

**RESOLUTION NO.:** 2022-R25  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** APRIL 12, 2022

**ASSIGNED TO:** \_\_\_\_\_

**A RESOLUTION AWARDING A CONTRACT TO DIGIOIA-SUBURBAN EXCAVATING LLC FOR THE MASSILLON ROAD AT BOETTLE AND CORPORATE WOODS ROUNDABOUTS PROJECT, AUTHORIZING A TRANSFER, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Green advertised a “Notice to Bidders” in the Akron Beacon Journal on Thursday, March 10, 2022; and, Thursday, March 17, 2022; and Thursday, March 24, 2022 for the Massillon Road at Boettler and Corporate Woods Roundabouts (“Project”); and

WHEREAS, on Friday, April 1, 2022, the City Engineer opened bids for the Project; and

WHEREAS, the City Engineer has reviewed the bids and recommends the contract be awarded to DiGioia-Suburban Excavating LLC. as the lowest and best bidder for the Project in the amount of Seven Million Eight Hundred Fifty-Four Thousand Eight Hundred Eighty-Two Dollars and Thirty-Eight Cents (\$7,854,882.38); and

WHEREAS, it is necessary to appropriate funds to pay for the cost of the purchase; and

WHEREAS, pursuant to the general laws of the State of Ohio, ORC Section 5705.14, interfund transfers, it is necessary to reallocate cash from the General Fund to the Street Construction Fund to provide cash flow.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:**

**SECTION ONE:**

The City received and opened the following bids on April 1, 2022:

<b><u>CONTRACTOR</u></b>	<b><u>BID</u></b>
<b>1. DiGioia-Suburban Excavating, LLC.</b> 11293 Royalton Road. North Royalton, OH 44133	\$7,854,882.38
<b>2. Karvo Companies Inc.</b> 4524 Hudson Drive Stow, OH 44224	\$7,918,000.00
<b>3. Lockhart Concrete Co.</b> 800 West Waterloo Road Akron, OH 44314	\$8,082,200.22
<b>4. Kenmore Construction Co., Inc.</b> 700 Home Avenue Akron, OH 44310	\$9,083,729.90

**5. S.E.T., Inc.**

235 East Water Street  
Lowellville, OH 44314

\$9,490,000.00

**SECTION TWO:**

Green City Council finds, based on all relevant factors, that DiGioia-Suburban Excavating LLC with its total bid of Seven Million Eight Hundred Fifty-Four Thousand Eight Hundred Eighty-Two Dollars and Thirty-Eight Cents (\$7,854,882.38), is the lowest and best bidder for the Project and agrees to comply with all specifications.

**SECTION THREE:**

Green City Council approves the transfer of Two Million Dollars (\$2,000,000.00) from the General Fund to the Street Construction, Maintenance & Repair Fund to provide the necessary cash flow for this project.

**SECTION FOUR:**

The Finance Director is authorized to appropriate the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to the Massillon Road/Corporate Woods Circle PH2 Project Account (Acct. #201-2100-53633) from the unappropriated balance of the Street Construction, Maintenance & Repair Fund.

**SECTION FIVE:**

The Mayor is authorized and directed to enter into a contract with DiGioia-Suburban Excavating LLC for the Project. The Finance Director is authorized to make payments to DiGioia-Suburban Excavating LLC. through the established purchase order procedure.

**SECTION SIX:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION SEVEN:**

Green City Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and so that the Project may proceed immediately and forthwith. Provided that this legislation receives the affirmative vote of three-fourths ( $\frac{3}{4}$  ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: \_\_\_\_\_

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Nichole Messner, Clerk of Council

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Dave France, Council President

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APPROVED: \_\_\_\_\_, 2022

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Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: \_\_\_\_\_, 2022

ON ROLL CALL:   Babbitt \_\_\_\_\_ Brandenburg \_\_\_\_\_ DeVitis \_\_\_\_\_ France \_\_\_\_\_

                  Noble \_\_\_\_\_ Meager \_\_\_\_\_           Yeargin \_\_\_\_\_

*Southside Leader* publication on \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_  
Nichole Messner, Clerk of Council

04/07/2022 Approved as to form and content by Lisa Carey Dean, Law Director \_\_\_\_\_