

ORDINANCE NO. 103-2014

**TITLE: AMEND ORDINANCE NO. 97-2014
KENMORE CONSTRUCTION**

AN ORDINANCE AMENDING ORDINANCE NO. 97-2014 BY CHANGING THE WORDING IN SECTION 1 TO READ “THAT THE MAYOR, OR HIS DESIGNEE, IS HEREBY AUTHORIZED TO ENTER INTO CONTRACT, WITHOUT COMPETITIVE BIDDING AND ON AN EMERGENCY BASIS, WITH KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$169,090 FOR THE WOOSTER ROAD WEST WATERLINE REPLACEMENT,” AND DECLARING AN EMERGENCY.

WHEREAS, the City entered into contract with Kenmore Construction for construction of the Wooster Road waterline and service connection; and

WHEREAS, the need for repair is urgent and immediate; and

WHEREAS, Ohio Revised Code Section 735.051 provides that in the case of a real and present emergency arising in connection with the operation of the Department of Public Service, the Director of Public Service may, by a two-thirds (2/3) vote of Council, enter into a contract without formal bidding and advertising.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Council hereby amends Ordinance No. 97-2014 by changing the wording in Section 1 to read “That the Mayor, or his designee, is hereby authorized to enter into contract, without competitive bidding and on an emergency basis, with Kenmore Construction Company in the amount of One Hundred Sixty-Nine Thousand Ninety Dollars and No Cents (\$169,090.00) for the Wooster Road West waterline replacement.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to complete the project in a timely manner, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2014

Clerk of Council

President of Council

Approved _____ 2014

Mayor