

ORDINANCE NO. 108-2012

**TITLE: ENTER INTO CONTRACT – KENMORE CONSTRUCTION
 EMERGENCY REPAIRS**

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT, WITHOUT COMPETITIVE BIDDING AND ON AN EMERGENCY BASIS, WITH KENMORE CONSTRUCTION, IN THE AMOUNT OF \$63,874.67, FOR PROVIDING EMERGENCY REPAIRS AND PARTIAL REPLACEMENT OF A 24-INCH STORM SEWER LINE ON MADISON STREET, AND DECLARING AN EMERGENCY.

WHEREAS, there was a broken 24” storm sewer line on Madison Street, north of Way Avenue; and

WHEREAS, the need for repair was 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 the Mayor, or his designee, is hereby authorized to enter into contract, without competitive bidding and on an emergency basis, with Kenmore Construction, in the amount of Sixty Three Thousand Eight Hundred Seventy Four Dollars and Sixty Seven Cents (\$63,874.67) for providing emergency repairs and partial replacement of a 24-inch storm sewer line on Madison Street, north of Way Avenue.

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, for the reason that Council finds that an emergency situation existed and had to be repaired as soon as possible, and provided it receives the approval of two-thirds (2/3) of the members of Council, 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 _____ 2012

Clerk of Council

President of Council

Approved _____ 2012

Mayor