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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. 31 - 2012

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
10 PUBLIC SERVICE TO ENTER INTO A CONTRACT
11 WITHOUT COMPETITIVE BIDDING WITH AKRON
12 BUILDING AND OUTDOOR MAINTENANCE, INC. dba
13 RIVERREACH CONSTRUCTION FOR THE
14 PROFESSIONAL AND CONSTRUCTION SERVICES
15 NECESSARY TO DESIGN AND EXECUTE THE
16 DEMOLITION AND REMOVAL OF TWO DAMS IN THE
17 CUYAHOGA RIVER, AND FOR ASSOCIATED STREAM
18 BANK RESTORATION, AND DECLARING AN
19 EMERGENCY.
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21 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII,
22 Section 3 of the Ohio Constitution, authorizes this Council to make exception to
23 competitive bidding procedures set forth in the Revised Code,
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25 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
26 Falls, County of Summit and State of Ohio, that:
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28 Section 1. The Director of Public Service is hereby authorized to enter into a
29 contract with Akron Building and Outdoor Maintenance, Inc. dba RiverReach
30 Construction, on the basis of its proposal dated February 28, 2012, for the
31 professional and construction services necessary to design and execute the
32 demolition and removal of two low head dams in the Cuyahoga River, one adjacent
33 to Parcel No. 02-18895 and one adjacent to Parcel No. 02-19099, and for stream
34 bank restoration associated with the dam removals.
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36 Section 2. It is found and determined by this Council that the professional and
37 non-professional services sought by the City for the purpose of executing the
38 project contemplated by this Ordinance are inextricably linked and thus not
39 susceptible to conventional competitive bidding. Therefore, competitive bidding
40 requirements are waived for the contract authorized by this Ordinance.
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42 Section 3. The Director of Finance is hereby authorized and directed to make
43 payment for same from the Storm Drainage Utility Fund, line item Capital Outlay.
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45 Section 4. Any other ordinances or resolutions or portions of ordinances and
46 resolutions inconsistent herewith are hereby are repealed, but any ordinances and
47 resolutions not inconsistent herewith and which have not previously been repealed
48 are hereby ratified and confirmed.
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50 Section 5. It is found and determined that all formal actions of this Council
51 concerning and relating to the adoption of this ordinance were adopted in an open
52 meeting of this Council, and that all deliberations of this Council and of any of its

53 committees that resulted in such formal action, were in meetings open to the
54 public, in compliance with all legal requirements, to the extent applicable,
55 including Chapter 107 of the Codified Ordinances.

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57 Section 6. This ordinance is hereby declared to be an emergency measure
58 necessary for the preservation of the public peace, health, safety, convenience and
59 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
60 that it is immediately necessary to permit timely and appropriate development of
61 this property, and provided it receives the affirmative vote of two thirds of the
62 members elected or appointed to Council, it shall take effect and be in force
63 immediately upon its passage and approval by the Mayor; otherwise it shall take
64 effect and be in force at the earliest period allowed by law.

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Passed: 3-26-12

Mark Masny
President of Council

Catherine J. Meacham
Clerk of Council

Approved: 3/26/12

D. Kolant
Mayor

3/12/12
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