

**VILLAGE OF WINDHAM  
OHIO**

**RESOLUTION NO. R-2015-27**

**A RESOLUTION AUTHORIZING A CONTRACT WITH SHELLY & SANDS, INC.  
FOR THE WINDHAM STREET RESURFACING PROJECT / OHIO PUBLIC WORKS  
COMMISSION PROJECTS NOS. CG23S/CG24S WITHIN THE VILLAGE OF  
WINDHAM, PORTAGE COUNTY, OHIO AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council of the Village of Windham has previously authorized the engineering firm of Thomas Fok & Associates, Inc. CG24S by virtue of a contract authorized by Resolution 2015-18 to assist the Village in in complying with and conforming to the requirements of the Windham Street Resurfacing Project / Ohio Public Works Commission Projects No. CG23S/; and

**WHEREAS**, Thomas Fok & Associates, Inc. prepared bid specifications, plans, and other needed documentation to commence the Windham Street Resurfacing Project; and

**WHEREAS**, advertisements were made in the Youngstown Vindicator, a newspaper of general circulation within the Village of Windham, on October 6, 2015, October 13, 2015 and October 20, 2015, that sealed bids for the Windham Street Resurfacing Project would be received at the office of Thomas Fok & Associates, Inc. 3896 Mahoning Avenue, Youngstown, Ohio until 12 Noon on October 27, 2015; and

**WHEREAS**, sealed bids were submitted by five different contractors; and

**WHEREAS**, the sealed bid from Shelly & Sands, Inc. in the amount of Two Hundred Sixty Nine Thousand Nine Hundred Fifty Dollars & 50/100 (\$269,950.50) is the lowest bid that has been received; and

**WHEREAS**, David Bakalar, P.E. of Thomas Fok & Associates, Inc. has checked the references of Shelly & Sands, Inc., and has found that the references demonstrate that Shelly & Sands, Inc. is a responsible and responsive company, capable of performing the work specified under the Windham Street Resurfacing Project contract if the contract is awarded to them; and

**WHEREAS**, David Bakalar, P.E. of Thomas Fok & Associates, Inc. has recommended that Shelly & Sands, Inc. has submitted the lowest responsive and responsible bid and that the Windham Street Resurfacing Project contract be awarded to Shelly & Sands, Inc.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Village of Windham, State of Ohio, two thirds or more of the members thereto concurring that:

**Section 1:** That the recommendation of David Bakalar, P.E. of Thomas Fok & Associates, Inc. is hereby accepted.

**Section 2:** That the bid submitted by Shelly & Sands, Inc. is declared to be the lowest responsive and responsible bid.

**Section 3:** That a contract to perform the Windham Street Resurfacing Project, in substantial conformity with that attached hereto and marked for identification as Exhibit "A" between Shelly & Sands, Inc. and the Village of Windham, is hereby authorized. The Mayor and the Fiscal Officer are directed to execute said contract.

**Section 4:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted 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 meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

**Section 5:** This Resolution is hereby declared to be an emergency measure, becoming effective immediately on passage by Council and approval by the Mayor, in order to advance the health, safety and general welfare of the Village of Windham, and for the further reason that it is necessary to perform the improvements specified in the Windham Street Resurfacing Project in the Village of Windham in advance of the winter season when paving is not possible.

Passed in Council as an Emergency on this 24<sup>th</sup> day of November, 2015.

Vote of Council: Ayes: 5

Nays: 0

Attest:

Approved:

\_\_\_\_\_  
Village Fiscal Officer, Cheree Taylor

\_\_\_\_\_  
Mayor, Robert Donham II

Approved as to Legal Form:

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Solicitor, Thomas Reitz