ORDINANCE NO. 09-59

AN ORDINANCE REPEALING ORDINANCE 09-23 WHICH ACCEPTED THE BID OF L & S CONCRETE, INC. FOR THE 2009 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton previously had advertised for bids for the 2009 Road Maintenance Program; and

WHEREAS: Council adopted Ordinance 09-23 accepting the bid of L & S Concrete, Inc. for utility repairs-concrete 7” and 12” as the lowest and best bid; and

WHEREAS: L & S Concrete has failed to respond appropriately and in a reasonable time to request for contracts and documents; and

WHEREAS: Service Director Kris Kamps has recommended the disqualification of L & S Concrete, Inc. for utility repairs-concrete 7” and 12” for the 2009 Road Maintenance Program as the lowest and best bid; and

WHEREAS: Council desires to repeal Ordinance 09-23.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. For all of the reasons stated in the preamble above, as well as in Exhibit A attached, Ordinance 09-23 is hereby repealed resulting in the disqualification of L & S Concrete, Inc. for utility repairs-concrete 7” and 12” for the 2009 Road Maintenance Program as the lowest and best bid.

Section 2. The Service Director is hereby authorized and directed to forward a certified copy of this Ordinance to L & S Concrete, Inc.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements.

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to repeal Ordinance 09-23 resulting in the disqualification of L & S Concrete, Inc. for utility repairs-concrete 7” and 12” for the 2009 Road Maintenance Program as the lowest and best bid in order to allow the city to take the next appropriate steps to ensure that this service is performed.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile  APPROVED:  /s/ Robert A. Stefanik
PRESIDENT OF COUNCIL  MAYOR
DATE PASSED:  May 6, 2009  DATE APPROVED:  May 7, 2009

ATTEST:  /s/ Laura J. Haller  First reading suspended
DIRECTOR OF LEGISLATIVE SERVICES  Second reading suspended

YEAS:  Gentile, Nickell, Petrusky, Willey,  Third reading May 6, 2009
Farrell, Antoskiewicz, Kasaris

NAYS:  none