

AN ORDINANCE AWARDING A CONTRACT FOR THE 2023 FOURTH OF JULY FIREWORKS AND DECLARING AN EMERGENCY.

WHEREAS, Section 59 of the Avon Lake Charter, entitled Competitive Bidding, authorizes the awarding of contracts under \$50,000 without public bidding;

WHEREAS, the Mayor has solicited proposals for the 2023 Fourth of July fireworks display at Weiss Field (the "Fireworks Display"); and

WHEREAS, Council, coming now to consider said proposals, has determined that the proposal submitted by Zambelli Fireworks of New Castle, Pennsylvania ("Zambelli"), is the best responsive proposal and is acceptable to this Council.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the proposal by Zambelli to provide the Fireworks Display for the contract price of twenty thousand dollars (\$20,000.00) is hereby accepted.

Section No. 2: That the Mayor shall be and he hereby is authorized and directed to execute and deliver on behalf of the City a contract with Zambelli for the Fireworks Display, such contract to be on terms and conditions acceptable to the Mayor and approved by the Law Director as to form.

Section No. 3: That among other provisions of the contract, the contract shall require that:

- (a) to ensure the faithful performance of the contract, Zambelli furnish a performance bond satisfactory to the Mayor and approved as to form by the Law Director; and
- (b) Zambelli deposit and keep in force and effect on file with the Director of Finance certificates of policies of insurance in a form and amounts acceptable to the Mayor designating the City as an additional insured.

Section No. 4: That upon execution of the contract, the Director of Finance shall be authorized and directed to issue to Zambelli the warrant of the City in payment of one-half of the contract price, and upon receipt by the Director of Finance of the certificate of the Mayor that the obligations of Zambelli under the contract have been completed to the satisfaction of the Mayor, the Director of Finance shall be authorized and directed to issue to Zambelli the warrant of the City

in payment of the balance of the amount determined by the Mayor to be due to Zambelli under the contract.

Section No. 5: That 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 6: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of securing a contract for the 2023 fireworks display, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: 11/28/2022

/s/ Martin E. O'Donnell

President of Council

POSTED: 12/02/2022

APPROVED: 11/29/2022

ATTEST: */s/ Valerie E. Rosmarin*

Clerk of Council

/s/ Gregory J. Zilka

Mayor