The Mayor is hereby authorized and directed to accept the bid of \$392,466.57 submitted by Nerone & Sons, Inc., of 19501 S. Miles Road, Warrensville Heights, Ohio 44128, to provide construction services specifically required for the Dodd Road Bank Stabilization Project.

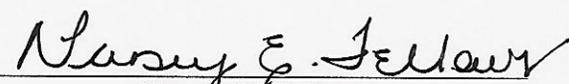
**SECTION 2.** The Finance Director is hereby authorized to provide a City-issued purchase order for said authorized expenditure.

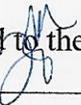
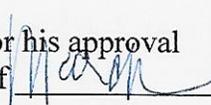
**SECTION 3.** All project costs are to be reimbursed by the Lake County Stormwater Management Department (LCSMD).

**SECTION 4.** The actions of this Council concerning and relating to the passage of legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

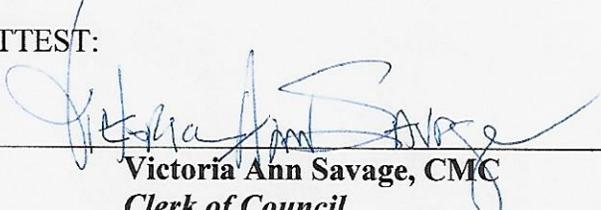
**SECTION 5.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the municipality and further reason being that the City requires the professional services to immediately proceed with the bank stabilization critical to maintain the integrity of the roadway; wherefore this Ordinance shall be in full force and take effect from and after its adoption and approval by the Mayor.

PASSED: , 2019

  
Nancy E. Fellows  
President of Council

Submitted to the Mayor for his approval on this  day of , 2019

Approved by the Mayor  
March 28 2019

ATTEST:  
  
Victoria Ann Savage, CMC  
Clerk of Council

  
Robert M. Weger  
Mayor