

**MINUTES OF SPECIAL  
BOARD OF TRUSTEES MEETING  
LORAIN COUNTY RURAL WASTEWATER DISTRICT  
APRIL 23, 2009**

**Call to Order:**

Pursuant to public notification on April 21, 2009, the special meeting of the Board of Trustees of the Lorain County Rural Wastewater District was held at the LORCO offices, 22898 West Road, Wellington, Ohio. President McConnell called the meeting to order at 7:00 p.m. with the pledge of allegiance.

**Oath of Office:**

Rita Canfield, LaGrange Township representative was given the oath of office by Attorney O'Toole. This term expires March 27, 2012

**Trustees in Attendance:**

Scott Grills	Doug Edwards	Rick Hutman
Dominic Ferritto	Ernest Hartman	Rita Canfield
John Piwinski	Gerald Cowie	Dennis Shumaker (A)
Thomas Lahetta	Cindy Kurpely	Neil Lynch
James McConnell		

**Also in Attendance:**

Dennis O'Toole, Attorney  
Bob Smallwood, P.E., GRW Engineers, Inc.  
John Kniepper, Chief Utilities Director, ALMU  
Helen Haddox, Office Manager  
Fred Alspach, Executive Director

**New Business:**

Bob Smallwood, P.E. explained in detail the contract bid opening process and the engineer's review of the bids. He then reviewed and recommended the lowest and best bids on each contract. Mr. Alspach recommended that each of the six contracts be discussed and awarded individually as the engineer finishes his explanation. The board had received a synopsis of the apparent lowest and best bids in their board packets. Mr. O'Toole noted that the adoption of these resolutions to award is contingent, as written in each resolution, upon LORCO obtaining adequate financing for the entire Phase One project within 60 days from the date of this award and further conditioned upon the approval of the United States Department of Agriculture, Rural Development, and any other condition now existing or hereafter imposed as a matter of law; provided further, this award is conditioned upon the execution of a contract approved by legal counsel that incorporates all aspects of the bid specifications and bid award for the performance of the work to be done

**RESOLUTION NO. 2009-6** It was moved by Tom Lahetta, seconded by Doug Edwards: WHEREAS: LORCO Phase-I "Carlisle-Eaton Wastewater Project" Contract 1A bids have been reviewed under standard engineering practices, and all bidding addenda have been acknowledged and bid bonds provided, and;

WHEREAS: there has been a recommendation of the engineer consultant that the lowest and best bid for contract 1A is the bid of Digioia-Suburban Excavating, LLC, in the amount of \$2,627,411.00; and;

WHEREAS: the board has duly considered all proper bids and discussed the bids as well as the qualifications of the lowest bidder and has agreed with the recommendation of the engineer consultant;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees, subject to the conditions set forth herein as well as those conditions set forth in the bid specifications, including but not limited to section 16.7, hereby award Contract 1A to Digioia-Suburban Excavating, LLC of 11293 Royalton Road, North Royalton, OH 44133 in the bid amount of \$2,627,411.00; provided however, such award is contingent upon LORCO obtaining adequate financing for the entire Phase One project within 60 days from the date of this award and further conditioned upon the approval of the United States Department of Agriculture, Rural Development, and any other condition now existing or hereafter imposed as a matter of law; provided further, this award is conditioned upon the execution of a contract approved by legal counsel that incorporates all aspects of the bid specifications and bid award for the performance of the work to be done for Contract 1A. Provided further, in the event any of these conditions are not met or satisfied, including the inability to obtain financing or a Permit to Install from the Ohio EPA, then the award shall be rescinded and any bond returned without penalty or forfeit.

Vote resulted as follows: 12 yea, 1 nay. Motion carried.

