

NANCY E. FELLOWS  
President of Council

JOHN PLECNIK  
Vice President of Council

VICTORIA ANN SAVAGE, CMC  
Clerk of Council

# City of Willoughby Hills

DAVID M. FIEBIG  
CHRISTOPHER HALLUM  
LAURA LENZ  
JANET R. MAJKA  
LAURA PIZMOHT

## ORDINANCE NO. 2019-24

---

### **AN ORDINANCE TO ACCEPT THE BID PROVIDED BY SOLAR TESTING LABORATORIES, INC. TO PROVIDE TESTING AND INSPECTION SERVICES FOR THE DODD ROAD BANK STABILIZATION PROJECT AND DECLARING AN EMERGENCY.**

---

**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**, 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. was 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**, included in the abovementioned Engineer's Opinion of Probable Construction Cost and the bid received from Nerone & Sons, Inc. was an allowance amount of \$12,000 for construction observation; and

**WHEREAS**, the City Engineer obtained a quote in the amount of \$12,000 from Solar Testing Laboratories, Inc. to provide said construction observation.

***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 quote, consisting of five (5) pages, referenced herein and attached hereto as the "Exhibit A", in the amount of \$12,000 as obtained by the City Engineer from Solar Testing Laboratories, Inc., of 1125 Valley Belt Road, Brooklyn Heights, Ohio 44131, to provide construction observation and embankment protection 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: March 26, 2019

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

Submitted to the Mayor for his approval  
on this 26 day of March, 2019

Approved by the Mayor  
March 28 2019

ATTEST:  
Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

Robert M. Weger  
Robert M. Weger  
Mayor