

RECORD OF ORDINANCES

Resolution No. 2023-38

Passed JUNE 7, 2023

SPONSOR: STREETS COMMITTEE

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONSTRUCTION CONTRACT WITH CEMENTECH, INC. TO SUPPLY LABOR AND MATERIALS NECESSARY FOR THE DICK STREET AND FENTON AVENUE INFRASTRUCTURE IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Section 14.03 of the Village's Charter provides that all purchases exceeding one-half (1/2) of the statutory threshold of \$50,000.00 shall be undertaken by advertising for and accepting sealed bids; and

WHEREAS, the Village Engineer has recommended infrastructure improvements to Dick Street between Pearl Avenue and Fenton Avenue and to Fenton Avenue between Curtis Street and Mogadore Road (the "Project"); and

WHEREAS, the Village Engineer prepared plans and specifications for the Project, which are on file in the Office of the Clerk-Treasurer, and estimated that the cost for labor and materials for the Project will exceed the threshold set forth in Section 14.03 of the Village's Charter and therefore require competitive bidding; and

WHEREAS, pursuant to Resolution No. 2023-28, this Council authorized and directed the Clerk-Treasurer to advertise for bids for labor and materials for the Project; and

WHEREAS, the Clerk-Treasurer advertised for bids for labor and materials for the Project, and the lowest responsive and responsible bidder was Cementech, Inc. in the amount of \$1,695,530.90; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to accept the aforementioned bid and to authorize the Mayor and Clerk-Treasurer to enter into a construction contract with Cementech, Inc. to supply labor and materials necessary for the Project in an amount not to exceed \$1,695,530.90.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: The Mayor and Clerk-Treasurer are hereby authorized to enter into a construction contract with Cementech, Inc. to supply labor and materials necessary for the Project in an amount not to exceed \$1,695,530.90.

SECTION 2: The Clerk-Treasurer is authorized to refund all bonds or certified checks to the successful and unsuccessful bidders upon execution of the aforementioned construction contract.

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SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately authorizing the Mayor and Clerk-Treasurer to execute the aforementioned construction agreement so that the Project may commence in a timely fashion, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

Michael Poddish 6-7-23
President of Council Date

Michael A. Pod 6-7-23
Mayor Date

Attest:

[Signature]
Clerk-Treasurer