**RESOLUTION NO. 2009-7** It was moved by Ernest Hartman, seconded by Cindy Kurpley: WHEREAS: LORCO Phase-I "Carlisle-Eaton Wastewater Project" Contract 1B bids have been reviewed under standard engineering practices, and all bidding addenda have been acknowledged and bid bonds provided, and;

WHEREAS: there has been a recommendation of the engineer consultant that the lowest and best bid for contract 1B is the bid of Underground Utilities, Inc., in the amount of \$2,458,692.48; and;

WHEREAS: the board has duly considered all proper bids and discussed the bids as well as the qualifications of the lowest bidder and has agreed with the recommendation of the engineer consultant;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees, subject to the conditions set forth herein as well as those conditions set forth in the bid specifications, including but not limited to section 16.7, hereby award Contract 1B to Underground Utilities of 416 W. Monroe Street, Monroeville, OH 44847 in the bid amount of \$2,458,692.48; provided however, such award is contingent upon LORCO obtaining adequate financing for the entire Phase One project within 60 days from the date of this award and further conditioned upon the approval of the United States Department of Agriculture, Rural Development, and any other condition

now existing or hereafter imposed as a matter of law; provided further, this award is conditioned upon the execution of a contract approved by legal counsel that incorporates all aspects of the bid specifications and bid award for the performance of the work to be done for Contract 1B. Provided further, in the event any of these conditions are not met or satisfied, including the inability to obtain financing or a Permit to Install from the Ohio EPA, then the award shall be rescinded and any bond returned without penalty or forfeit.

Vote resulted as follows: 12 yea, 1 nay. Motion carried.

**RESOLUTION NO. 2009-8** It was moved by Gerald Cowie, seconded by Cindy Kurpley: WHEREAS: LORCO Phase-I “Carlisle-Eaton Wastewater Project” Contract 2A bids have been reviewed under standard engineering practices, and all bidding addenda have been acknowledged and bid bonds provided, and;

WHEREAS: there has been a recommendation of the engineer consultant that the lowest and best bid for contract 2A is the bid of Fabrizi Trucking & Paving Co., Inc., in the amount of \$2,297,478.25; and;

WHEREAS: the board has duly considered all proper bids and discussed the bids as well as the qualifications of the lowest bidder and has agreed with the recommendation of the engineer consultant;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees, subject to the conditions set forth herein as well as those conditions set forth in the bid specifications, including but not limited to section 16.7, hereby award Contract 2A to Fabrizi Trucking & Paving Co., Inc. of 389 Columbia Road, Valley City, OH 44280-9799 in the bid amount of \$2,297,478.25; provided however, such award is contingent upon LORCO obtaining adequate financing for the entire Phase One project within 60 days from the date of this award and further conditioned upon the approval of the United States Department of Agriculture, Rural Development, and any other condition now existing or hereafter imposed as a matter of law; provided further, this award is conditioned upon the execution of a contract approved by legal counsel that incorporates all aspects of the bid specifications and bid award for the performance of the work to be done for Contract 2A. Provided further, in the event any of these conditions are not met or satisfied, including the inability to obtain financing or a Permit to Install from the Ohio EPA, then the award shall be rescinded and any bond returned without penalty or forfeit.

Vote resulted as follows: 12 yea, 1 nay. Motion carried.

**RESOLUTION NO. 2009-9** It was moved by Ernest Hartman, seconded by Doug Edwards: WHEREAS: LORCO Phase-I “Carlisle-Eaton Wastewater Project” Contract 2B bids have been reviewed under standard engineering practices, and all bidding addenda have been acknowledged and bid bonds provided, and;

WHEREAS: there has been a recommendation of the engineer consultant that the lowest and best bid for contract 2B is the bid of Underground Utilities, Inc., in the amount of \$2,388,616.65; and;

WHEREAS: the board has duly considered all proper bids and discussed the bids as well as the qualifications of the lowest bidder and has agreed with the recommendation of the engineer consultant;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees, subject to the conditions set forth herein as well as those conditions set forth in the bid specifications, including but not limited to section 16.7, hereby award Contract 2B to Underground Utilities, Inc. of 416 W. Monroe Street, Monroeville, OH 44847 in the bid amount of \$2,388,616.65; provided however, such award is contingent upon LORCO obtaining adequate financing for the entire Phase One project within 60 days from the date of this award and further conditioned upon the approval of the United States Department of Agriculture, Rural Development, and any other condition now existing or hereafter imposed as a matter of law; provided further, this award is conditioned upon the execution of a contract approved by legal counsel that incorporates all aspects of the bid specifications and bid award for the performance of the work to be done for Contract 2B. Provided further, in the event any of these conditions are not met or satisfied, including the inability to obtain financing or a Permit to Install from the Ohio EPA, then the award shall be rescinded and any bond returned without penalty or forfeit.

