



CITY COMMISSION MEETING AGENDA

CITY COMMISSION

DAYTON, OHIO

OCTOBER 5, 2016

6:00 P.M.

I. AGENDA SCHEDULE

**Please register to speak on items 9, 11 and 13 with the Clerk of the Commission.
(Sign-up sheets at entrance of Commission Chambers.)**

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
6. Communications and Petitions Distribution (if any)
7. Special Awards/Recognition
8. Discussion of City Manager's Recommendations (See Section II)
9. Citizen Comments on City Manager's Recommendations
10. City Commission Action on City Manager's Recommendations
11. Public Hearing: N/A
12. Discussion Item: N/A
13. Comments by Citizens - Please register to speak with the Clerk of Commission -
(Non - Calendar items) sign-up sheets at entrance of Commission Chambers
14. Comments by City Manager
15. Comments by City Commission
16. Work Session: **Finance Committee Briefing – (B. LaBrier) – 4:30 p.m.**
City Manager's Large Conference Room
17. Miscellaneous (See Section VI)

II. CITY MANAGER RECOMMENDATIONS (Item #8 above)

The following recommendations are offered for City Commission approval.

A. Purchase Orders, Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31st of the current year).

1. Purchase Orders:

AVIATION

A1. A. E. David's Uniform Company (uniforms, equipment and related items) **\$3,000.00**

1. (Cont'd):

CENTRAL SERVICES

B1. H P Products (janitorial supplies as needed through 12-31-16)	\$15,000.00
B2. Walt Sweeney Ford, Inc. (one new 2017 Ford F-250 pickup truck)	32,701.16

HUMAN RESOURCES

C1. 4 Imprint, Inc. (promotional and advertising souvenirs)	26,727.92
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PUBLIC WORKS

D1. Dailey's Lawn & Landscaping (miscellaneous 2" diameter trees)	235,000.00
D2. North Branch Nursery, Inc. (miscellaneous trees in three gallon pruning containers)	16,350.00

WATER

E1. Boone's Power Equipment, Inc. (one new John Deere front mower with 72" mower deck)	22,237.01
E2. Interstate Ford, Inc. (one new 2017 Ford F-250 pickup truck)	31,735.00
E3. Trigen Technologies dba Ebsbon (temporary staffing services as needed through 12-31-16)	20,000.00
-Depts. of Aviation, Central Services, Human Resources, Public Works, and Water.	Total: \$402,751.09

B. Construction Contracts:

2. C. G. Construction & Utilities, Inc. – Award of Contract – for the Nancy, Neosho, and Stolz Avenues and Keturah Drive Water Main Improvements (15% MBE, 5% WBE, & 5% SBE Goal/15% MBE, 5% WBE, & 5% SBE Goal Achieved) – Dept. of Water/Water Engineering.	\$493,324.05 (Thru 02/2018)
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E. Other – Contributions, Etc.:

BY THE BOARD OF REVISION OF ASSESSMENTS

3. In the Matter of Declaring the Intention of the Commission to Vacate the Alley West of North Gettysburg Avenue from the Alley North of West Third Street to Frances Avenue – Recommendation to Proceed.

IV. LEGISLATION:

Emergency Ordinance – First and Second Reading:

4. **No. 31525-16** Authorizing the Sale of Certain Real Estate Located at 1962 Radio Road to Radio Road Property, LLC for Economic Development Purposes, and Declaring an Emergency.

Emergency Resolution – First and Second Reading:

5. **No. 6216-16** Withdrawing the Objection to the Issuance of Liquor Permit #55957650005, Nimesh Patel dba Maruti Foodmart Inc., 272 Linden Avenue, Dayton, Ohio 45403, and Declaring an Emergency.

Ordinance – First Reading:

6. **No. 31526-16** Vacating the Alley West of North Gettysburg Avenue from the Alley North of West Third Street to Frances Avenue.

Resolution – Second Reading:

7. **No. 6215-16** Authorizing the City Manager to Accept a Grant Award from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) in the Amount of Sixty-Three Thousand Five Hundred Seventy-Nine Dollars (\$63,579.00) on Behalf of the City of Dayton.

VI. MISCELLANEOUS:

ORDINANCE NO. 31527-16

RESOLUTION NO. 6217-16

IMPROVEMENT RESOLUTION NO. 3598-16

INFORMAL RESOLUTION NO. 927-16



City Manager's Report

From **5530 - CS/Purchasing**

Date **October 5, 2016**

Expense Type **Purchase Order**

Total Amount **\$402,751.09**

Supplier, Vendor, Company, Individual

Name **See Below**

Address **See Below**

Fund Source(s)	Fund Code(s)	Fund Amount(s)
See below	See below	See below

Includes Revenue to the City Yes No Affirmative Action Program Yes No N/A

Description

AVIATION

(A1) P1600037 – A.E. DAVID'S UNIFORM COMPANY, DAYTON, OH

- Uniforms, equipment, and related items.
- These goods are required to replace existing uniforms, equipment, and related items that are worn beyond economical repair.
- Rates are in accordance with the City of Dayton's existing price agreement IFB K13022, with firm pricing through 11/1/2016.
- A.E. David's Uniform Company qualifies as a Dayton local entity.
- This amendment increases the previously authorized amount of \$10,000.00 by \$3,000.00 for a total not to exceed \$13,000.00 and therefore requires City Commission approval.
- This first amendment to the purchase order increases quantities.
- The Department of Aviation recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2016	Supplies and Materials	51000-3224-1301-43	\$3,000.00

Signatures/Approval

Division _____

Department _____

City Manager _____

Approved by City Commission _____

Clerk _____

Date _____

CENTRAL SERVICES – FACILITIES MANAGEMENT(B1) P1600219 – H P PRODUCTS, CINCINNATI, OH

- Janitorial supplies, as needed through 12/31/2016.
- These goods are required to replenish inventories used in daily operations.
- Rates are in accordance with the City of Dayton's existing price agreement IFB 15002D with firm pricing through 01/31/2018.
- This amendment increases the previously authorized amount of \$30,000.00 by \$15,000.00 for a total not to exceed \$45,000.00 and therefore requires City Commission approval.
- This first amendment to the purchase order increases quantities to ensure adequate and appropriate inventory of consumable supplies.
- The Department of Central Services recommends approval of this order.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Supplies and Materials	10000-5540-1301-54	\$15,000.00

(B2) P1601120 – WALT SWEENEY FORD, INC., CINCINNATI, OH

- One (1) new 2017 Ford F-250 pickup truck.
- This equipment is required to maintain daily City operations and will replace City unit #1798, which will be disposed of in the best interest of the City of Dayton.
- Twenty-five possible bidders were solicited and two bids were received.
- The Department of Central Services recommends acceptance of the low bid.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Motorized Equipment	66000-5540-1412-54	\$32,701.16

HUMAN RESOURCES(C1) P1601122 – 4 IMPRINT, INC., OSHKOSH, WI

- Promotional and advertising souvenirs.
- These goods are required to promote employee health and safety at the City's annual Health and Safety Fair, October 14, 2016.
- Three possible bidders were solicited and three bids were received.
- The Department of Human Resources recommends acceptance of the low bid.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Miscellaneous	65000-5610-1221-62	\$16,899.18

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Miscellaneous	63000-5610-1221-62	\$9,828.74

PUBLIC WORKS – STREET MAINTENANCE(D1) P1601124 – DAILEY’S LAWN & LANDSCAPING, DAYTON, OH

- Miscellaneous 2” diameter trees.
- These goods are required to support the City’s citywide Tree Planting Program.
- Dailey’s Lawn & Landscaping qualifies as a Dayton local entity.
- Ten possible bidders were solicited and three bids were received.
- The Department of Public Works recommends acceptance of the low bid.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Land Improvements	40007-6430-1420-54	\$235,000.00

(D2) P1601123 – NORTH BRANCH NURSERY, INC., PEMBERVILLE, OH

- Miscellaneous trees in 3 gallon pruning containers.
- This nursery stock is required to supply the City’s tree farm.
- Twelve possible bidders were solicited and four bids were received.
- The Department of Public Works recommends acceptance of the low bid meeting specifications.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Land Improvements	40007-6430-1420-54	\$16,350.00

WATER – WATER SUPPLY AND TREATMENT(E1) P1601121 – BOONE’S POWER EQUIPMENT, INC., BROOKVILLE, OH

- One (1) new John Deere front mower with 72” mower deck.
- This equipment is required to maintain City property and will replace City unit #2179, which will be disposed of in the best interest of the City of Dayton.
- Three possible bidders were solicited and three bids were received.
- The Department of Water recommends acceptance of the low bid.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Motorized Equipment	53000-3430-1412-54	\$22,237.01

WATER – WATER SUPPLY AND TREATMENT (CONTINUED)(E2) P1601119 – INTERSTATE FORD, INC., MIAMISBURG, OH

- One (1) new 2017 Ford F-250 pickup truck.
- This equipment is required to maintain daily operations for the City and will replace City unit #2948, which will be disposed of in the best interest of the City.
- Twenty-five possible bidders were solicited and two bids were received.
- The Department of Water recommends acceptance of the low bid.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Motorized Equipment	53000-3430-1412-54	\$31,735.00

WATER – WATER UTILITY FIELD OPERATIONS(E3) P1600668 – TRIGEN TECHNOLOGIES dba EBSBON, CLOVIS, CA

- Temporary staffing services, as needed through 12/31/2016.
- These services are required to provide additional staffing for the Water Department.
- Rates are in accordance with the City of Dayton's existing price agreement IFB 16001K with firm pricing through 12/31/2016.
- This amendment increases the previously authorized amount of \$65,000.00 by \$20,000.00 for a total not to exceed \$85,000.00 and therefore requires City Commission approval.
- This first amendment to the purchase order provides for additional staffing hours for the Catch Basin Cleaning and Grease Monster programs.
- The Department of Water recommends approval of this order.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Other Professional Services	58000-3445-1159-54	\$20,000.00

The aforementioned departments recommend approval of these orders.

BIDDER NAME & STREET ADDRESS:				1 Interstate Ford		2 Walt Sweeney Ford	
CITY: STATE & ZIP:				Miami OH, 45342		Cincinnati OH, 45238	
Recommended for Award				X		X	
QUALIFIES FOR LOCAL PREFERENCE?				NO		NO	
QUALIFIES FOR CERTIFIED PREFERENCE?				NO		NO	
LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?				NO		NO	
Item No.	ITEM DESCRIPTION	QTY	U/M	UNIT	EXTENDED	UNIT	EXTENDED
PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS							
<u>9,200 Lb. GVWR 4-Wheel Drive Pickup Truck</u>							
1	9,200 Lb. GVWR 4-Wheel Drive Pickup Truck	2	EA	\$26,320.00	\$62,640.00	\$26,987.16	\$51,974.32

Optional Equipment

2	Extended Cab Upgrade	2	EA	\$5,266.00	\$10,532.00	\$5,435.00	\$10,870.00
3	Crew-Cab (4-Doors) Upgrade	2	EA	\$3,487.00	\$6,974.00	NA	NA
4	All Terrain Tires	2	EA	\$152.00	\$304.00	\$165.00	\$330.00
5	Amber Warning Light System	2	EA	\$1,595.00	\$3,190.00	\$1,244.00	\$2,488.00
6	Lift-Gate	2	EA	\$2,550.00	\$5,100.00	\$2,362.00	\$4,724.00
7	Cab Protector with Flood Lights	2	EA	\$735.00	\$1,470.00	\$869.00	\$1,738.00
8	Toolbox Package 1	2	EA	\$3,300.00	\$6,600.00	\$4,190.00	\$8,380.00
9	Toolbox Package 2	2	EA	\$675.00	\$1,350.00	\$737.00	\$1,474.00
10	Back Up Camera System	2	EA	\$341.00	\$682.00	\$370.00	\$740.00
11	Power Windows, Door Locks & Heated Side-View Mirrors	2	EA	\$1,241.00	\$2,482.00	\$915.00	\$1,830.00

Service Manuals

12	Service Manual - Hardcopy	2	EA	NA	NA	\$325.00	\$650.00
13	Service Manual - CD	2	EA	\$195.00	\$390.00	\$325.00	\$650.00
TERMS:				NET 30		NET 30	
F.O.B.:				DEST		DEST	
Price firm through 12/31/2016?				NO, 10/31/2016		NO, 10/31/2016	

• = lowest bid X = vendor selected for award
 THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:

