

ORDINANCE NO. 120-22

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH FECHKO EXCAVATING FOR THE EMERGENCY SR 18 WATER LINE EXTENSION, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor is hereby authorized to enter into a contract with Fechko Excavating for the emergency SR 18 Water Line Extension

SEC. 2: That the funds to cover this expenditure in the estimated amount of \$80,000 are available in Account No. 171-0610-54411.

SEC. 3: That a copy of the Contract is marked Exhibit A, attached hereto, incorporated herein, and is subject to the final approval of the Law Director.

SEC. 4: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 5: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 6: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the emergency work has been completed; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: June 8, 2022

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: June 9, 2022

SIGNED: Dennis Hanwell
Mayor

CITY OF MEDINA
CONTRACT

ORD. 120-22
Exh. A

PROJECT NAME: SR 18 Water Line Extension

PROJECT NO.: 967a

THIS AGREEMENT, made and entered into this ___ day of _____, 2022, by and between the City of Medina, (hereinafter "City") and Fechko Excavating LLC, located at 865 W. Liberty St., Suite 120 City of Medina, County of Medina, and the State of Ohio, (hereinafter "Contractor".)

WITNESSETH: That the said Contractor has agreed and by these presents does agree with the City for the consideration herein written and contained in the proposal and other penalty expressed in a bond therein contained, to install at Contractor's own proper cost and expense, all the necessary labor, superintendence, tools, materials and equipment of every description, and to carry out and complete to a good, firm and workmanlike manner the design, construction, testing, completion, supervision of startup to complete delivery to the City for the completion and/or startup of:

SR 18 Water Line Extension

all as herein specified or required for the completion of Project Number 967a all in accordance with the plans on file in the office of the City Engineer, also in accordance with the Specifications for this Contract as herein set forth, and all the contract documents, subject to such changes as may be made, from time to time, in accordance with the provisions therein, and also in full accord and compliance with the following:

Article 1: The Contractor agrees to begin work and prosecute the same with reasonable speed and diligence so as to insure the completion of the work of the Contract in accordance with the date stipulated in the proposal and to the satisfaction of the City.

Article 2: The City agrees to pay, and the Contractor agrees to accept as full compensation for all work done, for all labor and equipment furnished, for all costs and expenses incurred, furnished or suffered, in the full and complete performance of all acts and requirements incidental and necessary for the completion of the work of this Contract in accordance with the terms, conditions and provisions thereof, except EXTRA WORK, which shall be paid for under subsidiary agreement executed as provided in the specifications and except as may otherwise in this Contract be specifically provided, a sum equal to the following:

\$80,000.00 (Eighty Thousand & No/100 Dollars)

Article 3: If the Contractor shall fail to comply with any of the terms, conditions, provisions, or stipulations of this Contract according to the true intent and meaning thereof, then the City may avail itself of any or all remedies provided for in the Contract, and/or by law shall have the right and power to proceed in accordance with the provisions thereof.

Article 4: It is hereby agreed by the parties to this Contract that the provisions contained in the "Legal Notice", in "Information for and Instruction to Bidders", in the "Proposal" in the "Specifications", in the "Bond", in the "Contract Plans", as well as the supplementary documentation appended hereto, shall constitute integral parts of the Agreement and collectively that they shall comprise and be known as "the Contract."

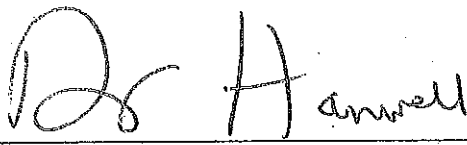
Article 5: The specifications under which the work embraced in this Contract shall be performed include the Legal Notice, Information for the Instructions to Bidders, Proposal Affidavit, Contract, Contract Bond, General Conditions, Special Conditions and Detailed Specifications.

Name and Address of each person, firm or company interested in the Contract:

Fechko Excavating LLC
865 W. Liberty St, Suite 120
Medina, OH 44256

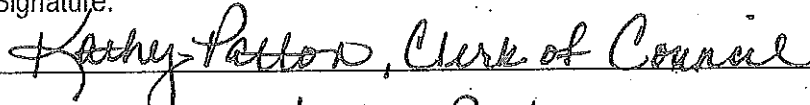
IN WITNESS WHEREOF: The parties hereunto affixed their hands and seals the day and year first mentioned above.

THE CITY OF MEDINA, OHIO

By: 

Dennis Hanwell June 9, 2022
Mayor, City of Medina, Ohio
132 N. Elmwood Avenue, P.O. Box 703
Medina, Ohio 44258
Pho. #(330)725-8861; Fax #(330)722-9045


Attest #1 to Mayor's Signature:

Signature: 

Name (please print or type): Kathy Patton

Dated June 9, 2022

Attest #2 to Mayor's Signature:

Signature: 

Name (please print or type): Sherry Crow

Dated June 9, 2022

CONTRACTOR: _____

Address: _____

City, State, Zip: _____

Phone #: _____ Fax #: _____

Authorized Signature: _____

Name (please print or type): _____

Title: _____

Dated _____, 20__

Witness #1 to Contractor Signature:

Signature: _____

Name (please print or type): _____

Dated _____, 20__

Witness #1 to Contractor Signature:

Signature: _____

Name (please print or type): _____

Dated _____, 20__

(If the Contractor is a corporation, there shall be attached a sealed resolution of the Directors empowering the officer signing to so act in behalf of the corporation.)

(To be executed in triplicate)

Correct as to Form:

Gregory Huber
Law Director, City of Medina
132 N. Elmwood Avenue
P.O. Box 703
Medina, Ohio 44258

CERTIFICATE OF FINANCE DIRECTOR

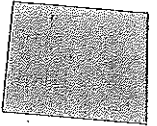
I hereby certify that the money, viz.: \$ 80,000.00 (Eighty Thousand No/100 Dollars) for the contact herein described is in the treasury of the City of Medina, and placed to the credit of the proper fund (Account # _____) and not appropriated for any other purposes.

Purchase Order # _____

Dated _____, 20____

Signed _____

Keith Dirham
Finance Director, City of Medina, Ohio



CERTIFICATE OF LAW DIRECTOR

I hereby certify that I have examined the Contract herein and the form and correctness thereof are approved.

Dated _____, 20____

Signed _____

Greg Huber
Law Director, City of Medina, Ohio

