

ORDINANCE NO. 2017-59
INTRODUCED BY: MR. NEWELL

4047

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH MARKS CONSTRUCTION, INC. FOR THE CHAGRIN
RIVER STREAMBANK STABILIZATION AND RIPARIAN
RESTORATION PROJECT AND DECLARING AN EMERGENCY.**

WHEREAS, the Village determined that the Chagrin River streambank is in need of stabilization near the Chagrin Falls sewer plant and that riparian restoration was appropriate; and

WHEREAS, the Village sought bids for the Chagrin River Streambank Stabilization and Riparian Restoration Project ("Project") and after receiving all bids, the Village Consultant, Chagrin River Watershed Partners, determined the lowest and best bidder is Marks Construction, Inc. in the amount of One Hundred and Nineteen Thousand Four Hundred and Ninety-Eight Dollars and Eighty-Five Cents (\$119,498.85) in accordance with their bid; and

WHEREAS, the Village has received a Federal Clean Water Act Section 319(h) Grant that will pay sixty percent (60%) of the cost of the Project; and

WHEREAS, the Village desires to enter into an Agreement with Marks Construction, Inc. to perform the Project as soon as possible.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, STATE OF OHIO:

SECTION 1. That the Mayor is authorized and directed to enter into an Agreement with Marks Construction, Inc. in the amount of One Hundred and Nineteen Thousand Four Hundred and Ninety-Eight Dollars and Eighty-Five Cents (\$119,498.85) to provide for the Chagrin River Streambank Stabilization and Riparian Restoration Project as specified in the Contract attached hereto and incorporated herein as Exhibit "A", and prior to execution of the Contract, all Exhibit "1" attachments shall be included therein as referenced in the Contract.

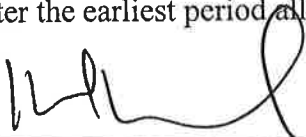
SECTION 2. The Finance Director is authorized to appropriate to a proper account a sum sufficient to cover the cost of the Contract authorized in Section 1 of this Ordinance.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason that this Ordinance is necessary to authorize the stabilization and riparian restoration to reduce erosion and to be able to perform the Project while weather conditions are appropriate; wherefore provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: September 11, 2017




Karl Maersch, Council President

Submitted to the Mayor for
his approval on this

12 day of September 2017

Approved by the Mayor this

12 day of September, 2017



Mayor William Tomko

I hereby certify that Ordinance No. 2017-59 was duly enacted on the 11 day of September, 2017, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council

EXHIBIT "A"
VILLAGE OF CHAGRIN FALLS
PROPOSAL CONTRACT

This Agreement, made and entered into in Chagrin Falls, Ohio this 11th day of September, 2017 by and between the Village of Chagrin Falls ("Village") and Marks Construction, Inc. ("Contractor") witnesseth: that the said Contractor has agreed and by these presents does agree with the Village for the consideration hereinafter mentioned and contained, and under penalty expressed in a bond given with these presents, and herein contained or hereunto annexed, to perform the construction of the Chagrin River Streambank Stabilization and Riparian Restoration Project, as the same was described in the August 16, 2017 Chagrin River Streambank Stabilization and Riparian Restoration Project proposal, commencing work on September 22, 2017 and being completed by June 1, 2018 as set forth in Contractor's bid, and executing the work within the time and in the manner specified and in conformity with the requirements set forth in this Contract.

The following form essential parts of the Contract which are attached hereto and made a part hereof as Exhibit "1":

1. Request for proposal for the Chagrin River Streambank Stabilization and Riparian Restoration Project dated August 16, 2017.
2. Contract forms and addendums.
3. Contract Bond.
4. Contract Provisions.
5. Contractor's Bid in Response to the Request for Proposal Dated September, 2017.

The Contractor agrees and understands that the work on this Contract shall be subject to the acceptance of the Village based upon and in accordance with the Contract Specifications.

It is hereby mutually agreed that the owner is to pay and the Contractor is to receive, as full compensation the sum of One Hundred and Nineteen Thousand Four Hundred and Ninety-Eight Dollars and Eighty-Five Cents (\$119,498.85).

This Contract shall be in full force and effect from the date of execution by the parties. This Contract shall be governed by and subject to interpretation by the internal laws of the State of Ohio. In the event of any dispute, interpretation or any matter regarding execution and performance of this Agreement shall be litigated exclusively in the State and Federal Courts having jurisdiction in Cuyahoga County, Ohio.

WITNESS WHEREOF, the parties hereunto affixed their signature the day and year set forth below.

Bidder Acceptance:
Marks Construction, Inc., an Ohio Corporation

By: [Signature]
Its: [Signature]
Date of Acceptance: 9.19.17

Village Acceptance:
Village of Chagrin Falls, Ohio

By: [Signature]
Mayor

Date of Acceptance: September 11, 2017

Approved as to Form

[Signature]
Director of Law

Minutes _____

I, David Bloom, Finance Director of the Village of Chagrin Falls, Ohio hereby certify that the funds necessary to pay the obligation of the foregoing contract in this fiscal year have been approved and are unencumbered and are either in the treasury or in the process of collection

September 12, _____, 2017

[Signature]
David B. Bloom, Finance Director
Village of Chagrin Falls