- | | | |
|--|---|---|
| 1. Team Cruiser Conversion Co., Inc.
Indianapolis, IN | 9. Bob Ross
Centerville, OH | 17. Lebanon Ford
Lebanon, OH |
| 2. KE Rose Company
Huber Heights, OH | 10. Smedley's Chevrolet
Vandalia, OH | 18. Byers Ford
Delaware, OH |
| 3. J. W. Devers & Sons, Inc.
Trotwood, OH | 11. Mercedes Benz of West Chester
West Chester, OH | 19. Dave Dennis
Dayton, OH |
| 4. Henderson Mfg.
Bucyrus, OH | 12. Beau Townsend Ford
Vandalia, OH | 20. Valley Ford
Cleveland, OH |
| 5. Evans Arena Motorworks
Dayton, OH | 13. Middletown Ford
Middletown, OH | 21. River City Body
Cincinnati, OH |
| 6. Key Chrysler Jeep Dodge
Xenia, OH | 14. Reichard (Local)
Dayton, OH | 22. DNJ Truck Upfitting & Reconditioning, Inc.
Jamestown, OH |
| 7. Jeff Schmitt Chevrolet South
Miami, OH | 15. White Allen (Local)
Dayton, OH | 23. Kaffenbarger Truck Equipment
New Carlisle, OH |
| 8. Statewide Ford
Van Wert, OH | 16. Whiteside of St. Clairsville, Inc.
St. Clairsville, OH | |

CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION

For: Souvenirs: Promotional and Advertising

Dept./Div.: Human Resources

Requisition No.: 514HRD6

BIDDER NAME & STREET ADDRESS: CITY: STATE & ZIP: Recommended for Award				1 4 Iron Properties dba Logos @ Work Dayton OH, 45402		2 4 Imprint Oshkosh WI, 54901 X		3 Quality Logo Products Aurora IL, 60506	
QUALIFIES FOR LOCAL PREFERENCE?				YES		NO		NO	
QUALIFIES FOR CERTIFIED PREFERENCE?				YES		NO		NO	
LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?				NO		NO		NO	
Item No.	ITEM DESCRIPTION	QTY	U/M	UNIT	EXTENDED	UNIT	EXTENDED	UNIT	EXTENDED
PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS									
Souvenirs: Promotional and Advertising									
1	Tri Pocket Sport Duffel with set up and freight	1300	EA		\$11,877.80	\$8.12	• \$11,104.19	\$8.38	\$14,029.55
2	Insulated Mug with set up and freight	1300	EA	N/A	N/A	\$4.06	• \$5,794.99	\$4.16	\$6,465.94
3	Keep Cool Towel with set up and freight	1400	EA		• \$6,700.90	\$5.35	\$7,147.74	\$5.30	\$7,477.62
4	Power Bank Charger with set up and freight	300	EA	N/A	N/A	\$8.77	• \$2,681.00	\$10.86	\$3,189.09
TERMS:				NET 30		NET 30		NET 30	
F.O.B.:				DEST		DEST		DEST	
Price firm through 12/31/2016?				NO		NO		NO	

• = lowest bid X = vendor selected for award

THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:

1. A-1 Trophy Company (local)
Dayton, OH
2. Shumsky Enterprises, Inc. (local)
Dayton, OH

CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION

For: MISCELLANEOUS TREES

Dept./Div.: PUBLIC WORKS

Requisition No.: 046PWSM6

IFB NO.: 16064S

BID OPENING: 3:00 P.M.; 09-13-2016

No.:			1	2	3
BIDDER NAME & STREET ADDRESS:			DAILEY'S LAWN & LANDSCAPING	A. BROWN & SONS NURSERY, INC.	MARK WEBBER'S LANDSCAPING
CITY:			DAYTON	PHILLIPSBURG	JEFFERSON TOWNSHIP
STATE & ZIP:			OH 45403	OH 45354	OH 45417
Recommended for Award			X		
QUALIFIES FOR LOCAL PREFERENCE?			YES	NO	NO
QUALIFIES FOR CERTIFIED PREFERENCE?			NO	NO	NO
LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?			NO	NO	NO
Item #	ITEM DESCRIPTION	U/M	UNIT COST	UNIT COST	UNIT COST
PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS					
Miscellaneous Trees					
1	2" B&B Appollo Sugar Maple	per tree	• \$160.00	\$319.00	\$200.00
2	2" B&B Wright Brothers Sugar Maple	per tree	• \$147.50	\$294.00	\$200.00
3	2" B&B American Hornbeam	per tree	• \$141.50	\$294.00	\$200.00
4	2" B&B Arnold Columnar Tulip Tree	per tree	• \$150.00	\$294.00	\$225.00
5	2" B&B Wildfire Black Tupelo	per tree	• \$150.00	\$344.00	\$225.00
6	2" B&B Street Spire Oak	per tree	• \$140.00	\$273.00	\$235.00
7	2" B&B Sterling Silver Linden	per tree	• \$135.00	\$277.50	\$200.00
8	2" B&B Everclear Lacebark Elm	per tree	• \$135.00	\$294.00	\$200.00
9	2" B&B Emerald Sunshine Elm	per tree	• \$135.00	\$281.00	\$225.00
10	2" B&B Allee Lacebark Elm	per tree	• \$135.00	\$294.00	\$225.00
11	2" B&B Bosque Lacebark Elm	per tree	• \$135.00	\$294.00	\$225.00
12	2" B&B Silver King Sweetgum	per tree	• \$135.00	\$297.00	\$225.00
13	2" B&B Street Keeper Honeylocust	per tree	• \$125.00	\$284.00	\$225.00
Labor					
14	Tree Planting Services	per tree	• \$72.00	\$99.00	\$328.50
	Miscellaneous trees and labor prices to remain firm for the period through December		YES	YES	YES
	TERMS:	1.5% 10TH PROXIMO	NET 30	1% 10TH PROXIMO	
	F.O.B.:	DEST	DEST	DEST	
	DELIVERY:	N/A	N/A	30-40 DAYS	

• = lowest bid X = vendor selected for award

THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:

- | | | |
|--|---|--|
| HRC
Dayton OH 45402 | 4. Scarff's Nursery
New Carlisle OH 45344 | 8. Natorp's Nursery Outlet
Mason OH 45040 |
| 1. Bailey Nursery Services
St. Paul MN 55055 | 5. Schichtel's Nursery
Springville NY 14141 | |
| 2. Deeter Nurseries Inc.
Clayton OH 45315 | 6. Siebenthaler Company (local)
Dayton OH 45405 | |
| 3. North Dayton Garden Center (local)
Dayton OH 45404 | 7. Knollwood Garden Center and Landscaping
Dayton OH 45432 | |

No.:		1	2	3	3
BIDDER NAME & STREET ADDRESS:		ACORN FARMS, INC.	NORTH BRANCH NURSERY, INC.	SITEONE LANDSCAPING SUPPLY	WILLOWAY NURSERY, INC.
CITY:		GALENA	PEMBERVILLE	CLEVELAND	AVON
STATE & ZIP:		OH, 43021	OH, 43450	OH, 44114	OH, 44011
Recommended for Award			X	X	X
QUALIFIES FOR LOCAL PREFERENCE?		NO	NO	NO	NO
QUALIFIES FOR CERTIFIED PREFERENCE?		NO	NO	NO	NO
LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?		NO	NO	NO	NO
Item #	ITEM DESCRIPTION	U/M	UNIT COST	UNIT COST	UNIT COST
PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS					
Miscellaneous Trees					
1	Acer Buergerianum "Trident Maple"	EA	• \$28.50	\$32.00	NA
2	Acer Rubrum 'Frank Jr' "Redpoint Maple"	EA	• \$32.00	\$26.00	• \$18.75
3	Carpinus Caroliniana "American Hornbeam"	EA	• \$32.00	• \$28.00	• \$56.00
4	Cercis Canadensis 'Forest Pansy' "Forest Pansy Redbud"	EA	• \$38.50	\$40.00	• \$35.24
5	Gingo Biloba 'Princeton Sentry' "Princeton Sentry Ginko"	EA	• \$38.50	\$49.00	NA
6	Koelreuteria Paniculata 'JFS-Sunleaf' "Summerburst Goldenrain Tree"	EA	• \$28.50	\$43.00	NA
7	Liquidambar Styraciflua 'Rotundiloba' "Rotundiloba Sweetgum"	EA	\$31.00	\$33.00	• \$18.75
8	Liquidambar Styraciflua 'Slender Silhouette' "Slender Silhouette Sweetgum"	EA	NA	\$32.00	• \$18.75
9	Liriodendron Tulipifera "Tulip Tree"	EA	\$28.50	\$24.00	• \$18.75
10	Nyssa Sylvatica 'JFS-red' "Fierstarter Tupelo"	EA	• \$28.50	\$32.00	\$49.17
11	Parrotia Persica 'JLClumnar' "Persian Spire Parrotia"	EA	• \$32.50	\$34.00	NA
12	Quercus Acutissima "Sawtooth Oak"	EA	\$28.50	\$29.00	• \$18.75
13	Quercus Frainetto 'Schmidt' "Forest Green Oak"	EA	• \$28.50	\$32.00	NA
14	Taxodium Distichum 'JFS-SGPN' "Green Whisper Bald Cyprus"	EA	\$39.00	• \$35.00	\$18.75
Miscellaneous trees and labor prices to remain firm for the period through December 31, 2016.			YES	YES	YES
TERMS:		NET 30	NET 30	NET 30	1% 10TH PROXIMO
F.O.B.:		DEST	DEST	DEST	DEST
DELIVERY:		N/A	N/A	30-40 DAYS	30-40 DAYS

• = lowest bid X = vendor selected for award

THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:

- | | | |
|---|--|--|
| HRC
Dayton OH 45402 | 4. Scarff's Nursery
New Carlisle OH 45344 | 8. Natorp's Nursery Outlet
Mason OH 45040 |
| 1. Bailey Nursery Services
St. Paul MN 55055 | 5. Schichtel's Nursery
Springville NY 14141 | |
| 2. Deeter Nurseries Inc.
Clayton OH 45315 | 6. Siebenthaler Company (local)
Dayton OH 45405 | |
| 3. Frank Schmidt & Son Co
Boring, OR 97009 | 7. Forest Keeling | |

CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION

For: John Deere Front Mower

Dept./Div.: Water Supply and Treatment

Requisition No.: 135WTWS6

No.:					1	2	3
BIDDER NAME & STREET ADDRESS:					Boone's Power Equipment, Inc.	Buchanan's Power Equipment	Koenig Equipment, Inc.
CITY:					Brookville	Lebanon	Aurora
STATE & ZIP:					OH, 45309	OH, 45036	IL, 60506
Recommended for Award					X		
QUALIFIES FOR LOCAL PREFERENCE?					NO	NO	NO
QUALIFIES FOR CERTIFIED PREFERENCE?					NO	NO	NO
LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?					NO	NO	NO
Item No.	ITEM DESCRIPTION	QTY	U/M		UNIT	UNIT	UNIT
<p><u>PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS</u></p> <p><u>John Deere 1570 TerrainCut Front Mower</u></p>							
1	TerrainCut Commercial Front Mower	1	EA	•	\$18,697.96	\$22,133.39	\$21,512.99
2	72" Commercial Side Discharge Mower Deck	1	EA	•	\$3,539.05	\$3,626.15	\$3,860.99
	Total	1400	EA	•	\$22,237.01	\$25,759.54	\$25,373.98
TERMS:					NET 30	NET 30	NET 30
F.O.B.:					DEST	DEST	DEST
Price firm through 12/31/2016?					NO	NO	NO

• = lowest bid X = vendor selected for award

THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:



City Manager's Report

From **3420 - Water/Water Engineering**

Date **October 5, 2016**

Expense Type **Award of Contract**

Supplier, Vendor, Company, Individual

Total Amount **\$493,324.05 (thru 02/2018)**

Name **C.G. Construction & Utilities, Inc.**

Address **6891 Germantown Pike
Miamisburg, Ohio, 45342**

Fund Source(s)	Fund Code(s)	Fund Amount(s)
2016 Water Capital Funds (Debt)	53806-3445-1424-54-WF1612	\$493,324.05

Includes Revenue to the City Yes No Affirmative Action Program Yes No N/A

Description

NANCY, NEOSHO, AND STOLZ AVENUES AND KETURAH DRIVE WATER MAIN IMPROVEMENTS
(15% MBE, 5% WBE, & 5% SBE GOAL / 15% MBE, 5% WBE, & 5% SBE GOAL ACHIEVED)

The Department of Water requests permission to enter into an Agreement with C.G. Construction & Utilities, Inc., in the amount of \$493,324.05 for the Nancy, Neosho, and Stolz Avenues and Keturah Drive Water Main Improvements project. This amount includes the base bid of \$439,385.50, Alternate No. 1 - Cold Weather Temporary Pavement for \$10,000 and Alternate No. 2 - Contingency Allowance for \$43,938.55 (10 % of the base bid). This project consists of construction of approximately 3,400 linear feet of 8" water main. Work includes abandonment of the existing 6" water main, installation of new ductile iron pipe and fittings, gate valves, fire hydrants and all other work incidental thereto.

