

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 098

By: Mayor Perciak and All Members of Council

AN ORDINANCE APPROVING, RATIFYING AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AND MAKE PAYMENT FOR VARIOUS EMERGENCY REPAIRS TO A CITY STORM SEWER AND APPURTENANCES, ON POINT OVERLOOK DRIVE IN THE CITY OF STRONGSVILLE, WITHOUT PUBLIC BIDDING; AND DECLARING AN EMERGENCY.

WHEREAS, on or about Wednesday, March 30, 2016, a storm sewer on Point Overlook Drive failed due to erosion, which created emergency circumstances threatening the health, safety and welfare of certain of the City's residents and their properties; and

WHEREAS, in order to properly address such emergency circumstances and notwithstanding the best efforts of the City's Department of Public Service, and Engineering Department, it has become necessary to enter into a contract for supplemental services to repair the City storm sewer and appurtenances, which is located in public easement areas, on an emergency basis; and

WHEREAS, such actions have been and are undertaken only upon the approval and recommendations of the Mayor, Director of Public Service and City Engineer, and with a City contractor that can quickly mobilize resources, and which is totally responsive and proposes competitive and reasonable rates for such services; and

WHEREAS, it has and will become necessary to render payments for such emergency services in order to facilitate additional services as they become required in order to clean up debris and conduct further maintenance and/or repairs as necessary.

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 is an immediate and present emergency in the operation of the Department of Public Service of the City of Strongsville, in that it has become immediately necessary to enter into a contract, without public bidding, with **MARKS CONSTRUCTION, INC.**, for various emergency repair services to a City storm sewer and appurtenances, in a public right-of-way or otherwise primarily on designated public easements, because of the failure of a storm sewer due to erosion, in order to provide for the operation of the Service Department and Engineering Department and the proper maintenance of the City storm sewers, drainage facilities and appurtenances of the public storm sewer system within the City, to protect the health, safety, welfare and property of the residents, and to conserve public funds.

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Section 2. That, for the reasons aforesaid, this Council hereby approves, ratifies and authorizes the Mayor proceeding with such emergency repair work necessary under the afore-described circumstances, and entering into a contract with MARKS CONSTRUCTION, INC., without public bidding, in a total amount not to exceed \$65,565.75, for the emergency repair services to a City storm sewer and appurtenances within the City, all as reflected on the invoice attached hereto as Exhibit A and incorporated herein by reference and which is approved.

Section 3. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Drainage Levy Fund.

Section 4. 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 5. 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 of the City, and for the further reason that it is immediately necessary to approve, authorize and ratify the contract for payment of emergency work in order to provide for the services, operation, and maintenance of the City's Department of Public Service and Engineering Department, to properly maintain City storm sewers, drainage facilities and appurtenances, to protect the health, safety and welfare of the residents, and to conserve public funds. 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.



President of Council

Approved: 

Mayor

Date Passed: May 2, 2016

Date Approved: May 3, 2016

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

Attest: 

Clerk of Council

ORD. No. 2016-098 Amended: _____
1st Rdg. 05-02-16 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 05-02-16 Defeated: _____

RECEIVED

APR 12 2016

Invoice

MARKS CONSTRUCTION, INC. -

5855 CENTER ROAD
VALLEY CITY, OH 44280
330-273-3121
330-220-6622 FAX

CITY OF STRONGSVILLE
SERVICE DEPARTMENT

DATE INVOICE #
4/8/2016 2445

BILL TO

CITY OF STRONGSVILLE
MIKE GALLAGHER
16099 FOLTZ PARKWAY
STRONGSVILLE, OHIO 44149
440-580-3176

TERMS: DUE UPON RECEIPT UNLESS OTHERWISE SPECIFIED OR AGREED UPON BETWEEN CONTRACTOR AND PROPERTY OWNER. NET 30, 2% service charge per month, 24% per year on past due balance, CUSTOMER, agrees to pay all collection, attorney, and/or court costs incurred by the SELLER in the event it is necessary to enforce payment.

DESCRIPTION	QTY	RATE	AMOUNT
MARK JR - MOBILIZE 160	2	85.00	170.00
ADAM - LABOR	2	35.00	70.00
WAYNE - MOBILIZE 250	2	85.00	170.00
WAYNE - LABOR	2	35.00	70.00
WAYNE - HAULING TANDEM	2.5	85.00	212.50
WAYNE - HAULING SEMI	4.5	125.00	562.50
WAYNE - 160	1.25	145.00	181.25
DAVE - 140	13	125.00	1,625.00
DAVE - 250	0.5	180.00	90.00
ADAM - LABOR	12.75	35.00	446.25
MARK JR - HAULING TANDEM	10	85.00	850.00
MARK JR - LABOR	4	35.00	140.00
MARK SR - 250	12.75	180.00	2,295.00
ZOLLINGER - HAULING	3	85.00	255.00
DUMP CHARGE	2	85.00	170.00
WAYNE - 160	2.5	145.00	362.50
WAYNE - HAULING - TANDEM	7.75	85.00	658.75
DAVE - 140	9.75	125.00	1,218.75
ADAM - LABOR	9.25	35.00	323.75
MARK JR - TRUCKING - TANDEM	10	85.00	850.00
MARK JR - LABOR	1	35.00	35.00
MARK SR - 250	10	180.00	1,800.00
ARMOR STONE 03/30/16	219.55 ✓	47.00	10,318.85 ✓
ARMOR STONE 03/31/16	163.06 ✓	47.00	7,663.82 ✓
ARMOR STONE 04/01/16	73.09 ✓	47.00	3,435.23 ✓
#304 STONE 04/01/16	38.07 ✓	26.60	1,012.66 ✓
MARK JR - HAULING - TANDEM	7.5	85.00	637.50

OK MG
4-12-16

[Signature]
4/12/16

Total

Ex. A

RECEIVED

APR 12 2016

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DESCRIPTION	QTY	RATE	AMOUNT
MARK JR - LABOR	1	35.00	35.00
DAVE - 140	9.5	125.00	1,187.50
MARK SR - 250	8.5	180.00	1,530.00
ARMOR STONE 04/04/16	146.1 ✓	47.00	6,866.70 ✓
#8 LIMESTONE	115.1 ✓	28.65	3,297.62 ✓
WAYNE - TANDEM - TRUCKING	6.25	85.00	531.25
WAYNE - 160	1	145.00	145.00
WAYNE - LABOR	1.5	35.00	52.50
DAVE - 140	8.75	125.00	1,093.75
MARK JR - TANDEM - TRUCKING	6.25	85.00	531.25
ADAM - 250	8.75	180.00	1,575.00
ARMOR STONE 04/05/16	146.47 ✓	47.00	6,884.09 ✓
#8 LIMESTONE	13.98 ✓	28.65	400.53 ✓
DAVE - 140	8	125.00	1,000.00
MARK JR - 78	6	100.00	600.00
MARK JR - LABOR		35.00	35.00
WAYNE - TANDEM	6	85.00	510.00
WAYNE - LABOR	1.75	35.00	61.25
ADAM - 250	8	180.00	1,440.00
#8 LIMESTONE 04/06/16	26.11 ✓	28.65	748.05 ✓
DAVE - 140	5.75	125.00	718.75
ADAM - LABOR	5	35.00	175.00
#8 LIMESTONE 04/07/16	13.48 ✓	28.65	386.20 ✓
RESTROOM	1	137.00	137.00

Total

\$65,565.75