Vote resulted as follows: 12 yea, 1 nay. Motion carried.

**RESOLUTION NO. 2009-10** It was moved by Doug Edwards, seconded by Ernest Hartman: WHEREAS: LORCO Phase-I "Carlisle-Eaton Wastewater Project" Contract 3A bids have been reviewed under standard engineering practices, and all bidding addenda have been acknowledged and bid bonds provided, and;

WHEREAS: there has been a recommendation of the engineer consultant that the lowest and best bid for contract 3A is the bid of Elite Excavating Company of Ohio, Inc., in the amount of \$1,896,289.75; and;

WHEREAS: the board has duly considered all proper bids and discussed the bids as well as the qualifications of the lowest bidder and has agreed with the recommendation of the engineer consultant;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees, subject to the conditions set forth herein as well as those conditions set forth in the bid specifications, including but not limited to section 16.7, hereby award Contract 3A to Elite Excavating Company of Ohio, Inc. of 4500 Snodgrass Road, Mansfield, OH 44903 in the bid amount of \$1,896,289.75; provided however, such award is contingent upon LORCO obtaining adequate financing for the entire Phase One project within 60 days from the date of this award and further conditioned upon the approval of the United States Department of Agriculture, Rural

Development, and any other condition now existing or hereafter imposed as a matter of law; provided further, this award is conditioned upon the execution of a contract approved by legal counsel that incorporates all aspects of the bid specifications and bid award for the performance of the work to be done for Contract 3A. Provided further, in the event any of these conditions are not met or satisfied, including the inability to obtain financing or a Permit to Install from the Ohio EPA, then the award shall be rescinded and any bond returned without penalty or forfeit.

Vote resulted as follows: 12 yea, 1 nay. Motion carried.

**RESOLUTION NO. 2009-11** It was moved by Cindy Kurpley , seconded by John Piwinski: WHEREAS: LORCO Phase-I “Carlisle-Eaton Wastewater Project” Contract 3B bids have been reviewed under standard engineering practices, and all bidding addenda have been acknowledged and bid bonds provided, and;

WHEREAS: there has been a recommendation of the engineer consultant that the lowest and best bid for contract 3B is the bid of Elite Excavating Company of Ohio, Inc., in the amount of \$2,225,361.75; and;

WHEREAS: the board has duly considered all proper bids and discussed the bids as well as the qualifications of the lowest bidder and has agreed with the recommendation of the engineer consultant;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees, subject to the conditions set forth herein as well as those conditions set forth in the bid specifications, including but not limited to section 16.7, hereby award Contract 3B to Elite Excavating Company of Ohio, Inc., of 4500 Snodgrass Road, Mansfield, OH 44903 in the bid amount of \$2,225,361.75; provided however, such award is contingent upon LORCO obtaining adequate financing for the entire Phase One project within 60 days from the date of this award and further conditioned upon the approval of the United States Department of Agriculture, Rural Development, and any other condition now existing or hereafter imposed as a matter of law; provided further, this award is conditioned upon the execution of a contract approved by legal counsel that incorporates all aspects of the bid specifications and bid award for the performance of the work to be done for Contract 3B. Provided further, in the event any of these conditions are not met or satisfied, including the inability to obtain financing or a Permit to Install from the Ohio EPA, then the award shall be rescinded and any bond returned without penalty or forfeit.

Vote resulted as follows: 12 yea, 1 nay Motion carried.

**Other Business:**

It was moved by Cindy Kurpley, with a second by Doug Edwards to move into executive session at 7:37 p.m. to discuss pending litigation. A roll call vote was taken with all present for

the special meeting saying Yea. Motion carried. NOTE: Dennis Shumaker left the meeting at this time.

President McConnell called the board back into regular session at 8:00 p.m.

**Adjourn:**

With no further business to come before the Board, it was moved by Ernest Hartman with a second by Scott Grills to adjourn at this time 8:05 p.m. and meet again in regular session at 7:00 p.m. on Thursday, May 14, 2009 at the LORCO offices, 22898 West Rd. Wellington, OH. All voted yea. The motion carried.

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President

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Secretary-Treasurer