Seven bids were received for this project on September 1, 2016. After evaluating the bids, C.G. Construction & Utilities, Inc. bid was the lowest. The estimated cost for the project (including Alternates No. 1 & No. 2) was \$700,000. The time for contract completion is 150 calendar days following the date set forth in the Notice to Proceed. The expiration date identified on the Certificate of Funds is February 28, 2018.

This project is being fully funded using 2016 Water Capital Funds (Debt). This project supports the Asset Management Capital Reinvestment Program by replacing existing 6-inch diameter mains in an area targeted for 8-inch diameter replacements which have a high break history (16 breaks in the last 15 years).

A Certificate of Funds, Tabulation of Bids, Human Relations Council's verification letter, and the Bid Form from the firm recommended for award are attached.

Signatures/Approval

Approved by City Commission

Division _____

Clerk _____

Department _____

Date _____

City Manager _____

DAYTON, OHIO
DEPARTMENT OF WATER

PROPOSAL TABULATION FOR:
NANCY, NEOSHO, AND STOLZ
AVENUES AND KETRURAH DRIVE
WATER MAIN IMPROVEMENTS (15%
MBE, 5% WBE, 5% SBE)

Bid Opening Date:	Engineer's Estimate:¹	Estimated Time of Completion:
<u>September 1, 2016</u>	<u>\$700,000.00</u>	<u>150 Calendar Days/Date</u>

Bidders	Actual Amount¹ of Bid	Adjustment for Work Days	Adjustment for Comparison Purposes Only
*CG Construction & Utilities, Inc.	\$493,324.05	\$0.00	\$493,324.05
Sturm Construction, Inc.	\$495,697.80	\$0.00	\$495,697.80
Double Jay Construction, Inc.	\$509,518.00	\$0.00	\$509,518.00
Associated Excavating, Inc.	\$588,586.60	\$0.00	\$588,586.60
Milcon Concrete Inc.	\$665,411.00	\$0.00	\$665,411.00
Performance Site Development, LLC	\$663,904.30	\$0.00	\$663,904.30
LJ Deweese Co., Inc.	\$646,200.80	\$0.00	\$646,200.80

*** RECOMMENDED FOR AWARD**

¹ includes Base Bid and Alternate No. 1 - Cold Weather Temporary Pavement and Alternate No. 2 - Contingency Allowance



MEMORANDUM

September 19, 2016

TO: Frederick Stovall, Director
Department of Public Works

FROM: RoShawn Winburn, Business and Technical Assistance Administrator ^{CB}
Human Relations Council (HRC)

SUBJECT: **Nancy, Neosho and Stolz and Keturah Dr. Water Main Improvement
(15% MBE, 5% WBE & 5% SBE)**

The apparent low bidder, C.G. Construction & Utilities, Inc., submitted a bid utilizing four certified contractors to meet the participation goals. The HRC contract compliance analysis of the bids submitted verified the company is an approved bidder in the City of Dayton Affirmative Action Assurance program and that the authorized representative signed the Contractor's Certification to indicate fair hiring practices. The recommended company to receive the aforementioned construction award is as follows:

RECOMMENDED RANK ORDER	PERCENTAGE OF PARTICIPATION
1. C.G. Construction & Utilities, Inc	
A. MINORITY BUSINESS ENTERPRISE	
W.C. Jones Asphalt Paving, Inc	15.00%
B. WOMEN BUSINESS ENTERPRISE	
Braham LLC	5.00%
C. SMALL BUSINESS ENTERPRISE	
W.C. Jones Asphalt Paving, Inc	2.34%
EWOL Trucking and Construction	1.87%
Grissom Construction	.79%
D. DAYTON LOCAL SMALL BUSINESS	
E. DISADVANTAGED BUSINESS ENTERPRISE	
F. HUD SECTION 3 BUSINESS ENTERPRISE	
 TOTAL PARTICIPATION	<hr/> 15.00% MBE 5.00% WBE 5.00% SBE

The attached participation verification letters should be included with the contract agreement. Contract Compliance will include meeting verified participation and minimal worker utilization goals as stated in the Affirmative Action Program Equal Employment Opportunity form certified in the bid submission. If you have any questions or need additional information please contact RoShawn Winburn at 333-1403.

C.G. Construction & Utilities, Inc.

6891 Germantown Pike
 Miamisburg, Ohio 45342
 Phone (937) 866-7166 Fax (937) 865-9271

Vicki Krapf
 City of Dayton
 Human Relations Council
 371 W. Second Street, Suite 100
 Dayton, Ohio 45402-1417

Nancy, Neosho, Stolz and Keturah Dr. Water Main Improvements \$ 449,385.50

W.C. JONES ASPHALT
 905 S. Broadway Street
 Dayton, Ohio 45417

		Unit Price		Total Price
442 SUPERPAVE ASPHALT CONCRETE	475 TONS	\$ 150.00		\$ 71,250.00
403 ASPHALT CONCRETE DRIVEWAY	15 TONS	\$ 150.00		\$ 2,250.00
407 TACK COAT	180 GAL	\$ 15.00		\$ 2,700.00
		16.96%	\$	76,200.00
		15.00%		
		1.96%		

Brahan LLC.
 7723 Tylers Place Blvd. #138
 West Chester, Ohio 45069

		Unit Price		Total Price
824 8" DI PIPE	2460 LF	\$ 15.246		\$ 37,505.16
				\$ 37,505.16
				22,503.10 60% Materials
		5.01%	\$	22,503.10
		5%		

Ewol Trucking & Construction
 4645 Wolf Creek Pike
 Dayton, Ohio 45417

		Unit Price		Total Price
Hourly Trucking (6-Axle)	127 HR	80.00		\$ 10,160.00
		2.26%	\$	10,160.00
		2.26%		

Grissom Construction
 8333 N. Rakestraw Rd.
 Covington, Ohio 45318

		Unit Price		Total Price
608 Concrete Walk	100 SF	15.00		1,500.00
609 Combination curb and Gutter	50 LF	40.00		2,000.00
		0.78%	\$	3,500.00
		0.78%		

15% MBE / 5% WBE / 5% SBE

W. C. Jones Asphalt Paving Co., Inc.

PO Box 188
Dayton, Ohio 45401

Email: leo.lucas1@wcjonesasphalt.com

Office (937) 228 - 1253
Fax (937) 228 - 9300

SEPTEMBER 16, 2016

Ms. Vicki Krapf
City of Dayton
Human Relation Council
317 West Second Street, Suite 100
Dayton, Ohio 45402

Re: CITY OF DAYTON'S NANCY, NEOSHO AND STOLZ AVENUES AND KETURAH DRIVE WATER MAIN IMPROVEMENTS (15% MBE, 5% WBE & 5% SBE) PROJECT

GENERAL CONTRACTOR: C.G. CONSTRUCTION & UTILITIES INC.
6891 GERMANTOWN PIKE
MIAMISBURG, OH 45342

I am supplying the following information in response to your request made on SEPTEMBER 13, 2016.

<u>Description</u>	<u>Qty</u>	<u>Units</u>	<u>Labor</u>	<u>Material</u>	<u>Total Unit Cost</u>	<u>Total</u>
Item 403 – Asphalt Concrete	15	TONS	67.50	82.50	150.00	\$2,250.00
Item 442 – SuperPave Asphalt	475	TONS	67.50	82.50	150.00	\$71,250.00
Item 407 – Tack Coat, 0.1 Gal/SY	180	GALS	7.50	7.50	15.00	\$2,700.00
Total MBE/SBE Participation (\$)						\$76,200.00

Should you have any questions or require additional information, please feel free to contact our office at the number listed above or via email.

Regards,

Mr. Leo C. Lucas I, President

Leo C. Lucas I,
President



BRAHAN, LLC.
7685 Fields Ertel Rd. Bldg. C1
Cincinnati, OH 45241
ph 513-706-0492
fx 513-779-1053
crissy@bra-han.com
www.bra-han.com
SBE, WBE, DBE & EDGE Certified

September 14, 2016

City of Dayton, Ohio
Human Relations Council
371 West Second Street, Suite 100
Dayton, Ohio 45402-1417

RE: Nancy, Neosho, and Stolz Avenue and Keturah Water Main Improvements

Name of Project:

Nancy, Neosho, and Stolz Avenue and Keturah Water Main Improvements

Name of Prime Contractor:

C.G. Construction & Utilities, Inc.
6891 Germantown Pike
Miamisburg, OH 45342

Name of Subcontractor/Supplier:

BraHan, LLC.
7685 Fields Ertel Rd. Bldg C1
Cincinnati, OH 45241

Work Division Area Performed by Subcontractor:

Waterline Supplier

Material Description	Quantity	Unit Cost	Total
8 TJ CL51 DI PIPE C/L	2,460 FT	\$14.52	\$35,719.20
BraHan Markup			\$1,785.96
Total Amount Quoted			\$37,505.16

Crissy Elliott
President, Brahan, LLC.

EWOL TRUCKING & CONSTRUCTION INC.

5231 Kentwood Rd.

Dayton, OH 45417

(937)470-1624

Ewoltrucking30@yahoo.com

CONTRACTOR- C.G. CONSTRUCTION

JOB- Nancy, Neosha, Stolz, and Keturah Water Main Improvements

of trucks- 3

TYPE OF TRUCKS – 2 TANDEM/ 1 QUAD

TYPE OF WORK PERFORMED- HAULING DIRT, GRAVEL, AND CONCRETE

OF HOURS- 127 HOURS

RATE-\$80.00 PER HOUR

Sincerely,
Ewol Trucking & Construction Inc.



8333 N. Mulberry Grove-Rakestraw Rd.
Covington, Ohio 45318

937-773-2475 - Office
937-773-8771 - Fax

September 14, 2016

City of Dayton
Human Relations Council
371 W. Second St., Suite 100
Dayton, Ohio 45402-1417

RE: Nancy, Neosho and Stolz Aves. and Keturah Dr. Water Main Improvements

Prime Contractor:

C.G. Construction & Utilities, Inc.
6891 Germantown Pike
Miamisburg, Ohio 45342

Subcontractor:

Grissom Construction, LLC
8333 N. Mulberry Grove-Rakestraw Rd.
Covington, Ohio 45318

Work Division Area Performed By Subcontractor:
Concrete Work

Material vs. Labor Breakdown

<u>Item #</u>	<u>Description</u>	<u>Quantity</u>	<u>Labor</u>	<u>Material</u>	<u>Total Unit Cost</u>	<u>Total</u>
608	Concrete Walk	100 SF	\$12.50	\$2.50	\$15.00	\$1,500.00
609	Combination Curb	50 SF	\$33.00	\$7.00	\$40.00	\$2,000.00
					<u>Total</u>	<u>\$3,500.00</u>

NOTE TO CONTRACTORS:

Since there will be copies made of the bid form of this improvement, please use black ink or a typewriter to fill in the bid prices and extensions.

CITY OF DAYTON, OHIO

DEPARTMENT OF PUBLIC WORKS

Bid Form

NANCY, NEOSHO, AND STOLZ
AVENUES AND KETURAH DRIVE
WATER MAIN IMPROVEMENTS
(15% MBE, 5% WBE, AND
5% SBE PARTICIPATION)

Bidder

C.G. CONSTRUCTION UTILITIES, INC.
6891 GERMANTOWN PIKE
MIAMI SBURG, OH 45342
937-866-7166

BID FORM

To: Director, Department of Public Works
The City of Dayton

The undersigned, having full knowledge of the site and the provisions of the plans and specifications for the following improvement, and the conditions of this bid, hereby agrees to furnish all services, labor, materials and equipment, and to construct in every respect complete:

**NANCY, NEOSHO, AND STOLZ AVENUES AND KETURAH DRIVE WATER MAIN
IMPROVEMENTS**
(15% MBE, 5% WBE, AND 5% SBE PARTICIPATION)

in accordance with said plans and specifications on file in the office of the City Engineer at the unit prices hereinafter set forth.

