

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 243

By: Mayor Perciak and Mr. Carbone

AN ORDINANCE RATIFYING, CONFIRMING AND APPROVING THE MAYOR ENTERING INTO A CONTRACT FOR EMERGENCY CONCRETE REPAIRS RESULTING FROM A WATERMAIN BREAK IN THE CITY'S RIGHT-OF-WAY AT PEARL AND BOSTON ROADS, WITHOUT PUBLIC BIDDING; AUTHORIZING ACCEPTANCE OF PAYMENT THEREFOR FROM THE CLEVELAND DIVISION OF WATER; AND DECLARING AN EMERGENCY.

WHEREAS, the City's Director of Public Service determined that the concrete damage resulting from a City of Cleveland watermain break within the City right-of-way at Pearl and Boston Roads was in immediate need of repair and created a real and present public safety issue and emergency; and

WHEREAS, therefore, it was immediately necessary to contract with an existing qualified and readily available local vendor already providing services to the City, who could promptly make emergency repairs to said concrete street in order to protect the health, safety, welfare and property of the City and the traveling public; and

WHEREAS, the Cleveland Division of Water has remitted payment directly to the City of Strongsville for such repairs in the amount of \$72,975.00.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, BY UNANIMOUS AFFIRMATIVE VOTE:

Section 1. That this Council finds and determines, as set out in Article V, §5 of the Charter, that there was a real and present emergency in the operation of the Department of Service of the City of Strongsville and that it was immediately necessary to enter into a contract, without public bidding, with **FABRIZI TRUCKING & PAVING CO., INC.**, in order to make emergency repairs to the concrete roadway on City right-of-way at Pearl and Boston Roads, in order to protect the health, safety, welfare and property of the City and the traveling public.

Section 2. That, for the reasons aforesaid, this Council hereby ratifies, confirms and approves the Mayor's entering into a contract with Fabrizi Trucking & Paving Co., Inc., without public bidding, in the amount of \$72,975.00 for labor and materials, for emergency repairs to the concrete damaged by a watermain break at Pearl and Boston Roads, as more fully set forth in Exhibit A attached hereto and incorporated herein by reference, and in a form approved by the Law Director.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2015 – 243
Page 2

Section 3. That the Director of Finance is hereby authorized to bill the Cleveland Division of Water and to accept the sum of \$72,975.00 in full reimbursement thereof (Exhibits B and B-1).

Section 4. That the funds for the purpose of the aforesaid expenditure shall be advanced and paid from the General Fund.

Section 5. 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, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that the within contract is immediately necessary in order to maintain the usual daily operation of the Service Department and to protect the health, safety, welfare and property of the City and the travelling public, and to conserve public funds by obtaining prompt reimbursement from Cleveland Water. Therefore, provided this Ordinance receives the unanimous vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Michael Daymut
 President of Council

Approved: Thomas S. Daniel
 Mayor

Date Passed: November 16, 2015 Date Approved: November 17, 2015

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daymut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dooner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maloney	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

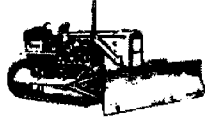
Attest: Aimee Pientka
 Clerk of Council

ORD. No. 2015-243 Amended: _____
 1st Rdg. 11-16-15 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Date: _____
 Adopted: 11-16-15 Date: _____



**FABRIZI
TRUCKING & PAVING CO., INC.**
 SHOP: 6751 EASTLAND RD.
 MIDDLEBURG HTS., OHIO 44130
PLEASE REMIT TO:
 OFFICE: 389 COLUMBIA RD.
 VALLEY CITY, OHIO 44280
 (330) 273-2784



Invoice: 42683

Sold to
 CITY OF STRONGSVILLE
 16099 FOLTZ PKWY.
 STRONGSVILLE, OH 44149

Ship to
 PEARL RD WIDENING (CUY42-0.00)
 CITY OF STRONGSVILLE

<u>Account</u>	<u>P.O. Num</u>	<u>Job Number</u>	<u>Ship Date</u>	<u>Terms</u>	<u>Invoice Date</u>	<u>Page</u>
STRONJOB		133000		Net 30	5/31/15	1

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
	1	REMOVE AND REPLACE CONCRETE DAMAGED BY WATERMAIN BREAK AT PEARL & BOSTON AS QUOTED	72,975.00	72,975.00

NOTICE OF FURNISHING

By furnishing the construction materials and equipment described in this invoice, the supplier acquires lien rights to the property that is improved. It is required that you immediately provide the supplier with a copy of the Owners Notice of Commencement required by Section 1311.04 ORC. Owner will take notice that unless this invoice is paid in accordance with the terms stated, FABRIZI TRUCKING & PAVING INC will exercise its Lien Rights as provided by Ohio Law.

