

AN ORDINANCE AWARDING A CONTRACT FOR THE COLLECTION OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS, AND YARD WASTE AND DECLARING AN EMERGENCY.

WHEREAS, Chapter XI, Section 61 of the Charter authorizes City Council to grant permission to any person, firm, or corporation to construct and operate a public utility in, on, across, under, or above any public street or ground within the Municipality; and

WHEREAS, Section 3 of Article XVIII of the Constitution of the State of Ohio and Chapter I, Section 2 of the Charter authorize City Council to adopt and enforce within the Municipality such local police, sanitary, and other similar regulations; and

WHEREAS, Ohio Revised Code 715.43 authorizes City Council to provide for the collection and disposition of sewage, garbage, ashes, animal and vegetable refuse, dead animals, and animal offal; and to establish, maintain, and regulate plants for the disposal thereof; and

WHEREAS, in accordance with the direction of Council, the Lorain County Solid Waste & Recyclables Collections Consortium has prepared plans and specifications for the collection of residential solid waste, recyclable materials, and yard waste; and

WHEREAS, further in accordance with the direction of Council, the Lorain County Solid Waste & Recyclables Collections Consortium has caused notice to be given, as provided by law, inviting bids for said service; bids having been received, opened, and tabulated as provided by law; and

WHEREAS, Council coming now to consider said bids has determined that the base bid submitted by Kimble Recycling & Disposal, Inc., of Dover, Ohio, is the best responsive bid 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 Kimble Recycling & Disposal, Inc., of Dover, Ohio, (hereafter referred to as "Contractor") for the collection of residential solid waste, recyclable materials, and yard waste, in accordance with the plans and specifications prepared by the Lorain County Solid Waste & Recyclables Collections Consortium, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bids received.

Section No. 2: That the Contractor shall furnish its good and sufficient performance bond to the satisfaction of the Mayor and, as to form by the Director of Law, conditioned on the 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 the Mayor shall be, and he is hereby authorized and directed to sign and execute the contract, or a substantially similar contract, included as part of the plans and specifications prepared by the Lorain County Solid Waste & Recyclables Collections Consortium and included in the invitation for bids for service.

Section No. 5: That contract, upon execution by the Mayor and the Contractor, shall constitute the issuance of a franchise, in accordance with Codified Ordinance Section 1090.02(a).

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 taken 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 authorizing a contract at favorable terms to ensure uninterrupted garbage and rubbish service for the preservation of the peace, health, safety, and general welfare of the residents of Avon Lake. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: 1/22/2024

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

POSTED: 1/26/2024

APPROVED: 1/23/2024

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

/s/ Mark A. Spaetzel
Mayor