Bid Form (Continued)

NANCY, NEOSHO, AND STOLZ AVENUES
AND KETURAH DRIVE
WATER MAIN IMPROVEMENTS
(15% MBE, 5% WBE, AND 5% SBE PARTICIPATION)

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL \$</u>
201	Clearing and Grubbing	1	LUMP	2,200.00	2,200.00
304	Aggregate Base	475	C.Y.	37.00	17,575.00
304	Aggregate, Gravel Driveway	90	C.Y.	37.00	3,330.00
403	Asphalt Concrete, Driveway	15	TONS	198.00	2,970.00
407	Tack Coat, 0.1 Gal Per S.Y.	180	GAL	16.50	2,970.00
ODOT 442	Superpave Asphalt Concrete	475	TONS	180.00	85,500.00
608	Concrete Walk	100	S.F.	19.00	1,900.00
609	Combination Curb and Gutter	50	L.F.	54.00	2,700.00
614	Maintaining Traffic	1	LUMP	4,900.00	4,900.00
623	Construction Layout Stakes	1	LUMP	11,427.00	11,427.00
653	Topsoil Furnished and Placed, 4"	100	C.Y.	58.00	5,800.00
659	Seeding and Mulching (Hydro Seed)	1000	S.Y.	4.00	4,000.00
661	Tree, Thornless Honeylocust 2"	1	EA.	670.00	670.00
801	Tree Removal	1	EA.	285.00	285.00
810	Street Cut Permit	1	LUMP	\$ 6,048.00	\$ 6,048.00
810	Excavation and Backfill for 6" Water Pipe with Structural Backfill	60	L.F.	56.00	3,360.00
810	Excavation and Backfill for 8" Water Pipe with Structural Backfill	3400	L.F.	32.25	109,650.00

Bid Form (Continued)

NANCY, NEOSHO, AND STOLZ AVENUES
AND KETURAH DRIVE
WATER MAIN IMPROVEMENTS
(15% MBE, 5% WBE, AND 5% SBE PARTICIPATION)

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL \$</u>
824	6" Ductile Iron Water Pipe and Fittings	60	L.F.	56.00	3,360.00
824	8" Ductile Iron Water Pipe and Fittings	3400	L.F.	32.25	109,650.00
824	8" Restrained Plug	1	EA.	95.00	95.00
837	Abandoned, Special (Water Valves)	13	EA.	187.50	2,437.50
840	6" Gate Valve and Appurtenances	9	EA.	810.00	7,290.00
840	8" Gate Valve and Appurtenances	4	EA.	1,160.00	4,640.00
843	Fire Hydrant, Installed	9	EA.	2,400.00	21,600.00
843	Fire Hydrant, Removal	4	EA.	520.00	2,080.00
845	Service Replacement, Method "B"	18	EA.	1,034.00	18,612.00
847	Cut and Plug 6" Water Line	8	EA.	542.00	4,336.00
TOTAL BASE BID				<u>\$ 439,385.50</u>	

Bid Form (Continued)

NANCY, NEOSHO, AND STOLZ AVENUES
AND KETURAH DRIVE
WATER MAIN IMPROVEMENTS
(15% MBE, 5% WBE, AND 5% SBE PARTICIPATION)

In determining the lowest and best bid the City Commission may give consideration to the following alternate bids:

ALTERNATE NO. 1
COLD WEATHER TEMPORARY PAVEMENT

This Alternate is for the cost for the Contractor to make pavement repairs with Cold Weather Temporary Pavement (per plan note) when hot asphalt is not available.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL \$</u>
A-1	Cold Weather Temporary Pavement	500	S.Y.	20. ⁰⁰	10,000. ⁰⁰
TOTAL ALTERNATE NO. 1				\$ 10,000.⁰⁰	

ALTERNATE NO. 2
CONTINGENCY ALLOWANCE

This Alternate is for a "CONTINGENCY ALLOWANCE" to be used in the event of unforeseen work which must be undertaken to complete this project. The work could be as additional quantities to the bid items or as non-bid items. For evaluation of the bids, the amount of this "CONTINGENCY ALLOWANCE" shall be equal to Ten Percent (10%) of the Contractor's Total Base Bid. For contract award, the amount of this "CONTINGENCY ALLOWANCE" may vary as determined by the City, but shall not exceed the maximum of Ten Percent (10%) of the Contractor's Total Base Bid.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL \$</u>
A-2	Contingency Allowance (Shall equal 10% of the Contractor's Total Base Bid)	1	LUMP	43,938.55	43,938.55
TOTAL ALTERNATE NO. 2				\$ 43,938.55	

Bid Form (Continued)

**NANCY, NEOSHO, AND STOLZ AVENUES
AND KETURAH DRIVE
WATER MAIN IMPROVEMENTS
(15% MBE, 5% WBE, AND 5% SBE PARTICIPATION)**

The consideration to be paid for the performance of the Contract of the above described project is provided as follows: This information provides for the issuance of the tax-exempt form for the purchase of materials for this project.

<u>DESCRIPTION</u>	<u>CONSIDERATION FOR MATERIALS</u>	<u>CONSIDERATION FOR OBLIGATIONS</u>	<u>TOTAL \$</u>
TOTAL BASE BID	\$ <u>284,000.00</u>	\$ <u>153,385.50</u>	\$ <u>439,385.50</u>
TOTAL ALT. NO. 1 (Cold Weather Temporary Pavement)	\$ <u>6,500.00</u>	\$ <u>3,500.00</u>	\$ <u>10,000.00</u>
TOTAL ALT. NO 2 (Contingency Allowance)	\$ <u>- 0 -</u>	\$ <u>43,938.55</u>	\$ <u>43,938.55</u>

The time of completion fixed by the City is 150 Calendar Days/Date.

Following are the names of all persons, firms, and corporations interested in the above bid as principals. If none, state that "No person or party other than the bidder is interested in this Bid."

NAME	ADDRESS
<u>No Person or Party Other Than the Bidder is Interested in This Bid</u>	

DISCLOSURE OF LITIGATION

Disclosure of Litigation: Have you or any person, group, partnership, company, or corporation affiliated with you been engaged in the past three (3) years in litigation, mediation or any form of contractual dispute resolution with any state government or any political subdivision thereof including, without limitation, the State of Ohio, the City of Dayton, Ohio, or Montgomery County, Ohio? For the purpose of your response, "affiliated" means directly or indirectly controlling, controlled by, or under common control, with "control" meaning legally or operationally in a position to exercise restraint or direction over the other.

RESPONSE: YES _____ NO

If your response is "YES" please separately identify each lawsuit, mediation or dispute resolution process in which you or your affiliate have been engaged during the past three (3) years. Identify the nature of the dispute, the parties involved, and the current status of the dispute. Attach or include any information you believe pertinent to a full understanding of the disputed matters.

Bidder is

An Individual
Firm Name

Business Address

Telephone

Partnership
Firm Name

Members of Firm and
Their Business Address

Corporation
Name

State of Incorporation

Name and Title of
Officers with Authority
to Sign Contract

Home Office Address

Local Address

Telephone

C.G. CONSTRUCTION & UTILITIES, INC

OHIO

MARY H. S. GETTER - PRESIDENT

CARL R. GETTER - VICE-PRESIDENT

16891 GERMANTOWN PIKE

MIAMISBURG, OH 45342

Telephone 937-865-7166 Fax 937-865-9271

E-mail Undergroundmancg@bizwoh.com

Federal I.D.# 31-16666913

Dated this 1ST day of SEPT., 20 16

Bidder: C.G. CONSTRUCTION & UTILITIES, INC
(Person, Firm, or Corporation)

By: Mary H. S. Getter

Title: PRESIDENT

N/A

If a certified or cashier's check is submitted with Bid Form, please furnish the following information:

_____ Certified Check

_____ Cashier's Check

Amount _____ Dollars
on _____ Bank
of _____ is Attached.

Bidder

Cash in the amount of _____
Dollars is attached.

Bidder

BID BOND

Amount \$ 10% of Total Amount Bid

We, the undersigned, are held and firmly bound unto the City of Dayton, Ohio in the sum of 10% of Total Amount Bid Dollars, for the payment of which well and truly to be made, we hereby, jointly and severally, bind ourselves, our heirs, executors, and administrators, firmly by these presents.

The condition of this obligation is such that, if the Bid attached hereto is accepted and the Contract award to the bidder, C.G. Construction & Utilities, Inc. named therein, and the said bidder shall within ten (10) days after being advised that said contract has been awarded to the bidder, enter into a Contract in the form hereto attached and give bond in a form to be furnished by the Director, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Signed and sealed at Dayton, Ohio, this 1st day of September, 20 16.

C.G. Construction & Utilities, Inc.
By Margaret Gettu
Bidder

Hudson Insurance Company
Susan E. Hurd
Surety
Susan E. Hurd, Attorney-in-Fact

Hylant Group, Inc.
Name of Insurance Agency
565 Metro Place South, Ste 450, Dublin OH 43017
Address of Insurance Agency

Telephone 614-932-1200 FAX 614-932-1299



BID BOND POWER OF ATTORNEY

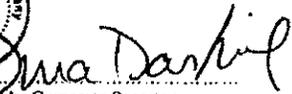
KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

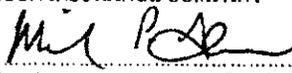
**Joel E. Speckman and Kristine Cwik of the State of Illinois
Heather M. Johnson of the State of Michigan
Susan E. Hurd and Vicki S. Duncan of the State of Ohio**

its true and lawful Attorney(s)-in-Fact, at New York City in the State of New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bid bonds for any and all purposes.

Such bid bonds, when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly attested on this 11th day of March, 2015 at New York, New York.

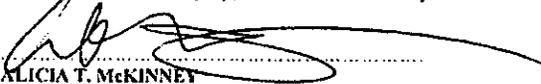
Attest: 
Dina Daskalakis, Corporate Secretary

HUDSON INSURANCE COMPANY
By: 
Michael P. Gleeson, Senior Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK SS.

On the 11th day of March, 2015 before me personally came Michael P. Gleeson to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the Company described herein and which executed the above instrument, that he knows the seal of said Company, that the seal affixed to said instrument is the corporate seal of said Company, that it was so affixed by order of the Board of Directors of said Company and that he signed his name thereto by like order.

(Notarial) 


ALICIA T. MCKINNEY
Notary Public, State of New York
No. 01MC6212495
Qualified in New York County
Commission Expires October 13, 2017

CERTIFICATION

STATE OF NEW YORK
COUNTY OF NEW YORK SS.

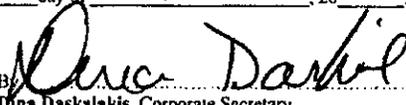
The undersigned Dina Daskalakis hereby certifies:

THAT the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27th, 2007, and has not since been revoked, amended or modified:

“RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company’s surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company’s seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company’s surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company’s seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.”

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Company this 1st day of September, 2016

Dina Daskalakis, Corporate Secretary



HUDSON INSURANCE COMPANY
SHORT FORM FINANCIAL STATEMENT
AS OF DECEMBER 31, 2015

ASSETS

Bonds	\$	313,923,605
Real estate		0
Cash on hand and on deposit		35,557,494
Reinsurance Receivable		200,109,086
FIT recoverable (including net deferred tax asset)		34,744,519
Aggregate write-ins for other than invested assets		192,627,845
Deferred premiums, agents' balances and installments booked but deferred and not yet due (including earned but unbilled premiums)		35,713,328
Stocks		245,607,541
Other Assets		24,533,005
	\$	<u>1,082,816,423</u>

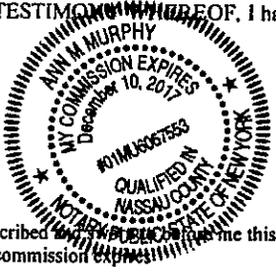
LIABILITIES & SURPLUS

Losses	\$	146,286,447
Loss adjustment expense		18,454,858
Other expenses		28,091,293
Unearned premiums		40,802,657
Ceded reinsurance premiums payable		310,160,451
Payable to parent, subsidiaries and affiliates		13,569,855
Commissions payable, contingent commissions and other similar charges		13,282,826
Other Liabilities		<u>54,299,972</u>
	\$	<u>624,948,359</u>
Preferred and Common capital stock	\$	7,500,238
Gross paid in and contributed surplus		293,480,097
Unassigned funds (surplus)		<u>156,887,729</u>
Surplus as regards policyholders	\$	<u>457,868,064</u>
	\$	<u>1,082,816,423</u>

STATE OF NEW YORK)
) ss:
 COUNTY OF NEW YORK)

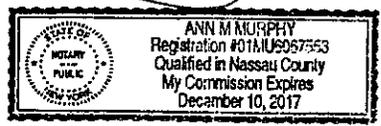
I, the undersigned Senior Vice President and Chief Financial Officer of Hudson Insurance Company hereby certify the foregoing to be a short form financial statement in the form of a balance sheet, showing the Company's assets and liabilities on a provisional basis, at the close of business on December 31, 2015.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Company, this 2nd day of March, 2016.