THANK YOU!



Subtotal 72,975.00

Total \$72,975.00

CITY OF STRONGSVILLE

16099 Foltz Parkway
Strongsville, Ohio 44149
440-580-3171 fax 440-572-4403 / Contact: B Timko

Invoice No. 2015-0713

INVOICE

Customer

Name Cleveland Division of Water
Address 4600 Harvard Avenue
City Cleveland State Ohio ZIP 44105
Attn: Stephanie Byrd, Assistant Administrator

Date 7/13/2015
Order No. _____
Rep _____
FOB _____

Qty	Description	Unit Price	TOTAL
1	Remove and replacement of new concrete damaged by Watermain break at Pearl and Boston as submitted and approved by Alex Margevicius by Fabrizi Trucking and Paving	\$72,975.00	\$72,975.00

Payment Details

- Cash
 Check
 Credit Card

Name _____
CC # _____
Expires _____

SubTotal	\$72,975.00
Shipping & Handling	\$0.00
Taxes	\$0.00
TOTAL	\$72,975.00

Office Use Only

Please return 1 copy of the invoice with your payment

Any Questions Contact Bryan Timko 440-580-3171

EXHIBIT B

Check Date: October 27, 2015
 Invoice Number: 2015-0713
 Invoice Date: 07/13/2015
 Voucher ID
 CITY OF CLEVELAND
 Gross Amount: \$72,975.00
 Discount Taken: \$0.00
 Paid Amount: \$72,975.00
 Check No. 1134873

Vendor Number	Vendor Name	Total Discounts
CONY0000048154	CITY OF STRONGSVILLE	\$0.00
Check Number	Date	Total Amount
1134873	October 27, 2015	\$72,975.00
		Total Paid Amount
		\$72,975.00

CITY OF CLEVELAND
 Frank G. Jackson, Mayor
 City of Cleveland - Accounts
 Cleveland, OH 44114
 Void if not presented within 30 days
 To the Treasurer of The City of Cleveland, Ohio

1134873
 Date: October 27, 2015
 Pay Exactly \$*****72,975.00***

THE SUM OF \$72,975.00
SEVEN THOUSAND, NINE HUNDRED SEVENTY FIVE AND 00/100 DOLLARS

Pay
 To The
 Order Of
 CITY OF STRONGSVILLE
 16099 Foltz Pkwy
 Strongsville, OH 44149

Don Shulley
 CITY TREASURER
James M. Wood
 COMMISSIONER OF ACCOUNTS

⑈ 1134873⑈ ⑆041203895⑆ 7701029⑈

EXHIBIT B-1

Service Department

Memo

RECEIVED

NOV 04 2015

LAW DEPARTMENT
CITY OF STRONGSVILLE

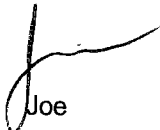
To: Ken Kraus
From: Joe Walker
Date: 11/4/2015
Re: Fabrizi/Cleveland Water Main Break repair

Ken,

I have attached copies of the invoice from Fabrizi for the repair work in the amount of \$72,975.00 to the City of Strongsville, as well as a copy of the invoice from the City of Strongsville to the City of Cleveland water department. Cleveland water was unable to pay a 3rd party vendor directly for the repairs to the street, but did agree to the use of Fabrizi to make the repairs, provided that the City of Strongsville act as a pass through for the billing and payment of the repairs.

The City of Strongsville's Engineering Department requested the use of Fabrizi for this repair as it was located within the Pearl Road Widening Project. By using Fabrizi for the repairs to this section of newly widened roadway there would be no issues or conflicts with the warranty associated with the project.

Please let me know if there are any questions or issues.


Joe

cc: Mayor Thomas P. Perciak
Michael J. Daymut, President of Council
James Carbone, Chairman, Public Service Committee