

City of Willoughby Hills

ORDINANCE NO. 2009-79

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACT WITH FABRIZI TRUCKING & PAVING COMPANY, INC. FOR THE EUCLID CREEK TRIBUTARY WATERSHED (ECTW) SANITARY SEWER IMPROVEMENTS: CONTRACT NO. 5 – PARTS 1 AND 2 AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2009-32, as adopted by Council on May 27, 2005 authorized and directed the Mayor to enter into an Agreement with CT Consultants, Inc. dated June 1, 2005 for the planning, design, and bidding services for the final phase of the Euclid Creek Tributary Watershed Sanitary Sewer Improvements (ECTW) Sanitary Sewer Improvements (Assessment Area “C”); and

WHEREAS, Assessment Area “C” was initially divided into three (3) contracts: the area south of Chardon Road and west of I-271 was designated as Contract No. 5, the area north of and including Chardon Road was designated as Contract No. 6 and the electrical work for the proposed Eddy Road west of Rockefeller Road was designated as Contract No. 7; and

WHEREAS, CT Consultants, Inc. solicited bids for the final phase of the Euclid Creek Tributary Watershed Sanitary Sewer Improvements (ECTW) Sanitary Sewer Improvements (Assessment Area “C”) Contract No. 5 Part 1 – General and Part 2 – Bishop Road Pavement Improvements and Contract No. 6 – Electrical; and

WHEREAS, bids were received for the Euclid Creek Tributary Watershed Sanitary Sewer Improvement (ECTW) – Contract No. 5 – Part 1– General and Part 2 – Bishop Road Pavement Improvements on October 7, 2009; and

WHEREAS, the Council of the City of Willoughby Hills has reviewed and accepts the recommendations as provided by the City Engineer, in his letter to the Mayor, dated October 12, 2009, attached hereto as “**Exhibit A**”, consisting of (25) pages and incorporated herein by reference, finding the bid of \$4,506,102.50 for Contract No. 5 – Part 1 – General and Part 2 – Bishop Road Pavement Improvements as received from Fabrizio Trucking & Paving Company to be the lowest bid in conformance with all contract requirements.

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

SECTION 1. The Mayor is hereby authorized and directed to accept the bid of and thereby award Contract No. 5 – Part 1 – General and Part 2– Bishop Road Pavement Improvements for the Euclid Creek Tributary Watershed Sanitary Improvements (Assessment Area “C”) to Fabrizio Trucking & Paving Company, Inc. of Middleburg Heights; substantially pursuant to the terms and conditions identified in said Contract attached hereto as “**Exhibit B**”, consisting of two (2) pages, at a cost not to exceed **\$4,506,102.50**.

SECTION 2. The Director of Finance is authorized and directed to return bid bonds to all unsuccessful bidders.

SECTION 3. The actions of this Council concerning and relating to the passage of this 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 4. 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 a municipal department and further reason being to allow the City to comply with the OWDA Board schedule that utilizes the funds for this project; these funds are necessary so as to execute said contract within ninety (90) days of the bid opening; wherefore, this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED October 22, 2009



David A. Reichelt
President of Council, Pro-tem

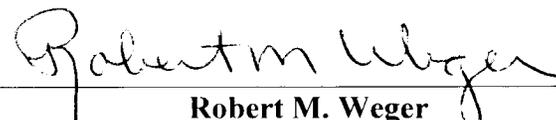
Submitted to the Mayor for his approval on this 22 day of October, 2009

Approved by the Mayor

October 22, 2009

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weger
Mayor

ORDINANCE NO. 2009-79

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2009-79** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **October 22, 2009**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No.2003-19 in the **Lake County News-Herald** on **October 28, 2009**. Effective date of Legislation: **October 22, 2009**.

Victoria Ann Savage, CMC
Clerk of Council