

ORDINANCE NO. O-2009-28

AN ORDINANCE MAKING THE DETERMINATION OF THE LOWEST AND BEST BID AND AWARDING THE CONTRACT TO BOCHERT EXCAVATING, INC. AND DECLARING AN EMERGENCY

WHEREAS, the Village of Windham has previously been awarded financial assistance through the State of Ohio Public Works Commission Issue 2 funding; and

WHEREAS, subsequent to the award of State of Ohio Public Works Commission Issue 2 funding, the Village of Windham has caused specifications to be drawn up for a project known as the STORM SEWER CATCH BASIN REPLACEMENT PROGRAM PROJECT; and

WHEREAS, in compliance with Ohio law, the Village of Windham has advertised for bids and indicated that bids would be accepted at the office of the Fiscal Officer of the Village of Windham, Village Hall, 9621 East Center Street, Windham, Ohio, until 12:00 noon on Wednesday, July 8, 2009; and

WHEREAS, after the July 8, 2009 deadline, the Village of Windham caused to be opened the three bids which had been submitted on a timely basis; and

WHEREAS, the Village engineer and the Village Administrator have recommended acceptance of the bid of Bochert Excavating, Inc., of Kent, Ohio.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Windham, Portage County, Ohio two thirds or more of the members elected thereto concurring that:

SECTION 1: It is determined that the bid of Bochert Excavating, Inc., is the lowest and best bid received, and the contract for the STORM SEWER CATCH BASIN REPLACEMENT PROGRAM FOR THE VILLAGE OF WINDHAM, OHIO is hereby awarded to Bochert Excavating, Inc.

SECTION 2: The Mayor and the Fiscal Officer are hereby directed to enter into a contract with Bochert Excavating, Inc., for the necessary materials and construction of the STORM SEWER CATCH BASIN REPLACEMENT PROGRAM FOR THE VILLAGE OF WINDHAM, OHIO.

SECTION 3: The Village Administrator of the Village of Windham, Ohio is hereby directed to do all things necessary under the contract between the Village of Windham and Bochert Excavating, Inc.

SECTION 4: The Fiscal Officer is hereby authorized to make payment out of the funds appropriated by this Council for payment under the contract with Bochert Excavating, Inc.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 6: This Ordinance is declared to be an emergency measure, effective immediately upon its passage by Council and approved by the Mayor, to protect the health, safety and general welfare of the citizens of the Village of Windham, and for the further reason it is necessary to award the contract in a timely fashion so as to allow Bochert Excavating, Inc., to complete the work within sixty (60) days before adverse weather occurs which will hamper performance under the agreement.

Passed in Council as an emergency on the 28th day of July, 2009.

Ayes: Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger.
Nays: None.

ATTEST:

APPROVED:

Lloyd Billman, Fiscal Officer

Robert Donham, II, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

Thomas Reitz, Solicitor