

# RECORD OF ORDINANCES

Ordinance No. 2024-O-20

Passed July 23, 2024  
YEAR

## VILLAGE COUNCIL OF GREENWICH, OHIO ORDINANCE NO.: 2024-O-20

AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO MAKE A WRITTEN CONTRACT WITH THE LOWEST AND BEST BIDDER **ERIE BLACKTOP, INC** FOR THE **2024 PAVING IMPROVEMENT PROJECT** AND DECLARING AN EMERGENCY

WHEREAS, Village Council authorized the Village Administrator to prepare and submit an application to OPWC to participate in the State Capital Improvement Program (SCIP) and/or the Local Transportation Improvement Program (LTIP) for the 2024 Paving Improvement Project and to execute necessary contracts. (See Res. No.: 2023-R-18); and

WHEREAS, the Village Administrator reports that the application was accepted and he executed the necessary program contracts which provided the funding necessary to proceed with the project; and

WHEREAS, the Village Administrator and OHM Advisors report that the Engineer's Official Estimate of Probable Cost is **\$536,148.00** for the 2024 Paving Improvement Project which includes asphalt overlay on five (5) streets within the village; and

WHEREAS, Section 731.141 reads in part that:

*Section 731.141 | Village administrator to make contracts and purchases.*

*In those villages that have established the position of village administrator, as provided by section 735.271 of the Revised Code, the village administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the administrator's supervision involving not more than the amount specified in section 9.17 of the Revised Code. When an expenditure, other than the compensation of persons employed by the village, exceeds the amount specified in section 9.17 of the Revised Code, the expenditure shall first be authorized and directed by ordinance of the legislative authority of the village. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code, available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, or required to be purchased from a qualified nonprofit agency under sections 125.60 to 125.6012 of the Revised Code, the village administrator shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the village or as provided in section 7.16 of the Revised Code. The bids shall be opened and shall be publicly read by the village administrator or a person designated by the village administrator at the time, date, and place as specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the village administrator, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. All contracts shall be executed in the name of the village and signed on its behalf by the village administrator and the clerk. No expenditure subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.*

WHEREAS, Section 9.17 of the Ohio Revised Code was recently amended to read:

*Section 9.17 | Competitive bidding threshold amount.*

*(A) The amount for purposes of a provision of the Revised Code that references this section shall be as follows:*

- (1) Beginning on the effective date of this section through calendar year 2024, seventy-five thousand dollars;*
- (2) For each calendar year thereafter, the amount for the previous calendar year increased by three per cent as determined and published by the director of commerce.*

WHEREAS, the Village Administrator, by and through OHM Advisors, properly advertised for bids for the 2024 Paving Improvement Project; and

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WHEREAS, as required by Section 731.141 of the Ohio Revised Code, the bids were opened and publicly read by the village administrator or person designated by the village administrator at the time, date and place specified in the advertisement to bidders or specifications; and

WHEREAS, OHM Advisors of Akron, Ohio, was designated by the village administrator to open and publicly read bids as permitted by ORC 731.141; and

WHEREAS, in a letter to the Village dated July 16, 2024, OHM Advisors wrote that upon review of references, equipment, materials, suppliers, subcontractors, and all documents submitted as required by the bid documents, the Engineer hereby recommends the award of the contract to the following lowest and best bidder (ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE:

**\$389,374.70      Erie Blacktop, Inc**

WHEREAS, the Village Administrator, by and through OHM Advisors, submits that the lowest and best bid was RESPONSIVE and submitted its bid in compliance with all bid, contract and legal requirements; and

WHEREAS, the Village Administrator, by and through OHM Advisors, further submits that the lowest and best bidder is a RESPONSIBLE bidder capable and qualified to furnish the labor, service and equipment necessary to satisfy the requirements of the contract.

