

ORDINANCE NO.: 2017- 76  
INTRODUCED BY: MR. BERKOBAIN

4064

**AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT  
WITH F&M CONCRETE COMPANY FOR SIDEWALK REPAIR  
AND DECLARING AN EMERGENCY.**

WHEREAS, the Village has determined that certain sidewalks within the Village of Chagrin Falls are in need of repair; and

WHEREAS, the Village sought quotes for repair which exceeded the Forty Thousand Dollar (\$40,000.00) amount budgeted by the Village; and

WHEREAS, the Village has determined that it will reduce the scope of work to be performed in order not to exceed the sidewalk repair Forty Thousand Dollar (\$40,000.00) budget, using unit pricing of Seven Dollars and Seventy-Five Cents (\$7.75) per square foot for four (4) inch concrete and Nine Dollars and Ten Cents (\$9.10) per square foot for six (6) inch concrete as referenced in the attached Request for Quote for the sidewalk repair program; and

WHEREAS, the Village desires to enter into an agreement with F&M Concrete Company to perform the sidewalk repair program as soon as possible.

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

SECTION 1. The Mayor is authorized and directed to enter into an Agreement with F&M Concrete Company in an amount not to exceed Forty Thousand Dollars (\$40,000.00) as specified in the Contract attached hereto and incorporated herein as EXHIBIT "A", and all Exhibit "1" attachments to the Contract shall be included therein as referenced in the Contract.

SECTION 2. The Chief Administrative Officer is hereby authorized, in his discretion, to direct sidewalk repairs on those streets and those locations set forth in the Request for Quote dated October 27, 2017 at the unit pricing of Seven Dollars and Seventy-Five Cents (\$7.75) per square foot for four (4) inch concrete walks including removal and at the unit price of Nine Dollars and Ten Cents (\$9.10) per square foot for six (6) inch concrete walks which include a curb ramp or drive apron including removal.


SECTION 3. 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 4. 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 5. 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 6. 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 habitants of the Village and for the further reason that this Ordinance is necessary to provide for replacement of sidewalks and to be able to perform a project while weather conditions are appropriate and in order to maintain safe sidewalks within the Village; 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: November 13, 2017

  
Karl Maersch, Council President

Submitted to the Mayor for his approval on this

14 day of November, 2017

Approved by the Mayor

November 14, 2017

  
Mayor William Tomko

I hereby certify that Ordinance No. 2017-76 was duly enacted on the 13 day of November, 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 13 day of November, 2017 by and between the Village of Chagrin Falls ("Village") and F&M Concrete Company ("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 sidewalk repairs, commencing work within Thirty (30) days after execution of this Contract with completion of implementation within One hundred eighty (180) days, 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 Quote dated October 27, 2017.
2. Contract forms and addendums.
3. Contractor's Bid in Response to the Request for Quote Dated November 2, 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 set forth in the Request for Quote dated October 27, 2017.

It is hereby mutually agreed that the Village is to pay and the Contractor is to receive, as full compensation a sum based on quantities ordered at the unit price of Seven Dollars and Seventy-Five Cents (\$7.75) per square foot for four (4) inch concrete walk including removal and Nine Dollars and Ten Cents (\$9.10) per square foot for six (6) inch concrete walk with either a curb ramp or a drive apron including removal in the total amount not to exceed Forty Thousand Dollars (\$40,000.00) for all work performed and all materials provided.

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.

The undersigned, having full knowledge of the specifications for the improvements and the conditions of the proposal hereby agree to furnish all the services, labor, materials, and equipment necessary to complete the work according to the plans and specifications and to accept as full compensation the unit prices specified.

By signature below, the undersigned hereby certifies that the undersigned AND MY Insurance Agent have examined the insurance requirements in the specifications and that the types and amounts of same are currently in effect or will be obtained and kept in effect for the project duration and that my Insurance Agent has assured us that notification of non-renewal, policy modification, and/or cancellation to all certificate holders will occur per the contract requirements. Verification will be provided to the Owner subsequent to the issuance of a Notice of Award.

Submitted by,

F&M Concrete Company  
Firm, Corporation, Other Form of Entity or  
Individual

  
By: Frank Kitko, Partner

16669 Valley Road  
Street Address  
Auburn Township, Ohio 44023  
City, State, Zip

(440) 834-8290  
Telephone Number

\_\_\_\_\_  
Fax Number

fvkitko@ad.com  
Email Address  
34-1866277  
Federal Tax ID Number

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

Note: Evidence of authority to sign must be affixed and attested by the Secretary.