John Verbich
 John Verbich
 Senior Vice President and Chief Financial Officer

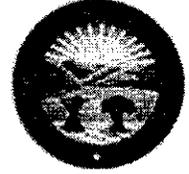
Subscribed and sworn to before me this 2nd day of March 2016
 My commission expires _____



Office of Risk Assessment
50 West Town Street
Third Floor - Suite 300
Columbus, Ohio 43215
(614)644-2658
Fax(614)644-3256
www.insurance.ohio.gov

Ohio Department of Insurance

John R. Kasich - Governor
Mary Taylor - Lt. Governor/Director



Certificate of Compliance

Issued 03/28/2016

Effective 04/02/2016

Expires 04/01/2017

I, Mary Taylor, hereby certify that I am the Lt. Governor/Director of Insurance in the State of Ohio and have supervision of insurance business in said State and as such I hereby certify that

HUDSON INSURANCE COMPANY

of Delaware is duly organized under the laws of this State and is authorized to transact the business of insurance under the following section(s) of the Ohio Revised Code:

Section 3929.01 (A)

Aircraft
Allied Lines
Boiler & Machinery
Burglary & Theft
Collectively Renewable A & H
Commercial Auto - Liability
Commercial Auto - No Fault
Commercial Auto - Physical Damage
Credit
Credit Accident & Health
Earthquake
Fidelity
Financial Guaranty
Fire
Glass
Group Accident & Health
Guaranteed Renewable A & H

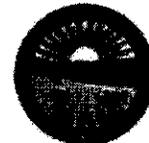
Inland Marine
Medical Malpractice
Multiple Peril - Commercial
Multiple Peril - Farmowners
Multiple Peril - Homeowners
Noncancellable A & H
Nonrenew- Stated Reasons (A&H)
Ocean Marine
Other
Other Accident only
Other Liability
Private Passenger Auto - Liability
Private Passenger Auto - No Fault
Private Passenger Auto - Physical Damage
Surety
Workers Compensation

HUDSON INSURANCE COMPANY certified in its annual statement to this Department as of December 31, 2015 that it has admitted assets in the amount of \$1,082,816,423, liabilities in the amount of \$624,948,359, and surplus of at least \$457,868,064.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused my seal to be affixed at Columbus, Ohio, this day and date.

Mary Taylor

Mary Taylor, Lt. Governor/Director



CITY OF DAYTON, OHIO
Department of Public Works

Responsible Contractor Bidding Requirements
(Form 1 of 3)

In accordance with Ordinance No. 30575-06 of the City of Dayton, Ohio Revised Code of General Ordinances, I, MARY L. S. GETTER hereby certify that C.G.
(print name – an Officer of the company)

CONSTRUCTION & UTILITIES, INC. meets the following Contractor requirements relating
(company)

to this City of Dayton construction project (check all that apply):

- Comply with all City of Dayton income tax obligations and requirements
- Maintain worker's compensation insurance for all employees as required by the State of Ohio
- Comply with State or Federal prevailing wage rate laws, as applicable and required by the funding of this project
- Comply with the State of Ohio Bureau of Worker's Compensation Drug Free Workplace Policy
- Made a good faith effort to contract with one or more qualified minority business enterprises to perform work required by this project, in accordance with bid documents, ordinances, and applicable Federal and State law

By: Mary L. S. Getter
(signature)

Title: PRESIDENT

Date: September 1, 2016

CITY OF DAYTON, OHIO
Department of Public Works

Responsible Contractor Bidding Requirements
(Form 2 of 3)

A. Please provide a complete listing of the fringe benefits provided to employees, including but not limited to health insurance and retirement benefits.

HEALTH _____
PENSION _____
APPRENTICESHIP _____
ADMINISTRATIVE _____

B. Please identify any "bona fide apprentice training program" in which this company participates in accordance with the Ohio Bureau of Apprenticeship Training and the U. S. Department of Labor.

I.L.O.E Apprenticeship Training Program
LOCAL #18
OHIO LABORER'S APPRENTICESHIP
TRAINING PROGRAM
LOCAL #1410

C. Please provide a list of subcontractors whose quotes or information are included or used in the bid submitted for this project.

W.C. JONES ASPHALT PAVING _____
BRAHAN, LLC _____
EWOL TRUCKING _____
GRISSOM CONSTRUCTION _____

CITY OF DAYTON, OHIO
Department of Public Works

Responsible Contractor Bidding Requirements
(Form 3 of 3)

D. Please provide a list of all minority business enterprises contacted for the purpose of obtaining quotes to perform work for this project.

PLEASE SEE ATTACHED

Mary Getter

From: <Scottcgconstruction@swohio.twcbc.com>
Date: Wednesday, August 17, 2016 3:30 PM
To: "A to Z Maintenance MBE" <kblock@woh.rr.com>; "Countryside Gardens, Inc. MBE WBE" <ljohnkathy@aol.com>; "Ewol Trucking & Construction MBE" <ewoltrucking30@yahoo.com>; "Green Star Trucking, Inc MBE WBE" <gstar426@aol.com>; "Jostin Construction MBE" <kcoleman@jostinconstruction.com>; "Martin Concrete & Trucking-MBE" <ann9mrt@aol.com>; "Tall View Palladium, Inc. MBE" <tallviewpalladium@sbcglobal.net>; "W.C. Jones Asphalt Paving Co., Inc. MBE" <wcjonesasphalt@sbcglobal.net>; "Aztec Electric, Inc. MBE SBE" <gminarcek44@gmail.com>; "Braham, LLC WBE" <crissy@bra-han.com>; "Clark's Excavating & Trucking SBE" <jlkselark@aol.com>; "DT Trucking, LLC WBE" <tgeuy@woh.rr.com>; "First Star Safety, LLC WBE" <info@firststarsafety.com>; "Grissom Construction, LLC WBE" <grissomcon@att.net>; "Imperial Trucking & Contracting, LLC WBE" <imperialtruckn@yahoo.com>; "Independent Enterprises SBE" <bob53060@gmail.com>; "KrisCo Trucking, Ltd. WBE" <kristine@kriscotrucking.org>; "Landscapes by Bill Atkin, Inc. WBE" <atkinbill@aol.com>; "Professional Horizons Lawn & Landscaping MBE" <bmccconnell01@hotmail.com>; "Security Fence Group, Inc. WBE" <nbrown@sfence.com>; "Start 2 Finish Excavating SBE" <s2fexcavating@frontier.com>; "Yoder Concrete Construction-WBE" <sales@yoderconcrete.com>
Cc: "David Lyttle" <david.lyttle@daytonohio.gov>; "Vicki Krapf" <Vicki.Krapf@daytonohio.gov>; "Mary Getter" <undergroundmancg@bizwoh.rr.com>
Subject: Nancy, Neosho, Stolz Avenues and Keturah Drive Water Main Improvements

To PEP vendors,

C.G. Construction & Utilities, Inc. is soliciting quotes for the Nancy, Neosho and Stolz Avenues and Keturah Drive Water Main Improvements project for the City of Dayton. This project bids at noon, September 1, 2016. This project's participation goal is 15% MBE, 5% WBE and 5% SBE.

We are requesting quotes for trucking services, aggregate material, asphalt paving, pipe material, concrete work, electrical work and seed/straw/landscaping.

Plans and specs are available at the City of Dayton's Public Works Department. Information concerning the plans, specs and requirements for this project is also available at the Minority Business Center located within the Human Relations Council offices at 371 W. Second St. Dayton, OH. Their telephone number is 937-333-1033. Please send quotes for your specific scope to scottcgconstruction@swohio.twcbc.com or you may also reply to myself at undergroundmancg@bizwoh.rr.com.

Please contact our office with any questions.

Thank you.

Mr. Lyttle,

Please advise if there are any new PEP participants that you suggest I contact for quotes for the above project or any other suggestions you may have for others I need to reach out to.

Thank you.

Mary Getter
 C.G. Construction & Utilities, Inc.
 6891 Germantown Pike
 Miamisburg, OH 45342
 Office phone: 937-866-7166
 Office fax: 937-865-9271

**CITY OF DAYTON
CONTRACTOR NON-COLLUSION AFFIDAVIT
TO BE NOTARIZED AND SUBMITTED WITH BID FORM**

STATE OF OHIO)
COUNTY OF MONTGOMERY) §§: MIAMISBURG

MARY L. S. GETTER, being first duly sworn deposes and states that:

(1) He/she is PRESIDENT of
(owner, partner, officer, representative, or agent)

C.G. CONSTRUCTION & UTILITIES, INC. that
(business or organization name)

(2) He/She is fully informed respecting the preparation and contents of the attached Bid and all pertinent circumstances respecting such Bid.

(3) Such offering is genuine and is not a collusive or sham offering

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm or person to submit a sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from offering in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, or to secure through collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Dayton, its employees, or citizens.

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest including the affiant.

Sworn to before me and subscribed in my presence

this 1 day of September, 2016.

Jeremy D. Courtney
NOTARY PUBLIC



JEREMY D. COURTNEY
NOTARY PUBLIC
IN AND FOR THE STATE OF OHIO
MY COMM. EXPIRES APRIL 30, 2020

Mary L. S. Getter
SIGNED
President
TITLE

**CERTIFICATION
OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13
FOR CONTRACTS IN EXCESS OF FIVE HUNDRED DOLLARS (\$500.00)**

STATE OF OHIO,
COUNTY OF MONTGOMERY, ss: MIAMI SBURG

MARY L. S. GETTER being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of C.G. CONSTRUCTION & UTILITIES, Inc ("the Contracting Party").
2. The Contracting Party is a/an (select one):
 - Individual, partnership, or other unincorporated business association (including without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.
 - Corporation organized and existing under the laws of the State of OHIO.
 - Labor organization.
3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.93(I)(3) (with respect to non-corporate entities and labor organizations) or R.C. 3517.93(J)(3) (with respect to corporations) are in full compliance with the political contributions limitations set forth in R.C. 3517.93(I) and (J), as applicable. I understand that a false representation on this certification constitutes a felony of the fifth degree pursuant to R.C. 3517.93(AA) and 3517.992(R)(3). Any contract that contains a falsified certification shall be rescinded.

By: Mary L. S. Getter
Title: President

STATE OF OHIO,
COUNTY OF Montgomery, ss:

Sworn to before me and subscribe in my presence by Mary L. S. Getter
this 1 day of Sept, 2016



JEREMY D. COURTNEY
NOTARY PUBLIC
IN AND FOR THE STATE OF OHIO
MY COMM. EXPIRES APRIL 30, 2020

Jeremy Courtney
Notary Public

AFFIRMATIVE ACTION PROGRAM
EQUAL EMPLOYMENT OPPORTUNITY

PROJECT: NANCY, NEOSHO AND STOLZ AVENUES AND KETUKAH DRIVE
NAME LOCATION - DAYTON, OH
WATER MAIN IMPROVEMENTS - 15% MBE, 5% WBE & 5% SBE PARTICIPATION

During the performance of this contract:

C.G. CONSTRUCTION UTILITIES, INC 6891 GERMAN TOWNS PK, MSB90445342 9378667166/9378659271
CONTRACTOR ADDRESS TELEPHONE / FAX

being the general contractor, assumes the responsibility and obligation to institute an Affirmative Action Program which complies with City Ordinance 24059 and Executive Order 11246 on any city, federal or federally-assisted construction project, to insure Equal Employment Opportunity regardless of race, color, religion, sex, national origin, ancestry, place of birth, age, or marital status, and the visible efforts will be at least consistent with, but not limited to the provisions of the Dayton Area Federal Bid Conditions.

The successful contractor using one or more trades of construction employees must comply with Part I of these Bid conditions to each such trade.

Part I: **Requirements.** To be eligible for award of a contract under this Invitation to Bid, contractors must certify as prescribed in Paragraph 1a, of the certification specified in Part II hereof that it adopts the minimum goals and timetables of minority and female worker utilization, and specific Affirmative Action steps set forth in Sections 1 and 2 of this Part I.

1. **Goals & Timetables.** The goals of minority and female worker utilization required of the contractor are applicable to each trade which will be used on any project in Greene, Miami, Montgomery, and Clark Counties, OH (herein-after referred to as the Dayton Standard Metropolitan Statistical Area (SMSA)).

The required goals and timetables are as follows:

	Goals of Minority Worker Utilization Expressed in Percentage Terms
From 1/1/76 to Present	10.6% - 11.8%
	Goals of Female Worker Utilization Expressed in Percentage Terms
From 4/1/80 to Present	6.9%

The percentage goals of minority and female worker utilization are expressed in terms of working hours of training and employment as a proportion of the total working hours to be worked by the contractor's entire work force in that trade on all projects (both federal and non-federal) in the S SMSA during the performance of this contract. The working hours for minority and female work and training must be uniform throughout the length of this contract, on all projects and for each of the trades. Further, the transfer of minority and/or female or trainee from employer-to-employer or from project-to-project for the sole purpose of meeting the contractor's goals shall be a violation of this Bid Condition.

