

DAVID A. REICHEL  
President of Council

NANCY E. FELLOWS  
Vice President of Council

VICTORIA ANN SAVAGE, CMC  
Clerk of Council

# City of Willoughby Hills

*Council*  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
FRANK A. GERMANO  
DAVID A. REICHEL  
RAYMOND C. SOMICH

## ORDINANCE NO. 2013-36

### **AN ORDINANCE ACCEPTING THE BID OF PHIL MILLER CONSTRUCTION, INC. OF MIDDLEFIELD, OHIO FOR THE GATSBY-KRISTIN PAVEMENT IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Bids received ranged from a low bid of \$85,086.36 to a high bid of \$118,191.75 as compared to the Engineer’s Estimate of Probable Cost for Construction of \$96,317.60; and

**WHEREAS**, with references verified and contacted including Hambden Township, Geauga County Engineer, and Ronyak Brothers Paving (private Contractor), after extensive review and verification of the submitted bids, Richard L. Bowen + Associates, Inc. recommends Phil Miller Construction, Inc. who is qualified to perform the work, the award of the lowest and best bid of \$85,086.36; and

**WHEREAS**, the Council of the City of Willoughby Hills has reviewed and accepts the recommendations of Richard L. Bowen + Associates, Inc. as provided by the Assistant City Engineer, Daniel J. Collins, P.E., in his Memorandum of July 12, 2013, attached hereto as Exhibit “A”, consisting of (4) pages and incorporated herein by reference.

**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 and thereby enter into a contract with Phil Miller Construction, Inc. of 17250 Kinsman Road, P. O. Box 790, Middlefield, Ohio 44062, for the Gatsby-Kristin Pavement Improvements Project at a total cost not to exceed \$85,086.36.

**SECTION 2.** The Director of Finance is authorized and directed to return the 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 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, 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; to wit: due to the time sensitivity of the project which requires the City to immediately proceed with the Gatsby-Kristin Pavement Improvements Project; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: \_\_\_\_\_, 2013

Submitted to the Mayor for his approval  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
**Victoria Ann Savage, CMC**  
*Clerk of Council*

\_\_\_\_\_  
**David A. Reichelt**  
*President of Council*

Approved by the Mayor  
\_\_\_\_\_, 2013

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**Robert M. Weger**  
*Mayor*