

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 23-97

INTRODUCED BY: Mayor Antoskiewicz

AN ORDINANCE AUTHORIZING THE MAYOR, FINANCE DIRECTOR AND CITY ENGINEER TO ENGAGE DIGIOIA SUBURBAN EXCAVATING TO ASSUME THE RESPONSIBILITY TO CONCLUDE THE YORK ROAD SANITARY SEWER PROJECT FOR A SUM NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000), AND DECLARING AN EMERGENCY

WHEREAS: In April of 2023, Council passed Ordinance 23-42 awarding to International Excavating of Ohio the contract for the York Road Sanitary Sewer project; and

WHEREAS: International Excavating of Ohio has failed to successfully complete the project which was scheduled to be done by the terms of the contract on June 30, 2023 and is still not done; and

WHEREAS: As a result of the failure of the contractor to complete the terms of the contract in a timely and workmanlike manner, the Administration has given a Notice of Termination to both the contractor and the West Bend Mutual Insurance Company, which company issued the performance bond in favor of the city for the satisfactory completion of the project; and

WHEREAS: It is incumbent upon the city to complete the project and engage a quality contractor for that purpose and to do swiftly so as to meet the obligations owed to the residents and reduce any further disruption of the York Road Paving Project already underway; and

WHEREAS: DiGioia-Suburban Excavating has ~~indicated~~ both the current availability to do the work and for a price within the engineer's estimate of the cost of completion; and

WHEREAS: Council desires to engage DiGioia-Suburban Excavating to conclude the project in a timely and workmanlike manner based upon the estimate of the City Engineer and in recognition of the limited time available to do so without competitive bidding.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby authorizes the Mayor, Finance Director and City Engineer to contract with and engage the services of DiGioia-Suburban Excavating to complete the York Road Sewer Project for a sum not to exceed Seventy-Five Thousand Dollars (\$75,000) pursuant to a form of agreement satisfactory to the Law Director and without competitive bidding.

Section 2. 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 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to contract with and engage the services of DiGioia-Suburban Excavating to complete the York Road Sewer Project.

/s/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: September 5, 2023

DATE APPROVED: September 7, 2023

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading September 5, 2023

YEAS: Marnecheck, Nickell, Barath, Krejci,
Dietrich, Webber, Vos

NAYS: none