In reaching the goals for minority and female utilization, every effort shall be made to find and employ qualified journey-persons. Provided, however, and pursuant to the requirements of the Department of Labor regulations, 29 CFR 5a.3, twenty-five percent (25%) of apprentices or trainees shall be employed on all projects and shall be in their first year of training, where feasible.

In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and/or trainees at the completion of the training subject to the availability of employment opportunities. Apprentices and trainees must be trained pursuant to programs which have been approved by The U.S. Department of Labor and/or The State of Ohio.

A contractor shall be deemed to be in compliance with the terms and requirements of this Part I by the employment and training of minorities and females in the appropriate percentage of the contractor's aggregate work force in the SMSA for each trade for which it is committed to the goals under Part I.

However, no contractor shall be found to be in noncompliance solely on account of the contractor's failure to meet the goals and timetables, but such contractor shall be given the opportunity to demonstrate that all of the specific Affirmative Action steps specified in Part I have been instituted and has made every "good faith" effort to make these steps work towards the attainment of the goals and timetables.

2. **Specific Affirmative Action Steps.** A contractor subject to Part I, must engage in Affirmative Action directed at increasing minority and female utilization, which is at least as extensive and as specific as the following steps:
 - a) The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' responses.
 - b) The contractor shall maintain a file of the names and addresses of each minority and female referred and what action was taken with respect to each referred worker. If the worker was not employed, the reason therefor. If the worker was not sent to the union hiring hall for referral, the contractor's file shall document this and the reasons therefor.
 - c) The contractor shall promptly notify the Dayton Human Relations Council when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority and/or female, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.
 - d) The contractor should participate in training programs in the area, especially those approved by the U.S. Department of Labor and/or the State of Ohio.

- e) The contractor shall disseminate the EEO Policy within the organization by including it in any policy manual, by publicizing it in company newspapers, annual reports, etc.; by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority and female employees.
- f) The contractor shall ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor's employees are assigned to work. The contractor, where possible, will assign two or more women to all projects (both federal and non-federal) in the SMSA during the performance of its contract or subcontract.
- g) The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority and female organizations, schools, minority and female recruitment training organizations with the Dayton SMSA.
- h) The contractor shall make specific efforts to encourage present minority and female employees to recruit other minorities and females.
- i) The contractor shall validate all tests and other selection requirements.
- j) The contractor should develop on-the-job training opportunities; participate and assist in any association or employer-group training programs relevant to the contractor's employees needs consistent with its obligations under Part I.
- k) The contractor shall evaluate all minority and female personnel for promotional opportunities and encourage employees to seek such opportunities.
- l) The contractor shall ensure that seniority practices, job classifications, etc., do not have a discriminatory effect.
- m) The contractor shall make certain that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- n) The contractor will monitor all personnel activities to ensure that its EEO Policy is being carried out.
- o) The successful contractor shall solicit bids for work to be performed on this project under a subcontract from minority and female contractors and other business associations.

3. Nothing herein is intended to relieve any contractor during the term of this project from compliance with The Dayton Area Federal Bid Conditions. Further, it shall be the responsibility of each contractor to comply with all terms, conditions and provisions of the Dayton Area Federal Bid Conditions.

Part II: Contractor's Certification. A contractor will not be eligible for award of a contract under this Invitation to Bid unless such contractor has submitted as a part of the bid the following certification, which will be deemed a part of the resulting contract:

CONTRACTOR'S CERTIFICATION

C.G. CONSTRUCTION & UTILITIES, INC certifies that:

1. The following listed construction trades will be used in performance of this project.

OPERATING ENGINEERS
LABORERS

a) as to those trades set forth in the preceding paragraph one hereof, it adopts the minimum minority and female utilization goals and the specific Affirmative Action steps contained in the Bid Condition. Compliance is measured in each trade of the contractor's aggregate work force for all construction work (both federal and non-federal) in the four Counties (Greene, Miami, Montgomery and Clark) subject to this Bid Condition; and

b) the successful contractor will obtain from each subcontractor and submit to the contracting or administering agency prior to the award of any subcontract under this contract, the subcontractor certification required by the Bid Condition.

SIGN:

Mary Pittler

(Signature of Authorized Representative of Bidder)

**FAILURE TO SUBMIT AND SIGN THIS DOCUMENT WITH YOUR BID
WILL RESULT IN YOUR BID NOT BEING READ**

(Circle one: SBE MBE WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM

Project Name: NANCY NEOSHO AND STOLZ AVENUES AND KETUKAH DR. WATER MAIN IMPROVEMENTS
15% MBE, 5% WBE & 5% SBE PARTICIPATION

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 - 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Firm Name, Tax I.D. Number and Mailing Address		Please Check One				Type of Service or Supply to be Provided	Type of Construction Work to be Performed
		Prime Contract Bid	Joint Venture Bid	Supply or Service Subcontract	Construction Subcontract		
Certified Business Firm Name: <u>W.C. JONES ASPHALT PAVING CO.</u>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<u>ASPHALT PAVING</u>
Tax I.D. Number:	<u>31-0955590</u>						
Street Address:	<u>905 S. Broadway St.</u>						
City/State/ Zip Code:	<u>DAYTON OH 45417</u>						
Phone (area code/#):	<u>937-228-1253</u>						
Total \$ Amount of PRIME CONTRACTOR'S Base Bid: <u>439,385.50</u>		Total \$ to subcontract: <u>65,907.00</u>		Total % subcontract: <u>15%</u>			
PRIME CONTRACTOR'S REPRESENTATIVE		Street Address		<u>10891 GERMAN TOWN PK</u>			
Print Name:	<u>MARY H. S. GETTER</u>	City/State/Zip		<u>MIAMI SBURG, OH 45342</u>			
Sign Name:	<u>Mary S. Getter</u>						

(Circle one) SBE/MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM

Project Name: NANCY NEOSHO AND STOLZ AVENUES AND KETURAH DRIVE WATER MAIN IMPROVEMENTS
15% MBE, 5% WBE & 5% SBE PARTICIPATION

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 - 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Please Check One					Type of Service or Supply to be Provided	Type of Construction Work to be Performed
Firm Name, Tax I.D. Number and Mailing Address	Prime Contract Bid	Joint Venture Bid	Supply or Service Subcontract	Construction Subcontract		
Certified Business Firm Name: <u>W.C. NONES ASPHALT PAVING</u> Tax I.D. Number: <u>31-0955590</u> Street Address: <u>905 S. BROADWAY ST.</u> City/State/ Zip Code: <u>DAYTON, OH 45417</u> Phone (area code/#): <u>9372281253</u> E-mail:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<u>ASPHALT PAVING</u>
Total \$ Amount of PRIME CONTRACTOR'S Base Bid: <u>439,385.50</u>					Total \$ to subcontract: <u>10,293.00</u>	Total % subcontract: <u>2.34%</u>
PRIME CONTRACTOR'S REPRESENTATIVE						
Print Name: <u>MARY H. S. GETTER</u>					Street Address: <u>60891 GERMAN TOWN PK</u>	
Sign Name: <u>Mary S. Getter</u>					City/State/Zip: <u>MIAMI SBURG, OH 45342</u>	

(Circle one: SBE/MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM

Project Name: NANCY NEOSHO AND STOLZ AVENUES AND KETULAH DRIVE WATER MAIN IMPROVEMENTS
15% MBE, 5% WBE & 5% SBE PARTICIPATION

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 - 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Please Check One					Type of Service or Supply to be Provided	Type of Construction Work to be Performed
Firm Name, Tax I.D. Number and Mailing Address	Prime Contract Bid	Joint Venture Bid	Supply or Service Subcontract	Construction Subcontract		
Certified Business Firm Name: <u>BRAHAN, LLC</u> Tax I.D. Number: <u>27-2019673</u> Street Address: <u>7723 Tyler's Place Blvd.</u> City/State/ Zip Code: <u>WEST CHESTER, OH 45069</u> Phone (area code/#): <u>513-706-0492</u> E-mail:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>PIPE</u>	
Total \$ Amount of PRIME CONTRACTOR'S Base Bid: <u>439,385.50</u> <u>C.C. CONSTRUCTION UTILITIES, INC</u>	Total \$ to subcontract <u>22,137.00</u>		Total % subcontract: <u>5%</u>			
PRIME CONTRACTOR'S REPRESENTATIVE						
Print Name: <u>MARY H. S. GETTER</u>	Street Address: <u>60891 GERMANTOWN PK</u>					
Sign Name: <u>Mary S. Getter</u>	City/State/Zip: <u>MIAMISBURG, OH 45342</u>					

(Circle one) SBE/MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM

Project Name: NANCY, NEOSHO AND STOLZ AVENUES AND KETURAH DRIVE WATER MAIN IMPROVEMENTS
15% MBE, 5% WBE & 5% SBE PARTICIPATION

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 – 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Please Check One					Type of Service or Supply to be Provided	Type of Construction Work to be Performed
Firm Name, Tax I.D. Number and Mailing Address	Prime Contract Bid	Joint Venture Bid	Supply or Service Subcontract	Construction Subcontract		
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TRUCKING	
Certified Business Firm Name:	<u>EWOL TRUCKING & CONSTRUCTION</u>					
Tax I.D. Number:						
Street Address:	<u>4645 WOLF CREEK PIKE</u>					
City/State/ Zip Code:	<u>DAYTON, OH 45417</u>					
Phone (area code/#):	<u>937313-5987</u>					
E-mail:						

Total \$ Amount of PRIME CONTRACTOR'S Base Bid: 439,385.50 Total \$ to subcontract: 8240.00 Total % subcontract: 1.87%
C.C. CONSTRUCTION UTILITIES, INC

PRIME CONTRACTOR'S REPRESENTATIVE		Subcontractor	
Print Name:	<u>MARY H. S. GETTER</u>	Street Address:	<u>6891 GERMANTOWN PK</u>
Sign Name:	<u>Mary S. Getter</u>	City/State/Zip:	<u>MIAMI SBURG, OH 45342</u>

(Circle one) SBE/MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM

Project Name: NANCY NEOSHO AND STOLZ AVENUES AND KETURAH DRIVE WATER MAIN IMPROVEMENTS
15% MBE, 5% WBE & 5% SBE PARTICIPATION

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 – 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Please Check One					Type of Service or Supply to be Provided	Type of Construction Work to be Performed
Firm Name, Tax I.D. Number and Mailing Address	Prime Contract Bid	Joint Venture Bid	Supply or Service Subcontract	Construction Subcontract		
Certified Business Firm Name: <u>GRISSOM CONSTRUCTION</u> Tax I.D. Number: Street Address: <u>8333 BAKESTRAW Rd.</u> City/State/ Zip Code: <u>COVINGTON, OH 45318</u> Phone (area code/#): <u>937-773-2475</u> E-mail:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<u>CONCRETE WALK, CURB & GUTTER</u>
Total \$ Amount of PRIME CONTRACTOR'S Base Bid: <u>439,385.50</u> Total \$ to subcontract <u>3500.00</u> Total % subcontract: <u>.79%</u> <u>C.G. CONSTRUCTION UTILITIES, INC</u>						
PRIME CONTRACTOR'S REPRESENTATIVE						
Print Name: <u>MARY L. S. GETTER</u>					Street Address: <u>10891 GERMAN TOWN PK</u>	
Sign Name: <u>Mary L. Getter</u>					City/State/Zip: <u>MIAMISBURG, OH 45342</u>	

N/A

WAIVER REQUEST DOCUMENTED ACTIVITY FORM

Date _____

Project: _____

Participation Goal (list only one): _____

A bidder must submit a separate form for each goal for which you are requesting a waiver. A bidder requesting a total or partial waiver of the, **MBE/WBE/SBE/DLSB or HUD3** Participation Goal must maintain supporting documentation and will be required to provide such documentation within two days of its request. The bidder must provide a written explanation of the good faith effort for all activities listed on the waiver form at the time the bid is submitted. If no explanation is provided, the waiver form will not be accepted. The City of Dayton Human Relations Council (HRC) shall review and evaluate the bidder's efforts to meet and comply with the project participation goal. A bidder will be granted a waiver for the **MBE/WBE/SBE/DLSB or HUD3** goal based on your good faith efforts; and only where the HRC determines that the bidder has completed all items in the following list of activities. In determining whether a bidder has made good faith efforts, the Executive Director of the Council, or his/her designee, may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful lowest and best bidder fails to meet the contract goal, but others meet it, the Executive Director of the Council, or his/her designee, may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. **The waiver request form must be submitted with your bid if you are requesting a waiver of any goal.**

Check if completed	Activity Description
	Solicited the interest of all certified MBE/WBE/SBE/DLSB or HUD3 having the capability to perform the work of the contract. The bidder must solicit this interest at least ten (10) business days before bid submittal deadline in order to allow the MBE/WBE/SBE/DLSB or HUD3 sufficient time to respond to the solicitation. Electronic communication will not be deemed as sufficient good faith effort, if it is the sole method of communication used.
	Divided contract work items into economically feasible units to facilitate MBE/WBE/SBE/DLSB or HUD3 participation, even when the bidder might otherwise prefer to perform these work items with its own forces.
	Negotiated with MBE/WBE/SBE/DLSB or HUD3 subcontractors, and has taken the subcontractors' price and capabilities, as well as the contract goals, into consideration. Rejected MBE/WBE/SBE/DLSB or HUD3 as being unqualified only with reasons based on a diligent investigation of their capabilities. The bidder's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.
	Provided interested MBE/WBE/SBE/DLSB or HUD3 with plans and specifications at no cost, or directed to, the Minority Business Assistance Center (MBAC) for information about the plans, specifications, and requirements of the contract at least ten (10) business days of the bid submittal deadline in order to assist them in responding to a solicitation.
	Sought the assistance of the Minority Business Assistance Center (MBAC) or used the services of community organizations, contractors' groups, local, state or federal business assistance offices, or similar organizations to find subcontractors certified as (circle one: MBE/WBE/SBE/DLSB or HUD3). Contacting HRC for the certified list will not be deemed as sufficient good faith efforts.
Bidding Company Name:	

10/23

3.

