

**RESOLUTION NO.:** 2019-R91  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** OCTOBER 08, 2019      **ASSIGNED TO:** \_\_\_\_\_ **TCB**

**A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH SPANO BROTHERS CONSTRUCTION CO., INC. FOR STORM SEWER REPAIRS, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.**

WHEREAS, it has been determined that the City of Green needs to make additional repairs beyond those originally expected in 2019 in order to maintain its existing storm sewer system; and

WHEREAS, the City has entered into an Agreement with Spano Brothers Construction Co., Inc. to make essential repairs to the storm water infrastructure in the City of Green in 2019; and

WHEREAS, the City requires the authorization of spending additional money to make the remaining repairs to complete the Project; and

WHEREAS, the City experienced multiple emergency repairs which required the use of Spano Brothers Construction Co., Inc.; and

WHEREAS, in order to make the required repairs, the City has sought quotes for the additional repairs and only Spano Brothers Construction Co., Inc. was willing and able to complete the Project in 2019 as all other qualified contractors are booked into 2020; and

WHEREAS, it is in the City's best interest to waive the competitive bidding requirements for this Agreement; and

WHEREAS, pursuant to Section 735.05 of the Ohio Revised Code, an expenditure of Fifty Thousand Dollars (\$50,000.00) requires the authorization of Green City Council to approve the Agreement by Resolution with Spano Brothers Construction Co., Inc. to complete the Project.

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

**SECTION ONE:**

The Mayor is hereby authorized to direct Spano Brothers Construction Co., Inc., as the best quoted, to perform repairs on the remaining seven (7) catch basins in the City of Green.

**SECTION TWO:**

The requirement for competitive bidding is waived pursuant to Section 210.06 of the Codified Ordinances of the City of Green. Green City Council recognizes these prices are fair and reasonable.

**SECTION THREE:**

Green City Council authorizes the Finance Director to make payments to Spano Brothers Construction Co., Inc. through the established purchase order process.

**SECTION FOUR:**

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 FIVE:**

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 (¾ths) 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: October 22, 2019

Nichole Baldinger  
Molly Kapeluck, Clerk of Council Interim

Bob Young  
Bob Young, Council President

APPROVED: Oct. 23, 2019

Gerard M. Neugebauer  
Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: October 22, 2019

ON ROLL CALL:    Babbitt *Aye*                      Dyer *Aye*                      Humphrey *Aye*                      Shaughnessy *Aye*  
                                 Speight *Aye*                      Yeargin *Aye*                      Young *Aye*                      *Adopted 7-0*

Suburbanite publication on October 25 and November 1, 2019

Nichole Baldinger  
Molly Kapeluck, Clerk Interim