WHEREAS, the village administrator reports the he has complied with the Village of Greenwich Competitive Bidding Policy provided in Section 206.02 of the Greenwich Codified Municipal Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO: (RC 731.18)

SECTION 1. LOWEST AND BEST BIDDER. That Village Council hereby accepts the recommendation of OHM Advisors in a letter dated July 16, 2024, and determines designates the following as lowest and best bidder for the 2024 Paving Improvement Project:

**\$389,374.70      ERIE BLACKTOP, INC**

SECTION 2. AUTHORIZE EXPENDITURE AND WRITTEN CONTRACT. That Village Council hereby authorizes the expenditure (*See ORC 731.141*) and directs the Village Administrator to make a written contract with the lowest and best bidder designated herein.

SECTION 3. That the contract shall be executed in the name of the village and signed on its behalf by the village administrator. [*See Section 731.141 of the Ohio Revised Code*]

SECTION 4. That the contract shall be contingent upon the lawful appropriation of funds.

SECTION 5. DISPENSE WITH THREE READINGS. [*R.C. 731.17(A)(2)*] That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days.

SECTION 6. DECLARATION OF EMERGENCY. That by two-thirds vote of all the members elected to the legislative authority, this legislation is hereby declared to be an emergency measure pursuant to



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RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

*The Recommendation to Award Contract letter was received from OHM on July 16, 2024*

SECTION 7. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this legislation were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 23 day of July, 2024.

ATTESTATION  
(RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by R.C. 731.17.

[Signature]  
MAYOR

[Signature]  
FISCAL OFFICER

LEGISLATION READINGS  
ORC 731.17(A)

- (1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.  
(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

First Reading: July 23, 24 Second Reading: Dispensed Third Reading: Dispensed

ROLL CALL VOTE  
ORC 731.17(A)(3)

The vote on the passage was taken by yeas and nays and entered upon the journal. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority. Yeas, nays, abstentions, excused or absent votes were recorded as follows:

yes  
Mike King

yes  
Randy Wilson

absent  
Lynne Phillips

yes  
Jason Hunter

yes  
Regina Lueck

yes  
Dorene Beverly

PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:

[Signature]  
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF PUBLICATION  
ORC 731.21 and 731.22

Pursuant to ORC 731.21(A)(3), I hereby certify that a succinct summary of the above legislation was/will be published using the following method: **ON THE WEBSITE AND SOCIAL MEDIA ACCOUNT OF THE MUNICIPAL CORPORATION**  
The succinct summary was reviewed by the village solicitor as required by ORC 731.21(B). Publication was/will be made at least once a week for two consecutive weeks as required by ORC 731.22.

[Signature]  
FISCAL OFFICER

ATTACHMENT(S) TO FOLLOW



July 16, 2024

Village of Greenwich  
Mayor James Twaddle  
45 Main Street  
Greenwich, OH 44837

2024 Paving Improvement  
Village of Greenwich  
**Recommendation to Award Contract**

The following is a summary of scope of work, bids received, and recommendation to award for the above-referenced project:

**Scope of Work Explanation**

- The work includes asphalt pavement overlay on five (5) streets within the Village.

**Engineer's Estimates**

- The Engineer's Official Estimate of Probable Cost is \$536,148.00.

**Bids Received**

- The Engineer (OHM Advisors) has reviewed all bids and hereby provides the following list of Bidders and bid prices:

Bidder	Bid Total
1. Erie Blacktop, Inc.	\$389,374.70
2. Shelly & Sands, Inc.	\$426,914.00
3. Precision Paving, Inc.	\$445,862.60

**Recommendation Summary**

- Upon review of references, equipment, materials, suppliers, subcontractors, and all documents submitted as required by the bid documents, the Engineer hereby recommends the award of the contract to the following lowest and best bidder:

✓ \$389,374.70                      Erie Blacktop, Inc.

Should you have any questions or require additional documentation, please let me know.

Sincerely,  
OHM Advisors

**Chad M Lewis**

Digitally signed by Chad M Lewis  
DN: C=US, E=chad.lewis@ohm-advisors.com,  
O=OHM Advisors, OU=Municipal Group, CN=Chad  
M Lewis  
Location: Cleveland, OH  
Reason: I am approving this document  
Date: 2024.07.16 10:07:06-04'00'

Chad Lewis, PE  
Project Manager

**OHM Advisors**  
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