**REPORT AND MINUTES OF THE BOARD OF REVISION OF ASSESSMENTS
TO THE CITY COMMISSION OF THE CITY OF DAYTON**

**In the Matter of the Vacation of the Alley West of North Gettysburg Avenue from
the Alley North of West Third Street to Frances Avenue.**

Pursuant to proper notice being given, the Board of Revision of Assessments reports that it convened its meeting on August 15, 2016, in the Fifth Floor Conference Room of the Department of Public Works, for the purpose of considering the above matter.

Attended by Lynn Donaldson Tony Kroeger
 Steve Finke Chris Lipson
 Patricia Jones Joe Weinel

AGENDA ITEMS: One item was on the agenda. There were no interested parties in attendance.

The Board of Revision of Assessments meeting was convened by Lynn Donaldson on August 15, 2016 in the Public Works Fifth Floor Conference Room. Mr. Donaldson agreed to chair the meeting.

**ITEM # 1: Resolution No. 6194-16 In the Matter of the Vacation of the Alley West
of North Gettysburg Avenue from the Alley North of
West Third Street to Frances Avenue.**

Service was made to five property owners: Mike Taylor, Pinnacle Architects, 210 North St. Clair Street, Dayton, Ohio 45402; Dr. Jamison Hunter, Macedonia Baptist Church, 27 N. Gettysburg Avenue, Dayton, Ohio 45417; Willie C. Dunford Sr., 4131 W. Third Street, Dayton, Ohio 45418; Willie C. Dunford Sr., 5043 Scofield Pl., Dayton, Ohio 45419; 4575 Little Richmond Road Inc., 4125 West Third Street, Dayton, Ohio 45417.

Discussion followed as to the reason for the vacation request. Mr. Donaldson, stated the conditions established by the City Plan Board meeting on April 12, 2016 as follows:

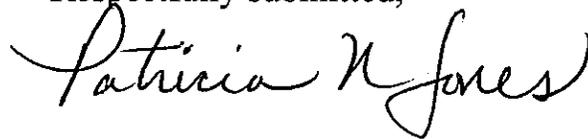
1. The area shall be marked in a manner acceptable to the Division of Civil Engineering to indicate that it is not public right-of-way.
2. Time Warner shall retain an easement over, under, and through the vacated area for its existing facilities. With written consent from Time Warner Cable, these facilities may be relocated or abandoned at the expense of the applicant.

3. AT&T shall retain an easement over, under, and through the vacated area for its existing aerial and underground facilities. With written consent from AT&T, these facilities may be relocated or abandoned at the expense of the applicant.

Mr. Lipson made a motion to accept the vacation with the conditions from the City Plan Board meeting on April 12, 2016. Mr. Finke seconded and the vacation passed unanimously.

With no other business to come before the Board, Mr. Lipson made motion to close the meeting and Mr. Finke seconded. All present said "aye" and the motion carried. The meeting was adjourned.

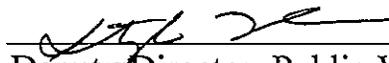
Respectfully submitted,

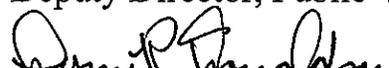


Patricia N. Jones, Secretary
to the Board of Revision of Assessments

BOARD OF REVISION OF ASSESSMENTS

cc: Board Members
Assessment File
Joe Weinel – Ordinances



Deputy Director, Public Works

Deputy Director, Department of Law

APPROVED BY THE CITY COMMISSION

City Manager

By:..... Mr., Joseph.....

No 31525-16.....

AN ORDINANCE

Authorizing the Sale of Certain Real Estate Located at 1962 Radio Road to Radio Road Property, LLC for Economic Development Purposes; and Declaring an Emergency.

WHEREAS, On May 5, 1999, the Commission of the City of Dayton adopted its strategic plan, CitiPlan Dayton: The 20/20 Vision (“CitiPlan 20/20”), of which land redevelopment, reuse, and revitalization are key components; and,

WHEREAS, On February 27, 2013, the City Commission approved the purchase of real estate located at 1962 Radio Road (“Property”) by Ordinance #31225-13 in connection with the Lot Links program; and,

WHEREAS, Radio Road Property, LLC desires to purchase the Property for speculative industrial redevelopment; and,

WHEREAS, The disposition of the Property has been recommended by the Director of Economic Development; and,

WHEREAS, The City Commission finds this sale to be in the public interest, in order to promote economic development, foster job creation and improve the quality of life within the City of Dayton; and,

WHEREAS, In order to complete the transaction in a timely manner, and for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance take effect at an early date; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That the City Commission hereby accepts Radio Road Property, LLC’s offer to purchase real estate located at 1962 Radio Road.

Section 2. That the City Manager, or her designee, is hereby authorized to proceed with the sale of the Property described in the attached Exhibit A to Radio Road Property, LLC, and to execute any and all documents necessary to facilitate the transfer, including but not limited to the proposed Real Estate Purchase Agreement attached as Exhibit B, or a document substantially similar thereto.

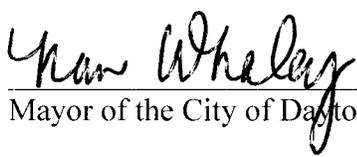
Section 3. That the real estate described above shall be sold for the purposes set forth in the various preambles of this ordinance and for the consideration to be deposited into the following account:

REAL ESTATE DEVELOPMENT ACCOUNT
16304-2600-29601-41
THIRTY-EIGHT THOUSAND DOLLARS AND ZERO CENTS
(\$38,000.00)

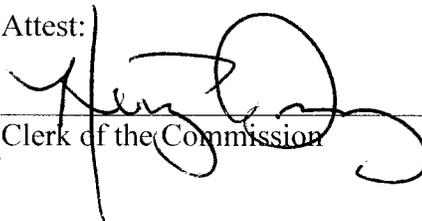
Section 4. For the reasons stated in the preamble hereof, this ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

PASSED BY THE COMMISSION.....October. 5....., 2016

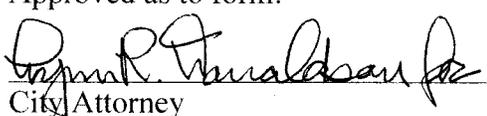
SIGNED BY THE MAYOR.....October. 5....., 2016



Mayor of the City of Dayton, Ohio

Attest:


Clerk of the Commission

Approved as to form:


City Attorney

Exhibit A

1962 Radio Road

Situate in the City of Dayton, County of Montgomery, State of Ohio, and being Lot 82175 of the consecutive numbers of lots on the revised plat of the said City of Dayton, Ohio.

Excepting therefrom the following described real estate:

Situated in the City of Dayton, County of Montgomery, State of Ohio and being part of City Lot Number 82175 of the consecutive numbers of lots of the City of Dayton, said lot being a part of Wrightview Industrial Park, Section 1 as recorded in Plat Book 159, Page 23 and being part of a 20.741acre tract as conveyed to Multi-Service Inc. by deed as recorded in Microfiche #93-565 E02, and being more particularly described as follows:

Beginning at an iron pin set at the northeast corner of said City Lot 82175;

Thence along the east line of said City Lot 82175, also being the corporation line of City of Dayton, South 05° 21' 55" West, a distance of 979.39 feet to the southeast corner of said City Lot 82175 to an iron pin set;

Thence along the south line of said Lot 82175, North 41° 46' 55" West, a distance of 40.92 feet to an iron pin set;

Thence on a division line through said City Lot 82175, North 05° 21' 55" East, a distance of 949.64 feet to an iron pin set on the north line of said Lot 82175;

Thence along the north line of said Lot 82175, South 88° 17' 59" East, a distance of 30.06 feet to the point of beginning containing 0.664 acres.

Montgomery County Tax Parcel: R72215417 0001

Prior Deed Reference: 2014-00020769

REAL ESTATE PURCHASE AGREEMENT

1962 Radio Road

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made and entered into between the City of Dayton, Ohio ("City"), a municipal corporation in and of the State of Ohio, and Radio Road Property, LLC ("Developer"), a limited liability corporation in and of the State of Ohio.

WITNESSETH THAT:

WHEREAS, on May 5, 1999, the Commission of the City of Dayton adopted its strategic plan, CitiPlan Dayton: The 20/20 Vision (or "CitiPlan 20/20"), of which land redevelopment, reuse, and revitalization are key components; and,

WHEREAS, the City acquired the distressed industrial property at 1962 Radio Road through a tax foreclosure under the Lot Links program; and,

WHEREAS, the Developer has experience with buying and revitalizing distressed industrial properties in Ohio; and,

WHEREAS, the Developer submitted a proposal that represented the highest and best use for the site, which is speculative redevelopment for the purpose of attracting new industry; and,

WHEREAS, the Developer has tentatively agreed to pursue all legally required zoning and building permits, including but not limited to a Certificate of Use and Occupancy, in order to facilitate the eventual lease or sale of the site.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, the parties agree as follows:

1. The Developer hereby agrees to purchase from the City, and the City agrees to sell to the Developer, for the sum of THIRTY-EIGHT THOUSAND DOLLARS AND ZERO CENTS (\$38,000.00), payable at the closing, the real property ("Property") described in Exhibit A, attached hereto and incorporated herein, and known as 1962 Radio Road, for the purposes of speculative redevelopment and the eventual sale or lease of the structure to another party ("Project").

As further consideration for the Property, Developer agrees to pursue an appropriate Certificate of Use & Occupancy ("CUO") for the structure, if the structure is renovated for leasing purposes, and/or to encourage any future buyer to obtain a new CUO if an appropriate one has not already been obtained by Developer. Developer agrees to abide by reasonable recommendations from the City's staff as it relates to design elements, including but not limited to landscaping and LED lighting on the exterior of the structure(s). Both parties agree to engage in good faith discussions to resolve any differences.

2. The City shall convey the Property to the Developer by good and sufficient quit claim deed, with the City warranting the property free from encumbrances, except: (A) zoning ordinances, (B) building restrictions, (C) taxes and assessments that appear on the tax

duplicate for the year of closing, and (D) all restrictions and easements of record.