Bidder Acceptance:

F&M Concrete Company, an Ohio  
General Partnership

By: Frank Kitko  
Its: General Partner  
Date of Acceptance: \_\_\_\_\_

Village Acceptance:  
Village of Chagrin Falls, Ohio

By:   
Mayor William Tomko

Date of Acceptance: 11/14/17

**Accepted as to unit pricing as set forth in the Contract.**

Date of Acceptance: \_\_\_\_\_

Approved as to Form

Dale H. Markowitz  
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

November 14, 2017


  
\_\_\_\_\_  
David B. Bloom, Finance Director  
Village of Chagrin Falls

EXHIBIT "1"

REQUEST FOR QUOTE

Project: 2017 Sidewalk Repair Program

Owner: Village of Chagrin Falls

Date: October 27, 2017

Quotes due: 12:00 Noon, November 3rd, 2017

Quotes are requested for the above referenced project. Quotes shall be submitted to the attention of Village Chief Administrator at the Chief Administrator's Office, Village Hall, 21 West Washington Street, Chagrin Falls, Ohio 44022 until the time and date referenced above either by either delivery, mail, email [Rob Jamieson ([rjamieson@chagrin-falls.org](mailto:rjamieson@chagrin-falls.org))]. Any questions can be addressed to John Lillash at 440-530-2209 or [jlillash@ctconsultants.com](mailto:jlillash@ctconsultants.com).

This project consists primarily of removal and replacement of existing sidewalk as directed by the Village at the following locations:

1. South Main Street
2. South Franklin Street
3. West Washington Street
4. Specific Request Locations
  - a) 149 South Main Street
  - b) 146 South Main Street
  - c) 130 Village Circle
  - d) 60 Hall Street
  - e) 120 Elm Court
  - f) 127 South Franklin Street (Bellview Street Side)
  - g) 25 Bellview Street
  - h) 65 Church Street
  - i) 54 Hall Street
  - j) 250 East Washington Street

All work shall be performed in accordance with the 2016 edition of the "Construction and Material Specifications" of the State of Ohio Department of Transportation and Village of Chagrin Falls Sidewalk Specifications. 6" aprons shall be Class MS.

The Contractor shall submit proof of liability insurance and workers compensation insurance prior to execution of a contract. Minimum insurance amounts shall be:  
General Liability with Per Project Limits endorsement - \$2,000,000.00 Each Occurrence and \$4,000,000.00 General Aggregate.

Automobile Liability - Split Limits of \$2,000,000.00 Each Person & \$2,000,000.00 Each Occurrence for Bodily Injury and \$1,000,000.00 Each Occurrence for Property Damage or Combined Single Limit of \$2,000,000.00 Each Occurrence.

The Owner and CT Consultants, Inc. shall be named as additional insureds.

The General Conditions of the contract shall be "Standard General Conditions of the Construction Contract" (C-700, 2007 Edition), prepared by "Engineers Joint Contract Documents Committee".

State Prevailing Wage Rates for Cuyahoga County shall apply to this project.

The completion date is to be proposed by the bidder. Liquidated damages are \$ 100 per day.

All work shall be warranted two years from date of substantial completion.

Attachments: Proposal Form and Signature Page.

Project: 2017 Sidewalk Repair Program

Owner: Village of Chagrin Falls

Quotes due: 12:00 Noon, November 3rd, 2017

The undersigned hereby agrees to furnish all the services, labor, materials, and equipment necessary to complete the work according to the Request for Quote and to accept as full compensation the lump sum or the unit prices specified serving as deduct or extra compensation rates.

Submitted by,

F.M. CONCRETE  
Firm, Corporation, or Individual

FRANK KITKO PARTNER  
Officer's Name and Title (typed)

440-834-8290  
Telephone Number

16169 VALLEY ROAD  
Street Address

Frank Kitko  
Officer's Signature

Fax Number

AUBURN TWP OH 44023  
City, State, Zip Code

11/2/17  
Date

FKITKO@FD.COM  
E-Mail Address



Proposal to Village of Chagrin Falls  
 For 2017 Capital Improvement Projects  
 Sidewalk Repair Program  
 Project No. 170224

REF. NO.	DESCRIPTION	QTY.	MEASURE UNITS	UNIT PRICE LABOR	UNIT PRICE MATERIAL	TOTAL UNIT PRICE	ITEM TOTAL
1	(608) 4 INCH CONCRETE WALK, INCLUDING REMOVAL, AS PER PLAN	6,000.00	SF	\$ 4.50	\$ 3.25	\$ 7.75	\$ 46,500.00
2	(609) 6 INCH CONCRETE WALK, CURB RAMP, OR DRIVE APRON, INCLUDING REMOVAL, AS PER PLAN	1,000.00	SF	\$ 5.00	\$ 4.10	\$ 9.10	\$ 9,100.00
INFORMAL TOTAL BID						\$	55,600.00