

ORDINANCE NO. 96-92 AC CMS

AN ORDINANCE ACCEPTING THE BID OF D.B. CONCRETE, INC., OF
NEW LONDON, OHIO, FOR SIDEWALK CONSTRUCTION AND REPLACEMENT
FOR THE CITY OF OBERLIN AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the bid of D.B. Concrete, Inc., of New London, Ohio, for concrete sidewalk construction and replacement, being the lowest and best bid submitted, is hereby accepted, and the City Manager is hereby authorized and directed to enter into a contract accordingly, said contract to be in an amount not to exceed \$35,000, and at the per square foot costs as set forth in their bid. Funds are to be provided through the Community Development Block Grant Program.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to accept a pending bid prior to its expiration date, and insure the completion of sidewalk replacements prior to the onset of inclement weather"

and shall take effect immediately upon passage.

PASSED: 1st. Reading - October 7, 1996 (E)
2nd Reading -
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: October 8, 1996

EFFECTIVE DATE: October 8, 1996

NOTICE OF AWARD

To: D. B. Concrete, Inc.
Dennis Blanton
P. O. Box 171
New London, Ohio 44851

The City of Oberlin, Ohio, having considered the Bid submitted by you for construction and installation of replacement or new sidewalks, Drive aprons, and/or intersection curb-cuts at various locations in the right-of-way and on municipally owned property within the City of Oberlin, in response to the Advertisement for Bids dated August 30, 1996 does hereby notify you that your Bid has been accepted in the amount not exceed \$35,000.00, by City Ordinance No. 96-____ AC CMS. The following variations from the Specifications and Bid Instructions have been allowed: none

You are required to execute the Agreement within fourteen (14) calendar days from the date of this Notice to you. If you fail to execute said Agreement within fourteen (14) days of the date of this Notice, the City of Oberlin will be entitled to consider all your rights arising out of the City's acceptance of your Bid as abandoned and as a forfeiture of your Bid Bond. The City of Oberlin will also be entitled to such other rights as may be granted by law.

Dated this 8th day of October, 1996.

City of Oberlin, Ohio

By: 

Robert DiSpirito

Title: Oberlin City Manager

Acceptance of Notice of Award

Receipt of the above Notice of Award is hereby acknowledged by

D.B. Concrete Inc., this 17 day of Oct, 19 96.

By: 

Title: Sec.

AGREEMENT

This Agreement made this 8th day of October, 1996, by and between the City of Oberlin, 85 South Main Street, Oberlin, Ohio, 44074, hereinafter called the "OWNER" acting herein through its City Manager, and D. B. Concrete, Inc., P.O. Box 171, New London, Ohio, 44851, a corporation, hereinafter called the "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the construction and installation of replacement and new sidewalks, drive aprons and/or accessible intersection curb-cuts at various locations in the public right-of-way and on municipally owned property as assigned by the owner.
2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein.
3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within 14 calendar days from the date of the NOTICE TO PROCEED and will complete the same on or before November 15, 1996 unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The Contractor agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with terms therein for the sum not to exceed \$35,000 at the rate shown in the Bid schedule.
5. The term "CONTRACT DOCUMENTS" means and includes, but may not be limited to, the following:
 - A) Advertisement for Bids
 - B) Instructions to Bidders
 - C) E.E.O. and M.B.E. Compliance Documents
 - D) Bid
 - E) Bid Bond
 - F) Delinquent Personal Property Tax Affidavit

- G) Notice of Award
- H) Agreement
- I) General Conditions
- J) Supplemental General Conditions
- K) Payment and Performance Bonds
- L) Notice to Proceed
- M) Change Order
- N) Specifications prepared or issued by The City of Oberlin dated August 30, 1996.
- O) Addenda: NONE ISSUED

