

**ORDINANCE NO. 21-077**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GERKEN PAVING OF NAPOLEON, OHIO, FOR THE 2021 LOCAL STREET RESURFACING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the 2021 Local Street Resurfacing Project involves the resurfacing with asphalt overlay of many of the worst asphalt street segments in the City, encompassing approximately 150 street segments totaling 12.8 center-line miles of asphalt-only roads, and depending on the condition of the street, the work may include milling and possibly excavation to address structural problems in the pavement; and

**WHEREAS**, this City Commission declared the necessity to proceed with the proposed 2021 Local Street Resurfacing Project by Resolution No. 011-21R, passed on March 22, 2021; and

**WHEREAS**, upon public competitive bidding as required by law three (3) appropriate bids were received and the bid from Gerken Paving, Inc. of Napoleon, Ohio, was determined to be the lowest and best bid; and

**WHEREAS**, the total construction cost of this project based on bid is \$2,927,211.90 of which \$2,000,000.00 will be paid with Federal Stimulus Funds, \$114,390.40 will be paid with State Gas Tax Funds, \$337,009.00 will be paid with Issue 8 Funds from the (Capital) Street Funds, \$171,485.00 will be paid with Water Funds, and the remaining balance of \$304,327.50 will be paid with Sewer Funds; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to complete the project prior to the construction completion deadline of October 22, 2021; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:**

Section 1. The City Manager is authorized and directed to enter into a contract with Gerken Paving, Inc., of Napoleon, Ohio, for the 2021 Local Street Resurfacing Project in an amount **not to exceed** Two Million Nine Hundred Twenty Seven Thousand Two Hundred Eleven and 90/100 Dollars (\$2,927,211.90) consistent with the bid submitted by Gerken Paving, Inc., of Napoleon, Ohio,

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currently on file in the office of the Director of Public Works.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST:

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MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: May 24, 2021