

AN ORDINANCE AWARDING A CONTRACT FOR THE WALKER ROAD PARK  
RETENTION BASIN EXPANSION PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the Public Works Department has prepared plans and specifications for the Walker Road Park Retention Basin Expansion Project, which have been and are now on file in the Public Works Department; and

WHEREAS, further in accordance with the direction of Council, the Public Works Department has caused notice to be given as provided by law, inviting bids for construction of said improvements, bids having been received, opened and tabulated as provided by law; and

WHEREAS, Council coming now to consider said bids has determined that the bid submitted by Marks Construction Inc. of Valley City, Ohio, is the lowest and best responsive bid, after advertising in accordance with law, and is acceptable to this Council.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Marks Construction Inc. of Valley City, Ohio (hereafter referred to as "Contractor") for the Walker Road Park Retention Basin Expansion Project for the City of Avon Lake, Ohio, in accordance with the plans and specifications, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of \$496,199.54, which shall be shared equally with the City of Bay Village.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of \$496,199.54, which shall be shared equally with the City of Bay Village, to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.

Section No. 4: That upon receipt by the Director of Finance of the certificate of the Public Works Department that the construction has been completed to the full satisfaction of the Public Works Department and in accordance with the plans and specifications, then the Director of Finance shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Department to be due said Contractor under the contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of expanding the retention basin at Walker Road Park, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 2/22/2021  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

PASSED: 3/08/2021

*/s/ Martin E. O'Donnell*  
President of Council

POSTED: 3/12/2021

APPROVED: 3/09/2021

ATTEST: */s/ Valerie E. Rosmarin*  
Clerk of Council

*Gregory J. Zilka*  
Mayor