- 6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the Contract Documents, such amounts as required by this Agreement.
- 7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
- 8. Special Provisions: The Owner and the Contractor mutually agree that this Agreement shall be subject to the following Special Provisions, which shall supersede other conflicting provisions of this Agreement.
 - A. Payment shall be at the unit prices stipulated on the quantity sheet and as specified in Section 14 of the General Conditions, and Supplemental General Conditions.
 - B. The Contract comprises the Contract Documents listed in Paragraph 5 of the Agreement. In the event that any provision of one Document conflicts with the provision of another Document, the provision in the Contract Document first listed below shall govern, except as otherwise specifically stated.
 - 1. Agreement (This Instrument)
 - 2. Addenda to Contract Documents
 - 3. Remaining Legal and Procedural Documents
 - a. Proposal
 - b. Information for Bidders
 - c. Advertisement
 - 4. Detailed Specification Requirements
 - 5. Drawings

Agreement, Continued

within the time specified and he further agrees that the Owner may retain from monies that are, or which may become due, TWO HUNDRED DOLLARS (\$200.00) for each and every day the completion of the work may be delayed beyond the time stipulated, and such amount so retained is hereby agreed to be liquidated damages according to the Owner incident to such delay.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in four (4) copies, each of which shall be deemed an original, on the date first written above.

Owner: City of Oberlin, Ohio

By: *[Signature]*

Name: Robert DiSpirito

Title: Oberlin City Manager

(SEAL)

ATTEST:

Eugene J. Simon

City Clerk

Dawn M. Ferruto

(Witness)

Board of County Commissioners
County of Lorain

By: *Ec (Betty) Blair*

Name: Betty Blair, President

Title: County Commissioner

(SEAL)

ATTEST:

Deborah E. Blanton

Ronald F. Twining

(Witness)

Agreement, Continued

Contractor: D. B. Conrade, Inc.

By: Deborah E. Blanton, Pres.

Name: Deborah E. Blanton

Title: Pres.

Address: P.O. Box 121

New London, Oh. 44851

(SEAL)

Phone: 419-929-1167

ATTEST:

Donna Ray Blanton
(Secretary, of Corporation)

Chet Blanton
(Witness)

CITY OF OBERLIN, OHIO

FISCAL OFFICER'S CERTIFICATE

Project Identification:

CDBG Sidewalk Work

I, Kelly E. Clark, City Auditor, hereby certify that I am the qualified and acting fiscal officer of the City of Oberlin, Ohio, and that the amount of money, to wit \$ 35,000, required to meet the cost of the attached Agreement between the City of Oberlin and D. B. Concrete, Inc. (Contractor) has been lawfully appropriated for the purpose of said Agreement and the money so appropriated is on deposit (in process of collection) to the credit of the appropriate fund free from any previous encumbrances.

10/8/96
Date

[Signature]
Signature

Kelly E. Clark
Name

City Auditor
Title

CITY OF OBERLIN, OHIO

LEGAL OFFICER'S CERTIFICATE

Project Identification:

CDBG Sidewalks Work

The foregoing Agreement between the City of Oberlin, Ohio,
(Owner) and Akil, Inc., (Contractor) is approved as to form.

10-10-76
Date

Eric R. Severs
Signature

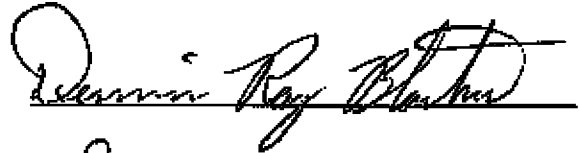
Eric R. Severs
Name

City Solicitor
Title

Acceptance of Davis Bacon Wage Rates

Receipt of the included Davis Bacon Wage Rates with general decision number OH960002 dated 09-06-1996 is hereby acknowledged by D. B. Concrete, Inc., this ____ day of October, 1996.

By:



Title:

Secy

MEMO

DATE: October 23, 1996

TO: Kelly Clark, City Auditor
Eugene Simon, Clerk of Council

FROM: Ron Twining, Community Services Director

RE: CDBG Sidewalk Contract

Enclosed is a signed copy of the Notice of Award, Agreement, and Acceptance of Prevailing Wage from D.B. Concrete of New London for the 1996 CDBG sidewalk repairs.