

# County Council of Cuyahoga County, Ohio

## Resolution No. R2019-0122

<p>Sponsored by: <b>County Executive Budish/Department of Public Works/Division of County Engineer</b></p> <p>Co-sponsored by: <b>Councilmembers Conwell and Gallagher</b></p>	<p><b>A Resolution</b> making an award on RQ44128 to Independence Excavating, Inc. in the amount not-to-exceed \$8,945,609.95 for construction of the Towpath Trail - Stage 4 from various termini in the City of Cleveland; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended an award on RQ44128 to Independence Excavating, Inc. in the amount not-to-exceed \$8,945,609.95 for construction of the Towpath Trail - Stage 4 from various termini in the City of Cleveland as follows:

- a) West 13<sup>th</sup> Street to Literary Avenue; and
- b) Merwin Avenue to Scranton Road; and

WHEREAS, the primary purpose of this project is to complete construction as per plans and specifications; and

WHEREAS, the anticipated start-completion dates are 7/1/2019 - 6/25/2021; and

WHEREAS, the project is funded as follows: a) 80% or \$7,156,487.96 from Congestion, Mitigation and Air Quality Funds (CMAQ); and b) 20% or \$1,789,121.99 from Cleveland TIF Funding, Clean Ohio Trails Grant and Towpath Ohio Department of Natural Resources; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the Cuyahoga County Council hereby makes an award on RQ44128 to Independence Excavating, Inc. in the amount not-to-exceed

\$8,945,609.95 for construction of the Towpath Trail - Stage 4 from various termini in the City of Cleveland as follows:

- a) West 13<sup>th</sup> Street to Literary Avenue
- b) Merwin Avenue to Scranton Road

**SECTION 2.** That the County Executive is authorized to execute the contract and all other documents consistent with said award and this Resolution.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Tuma, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller, Tuma and Brady

Nays: None

_____	_____
County Council President	Date
_____	_____
County Executive	Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: May 14, 2019

Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested: May 22, 2019

Additional Sponsorship Requested on the Floor: May 28, 2019

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May 28, 2019