

ORDINANCE NO. 74-23

**AN ORDINANCE TO REJECT THE BIDS FOR THE
2023 PAVEMENT MARKING PROGRAM
AND DECLARING AN EMERGENCY**

WHEREAS, due primarily to normal wear, the City considered re-applying various traffic control lane/pavement markings throughout the community in 2023; and

WHEREAS, City Council, pursuant to Resolution R-20-23, passed on March 27, 2023, advertised for public bids for the 2023 City of Avon Pavement Marking Program to be performed at locations throughout the city; and

WHEREAS, the public bids were opened and read aloud at noon on April 13, 2023 at Avon City Hall and the following bid was received:

Contractor	Bid Total
JD Striping & Services, Inc.	\$233,510.20

WHEREAS, the Engineer's Estimated cost for the project was set at \$215,390.90. As such, the bid submitted by JD Striping & Services, Inc. is 8.4% greater than the Engineer's Estimate. A copy of the bid tabulation is attached hereto as [Exhibit A](#); and

WHEREAS, due to the receipt of only one bid and because that single bid was significantly over the Engineer's estimated cost for the project, the City Engineer is recommending that it is in the best interest of the health, safety and welfare of the community that said bid from JD Striping & Services, Inc. be rejected.

WHEREAS, Council finds that it is in the best interest of the health, safety and welfare of the community that the City reject the bid for the 2023 Pavement Marking Program received on April 13, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That the bid submitted by JD Striping & Services, Inc. which was authorized by Resolution R-20-23 and read aloud on April 13, 2023, is hereby rejected upon the recommendation of the City Engineer as only a single bid was received, and it exceeded the Engineer's Estimate by a significant amount.

Section 2- That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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Section 3- That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to reject the bid for the 2023 Pavement Marking Program so that other options can be considered during the 2023 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director