

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2025-12**

A RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD TO FILLMORE CONSTRUCTION LLC FOR THE CONSTRUCTION OF THE MORROW ROAD RECONSTRUCTION PROJECT PHASE ONE, AND AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO EXECUTE A CONTRACT FOR THE SAID IMPROVEMENT PROJECT AND THEREAFTER ISSUANCE OF A NOTICE TO PROCEED, AND DECLARING AN EMERGENCY

WHEREAS, the City Council passed Resolution 2022-30 on July 21st, 2022, authorizing the submission of an application to the Ohio Public Works Commission (OPWC) for a grant to fund the Morrow Road Reconstruction Project Phase One in the City of South Lebanon (the “Project”); and,

WHEREAS, On August 17, 2023, the City Council passed Res. No. 2023-33 approving the OPWC Project Grant Agreement in the amount of \$519,244.00 in funding for the construction, design and administration of said Project; and,

WHEREAS, the City published invitations to bid the Project, and the City Engineer has reviewed all bids submitted timely and recommended, based on the results of the bid opening on March 18, 2025, that the base bid of \$788,690.20 from Fillmore Construction LLC was the lowest and best bid; and,

WHEREAS, due to the deteriorating condition of the project area and the necessity to complete construction of the Project this calendar year, immediate action is required and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. Approve the issuance of a Notice of Award to Fillmore Construction LLC (Contractor) and further authorize the Mayor and Director of Finance to execute the Project Contract after approval as to form by the Law Director and execution by the Contractor.

Section 2. Upon full execution of the Project Contract, the Mayor and Director of Finance are further authorized to execute and send a Notice to Proceed to the Contractor.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That this Resolution is hereby declared to be an emergency measure in accordance with Section 731.30 of the Ohio Revised Code for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 3rd day of April, 2025.

Linda S. Burke
Linda S. Burke, Mayor

Attest:

Jennifer O'Brien
Jennifer O'Brien/Clerk of Council

Rules Suspended:	<u>4/13/25</u>	(if applicable)
First Reading:	<u> </u>	
Second Reading:	<u> </u>	
Vote:	<u>4</u> Yeas	
	<u> </u> Nays	
Effective Date:	<u>4/13/25</u>	

Prepared by and approved as to form:

Andrew P. Meier 4/3/2025
Andrew P. Meier
Law Director
City of South Lebanon, Ohio

NOTICE OF AWARD

Owner: City of South Lebanon
Project: Morrow Road Reconstruction
Bidder: Fillmore Construction LLC
Bidder's Address: 11741 St Rt 72, Leesburg, Ohio 45135

TO BIDDER:

You are notified that Owner has accepted your Bid dated 3/18/2025 for the above Project, and that you are the Successful Bidder and are awarded a Contract for:

The reconstruction of Morrow Road from South Mary Ellen to Mary Lane including curb and gutter, sidewalk, storm sewer, and water main.

The Contract Price of the awarded Contract is: \$788,690.20

One unexecuted counterparts of the Agreement accompany this Notice of Award, and a copy of the Contract Documents has been made available to Bidder electronically. The Drawings will be delivered separately from the Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement the Contract security and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement.

Owner: City of South Lebanon

Linda S. Burke
Authorized Signature

By: Linda Burke

Title: Mayor

Date of Issuance: April 3, 2025