3. The City shall pay, at closing, all taxes, assessments, interest and penalties that are then due and payable. It is understood that the taxes and assessments for the tax year 2016 will not be prorated. It is further understood and agreed that in the event the sale is not closed in 2016, then the taxes and assessments shall not be prorated for the year in which the closing is held. Upon closing, the Developer shall be responsible for all future taxes and assessments. Developer shall be responsible for paying recording fees at closing.
4. The Developer shall have possession of the Property upon delivery of an executed deed from the City. The City, or the professional title company hired by the Developer to provide title and closing services, if desired, will record said deed in Montgomery County, Ohio.
5. This Agreement shall commence upon the full execution of this document. This Agreement shall constitute a valid and binding contract of purchase and sale, binding upon the Developer, its administrators, successors, and assigns, and upon the City, its administrators, successors, and assigns and the sale shall be closed within a reasonable time after such execution, but no later than one hundred (120) days from the execution of this Agreement unless extended by mutual written agreement of both parties. This Agreement may also be terminated at any time by mutual written agreement of both parties. In the event of termination, Developer agrees that the City shall not be held liable for any costs incurred in this process.
6. The delivery by the City of the quit claim deed described herein and acceptance by the Developer of said deed shall not be deemed to extinguish, waive, or discharge any of the obligations of the City or the Developer hereunder not stipulated or contained in the deed, nor in any way to prejudice or bar the City in asserting any of its rights hereunder.
7. City makes no representations or warranties, express or implied, with respect to: the environmental condition of the Property and the surrounding property (including all facilities, improvements, and structures thereon, surface waters thereon or adjacent thereto, or soil and groundwater thereunder); City's operations conducted on the Property; or City's compliance with any environmental health or safety laws.
8. Developer shall accept the Property in "as is" condition and shall be responsible for, on and after the closing date, all environmental obligations and liabilities and costs, arising under environmental health or safety laws or at common law, and whether or not accrued or fixed, absolute or contingent, known or unknown, determined or determinable, to the extent that such obligations and liabilities and costs arise from any contaminant, chemical, product, by-product, or any material whatsoever, on, at, to, or from the Property. Developer shall hold City harmless from any such claims arising from the Developer's development or use of the Property.
9. Developer shall defend, indemnify, and hold harmless City and its elected officials, officers, employees, and agents from and against all claims, losses, damages, and expenses (including reasonable attorneys' fees) of whatsoever kind and nature, to the extent that such claims, losses, damages, or expenses are caused by or arise out of the performance or non performance of this Agreement and/or the acts, omissions or conduct of Developer,

and its agents, employees, contractors, sub contractors, and representatives in undertaking and completing the Project, and/or Developer's failure to comply with federal, state, and local laws, including (as applicable) those relating to the payment of prevailing wages.

11. Developer affirms and certifies that it complies with Ohio Revised Code § 3517.13 limiting political contributions.
12. Developer certifies that, as of the date of execution, it does not owe any delinquent taxes to the City of Dayton and/or does not owe delinquent taxes for which Developer is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code or, if such delinquent taxes are owed, Developer currently is paying such delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, or Developer filed a petition in bankruptcy under 11 U.S.C. Section 101. et seq., or such a petition has been filed against Developer. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

13. GENERAL PROVISIONS.

- A. Conflict of Interest. Developer represents that to the best of its knowledge it has no interest that would undermine the impartiality of either party because of the conflict between the party's self-interest and this agreement or public interest in any manner or degree. Developer further covenants that it will not acquire any such interests, directly or indirectly during the term of this Agreement.
- B. Entire Understanding. This Agreement represents the entire and integrated agreement between the parties. This Agreement supersedes all prior and contemporaneous communications, representations, understandings, agreements or contracts, whether oral or written, relating to the subject matter of this Agreement.
- C. Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts or choice of laws. Any arbitration, litigation or other legal matter regarding this Agreement or performance by either party must be brought in a court of competent jurisdiction in Montgomery County, Ohio.
- D. Amendment. The parties may amend this Agreement, provided that no such amendment shall be effective unless it is reduced to a writing, which makes specific reference to this Agreement, is executed by a duly authorized representative of each party to this Agreement and, if required or applicable, is approved by the Commission of the City of Dayton, Ohio.
- E. Waiver. A waiver by City of any breach of this Agreement shall be in writing. Any such waiver shall be effective only in the specific instance and for the

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed, each by a duly authorized representative as of the date(s) set forth below.

THE CITY OF DAYTON, OHIO

RADIO ROAD PROPERTY, LLC

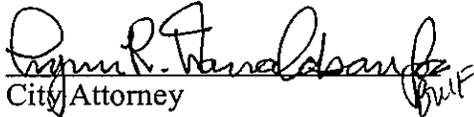
City Manager

By: _____

Title: _____

Date: _____

**APPROVED AS TO FORM
AND CORRECTNESS:**



City Attorney

**APPROVED BY THE COMMISSION
OF THE CITY OF DAYTON, OHIO:**

_____, 2016

Min. Bk. _____ Pg. _____

Clerk of the Commission

Google Maps 1962 Radio Rd



1962 Radio Rd
Dayton, OH 45431



MEMORANDUM

September 27, 2016

TO: Shelley Dickstein, City Manager

FROM: Ford Weber, Director *kek for FW*
Department of Economic Development

SUBJECT: Ordinance Authorizing Sale of 1962 Radio Road

This memorandum accompanies and explains the emergency Ordinance and corresponding Agreement authorizing the sale of the City-owned property located at 1962 Radio Road in the Wright View neighborhood, on the eastern edge of the city. Queen City Partners (QCP) of Cincinnati has offered \$38,000 for the property in connection with a new entity they created called Radio Road Property, LLC.

QCP has been acquiring and renovating industrial properties in the Cincinnati and Dayton areas, particularly sites that have been abandoned or foreclosed. The company includes brothers Kris and Jake Bamberger, as well as commercial broker Rob McLachlan of Kiesland Development. They have hired a consultant at Tetra Tech to assist them with environmental issues. Although they are new to the region, it is our assessment that they have a positive track record and a good team in place to bring this site back to productive use.

The City acquired the site for \$2,314.90 through "Lot Links" in 2014 for a local manufacturer that wanted the building for an expansion project. The company successfully applied to JobsOhio for a grant to fund a Phase II environmental study. However, they were uncomfortable with the results of the study, which indicates two small areas of concern, and they decided not to acquire the property. We subsequently used Loopnet.com, a commercial real estate website, to market the property as a revitalization opportunity.

In addition to the environmental concerns, the building has been thoroughly vandalized since the prior owner went bankrupt in 2009. Although the building is only 20 years old, it has no functional doors and nearly all the electrical components have been stripped. There is graffiti and broken drywall throughout the building. The site is also overgrown with brush and strewn with debris. It has become a nuisance property and several individuals have reported seeing teens using the building for potentially unsafe recreational purposes. The City's holding costs have been nominal, and QCP has already begun making efforts to secure the site.

Since time is of the essence, we are requesting emergency authorization in order to close the transaction as quickly as possible. A copy of the Agreement and a neighborhood map are attached. If you have any questions or concerns, please contact Keith Klein of my staff at extension 3812.

FPW/kek

Attachments

1. Ordinance
2. Agreement
3. Map

C: Tammi Clements
Joe Parlette
Keith Klein

BY.....Mr. Mims.....

NO.....6216-16.....

A RESOLUTION

Withdrawing the Objection to the Issuance of
Liquor Permit #55957650005, Nimesh Patel dba
Maruti Foodmart Inc., 272 Linden Avenue, Dayton,
OH 45403 and Declaring an Emergency.

WHEREAS, On April 27, 2016, this Commission by Resolution No. 6183-16 objected to the issuance of Liquor Permit #55957650005 to Nimesh Patel dba Maruti Foodmart Inc., 272 Linden Avenue, Dayton, Ohio 45403; and,

WHEREAS, There are pending appeals hearings before the Ohio Liquor Control Commission challenging the Ohio Liquor Division's denial of both the renewal of Liquor Permit #2105088 to Dev, Inc. dba A1 Food Mart, 272 Linden Avenue, Dayton, Ohio 45403 and the transfer of Liquor Permit #5595765 to Nimesh Patel dba Maruti Foodmart Inc., 272 Linden Avenue, Dayton, Ohio 45403 (collectively, the "Applicants/Appellees"); and,

WHEREAS, After further investigation, the Commission deems it to be in the best interest of the City to withdraw the City's objection to the issuance of Liquor Permit #55957650005 upon the withdrawal by the Applicants/Appellees of their appeals of the denial of Liquor Permits #2105088 and #5595765 by the Ohio Liquor Division; and,

WHEREAS, The intentions of the Applicants/Appellees are more fully set forth in attached Exhibits A and B, Motions to be submitted to the Liquor Control Commission in Cases No. 92A-15 and 93A-15, withdrawing the appeals of the denial of Liquor Permits #2105088 and #5595765, respectively; and,

WHEREAS, It is necessary for the immediate preservation of the public peace, property, health and safety that this Resolution take effect at an early date; now, therefore,

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:

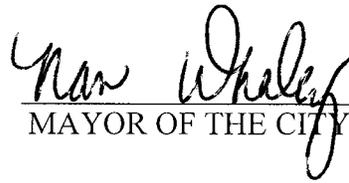
Section 1. That this Commission withdraws its objection to the issuance of Liquor Permit #55957650005 to Nimesh Patel dba Maruti Foodmart Inc., 272 Linden Avenue, Dayton, Ohio 45403 upon the withdrawal by the Applicants/Appellees of their appeals of the denial of Liquor Permits #2105088 and #5595765.

Section 2. That the Clerk of the Commission shall forward two (2) certified copies of this resolution to the Superintendent of the Ohio Division of Liquor Control no later than October 5, 2016.

Section 3. That for the reasons set forth in the preamble, the Commission declares this Resolution to be an emergency measure which shall take effect immediately upon adoption.

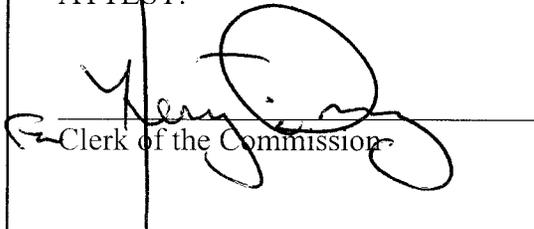
ADOPTED BY THE COMMISSION.....October 5....., 2016

SIGNED BY THE MAYOR.....October 5....., 2016



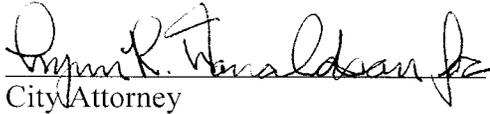
MAYOR OF THE CITY OF DAYTON, OHIO

ATTEST:



Clerk of the Commission

APPROVED AS TO FORM:



City Attorney

Exhibit A

BEFORE THE LIQUOR CONTROL COMMISSION
STATE OF OHIO

CASE NO. 92A-15

IN THE MATTER OF:

2105088

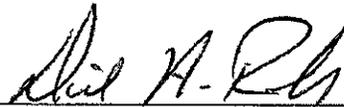
DEV-INC

DBA A1 FOOD MART
272 LINDEN AV
DAYTON, OHIO 45403

MOTION TO WITHDRAW APPEAL

Now comes Appellant, by and through counsel and respectfully requests the
Liquor Control Commission to allow the withdrawal of the above captioned appeal.

Respectfully submitted,



David A. Raber (#0059502)
Lumpe, Raber & Evans
37 W Broad Street, Suite 1140
Columbus, Ohio 43215
(614) 221-5212

Counsel for Appellant

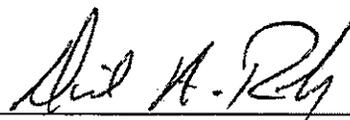
CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion was E-mailed on
this ____ day of September, 2016 to:

Mya Bronson
Mya.Bronson@daytonohio.gov

and

Paul Kulwinski
Paul.Kulwinski@ohioattorneygeneral.gov



David A. Raber
Attorney for Appellant

Motions/withdrawAppealLCC

Exhibit B

BEFORE THE LIQUOR CONTROL COMMISSION
STATE OF OHIO

CASE NO. 93A-15

IN THE MATTER OF:

5595765

MARUTI FOODMART INC.

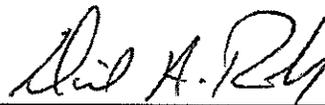
272 LINDEN AV

DAYTON, OHIO 45403

MOTION TO WITHDRAW APPEAL

Now comes Appellant, by and through counsel and respectfully requests the
Liquor Control Commission to allow the withdrawal of the above captioned appeal.

Respectfully submitted,



David A. Raber (#0059502)
Lumpe, Raber & Evans
37 W Broad Street, Suite 1140
Columbus, Ohio 43215
(614) 221-5212

Counsel for Appellant

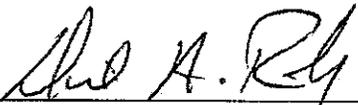
CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion was E-mailed on
this ____ day of September, 2016 to:

Mya Bronson
Mya.Bronson@daytonohio.gov

and

Paul Kulwinski
Paul.Kulwinski@ohioattorneygeneral.gov



David A. Raber
Attorney for Appellant

Motions/withdrawAppealLCC

MEMORANDUM



September 27, 2016

TO: Shelley Dickstein
City Manager

FROM: Barbara J. Doseck
City Attorney

SUBJECT: Withdrawing the Objection to the Issuance of Liquor Permit
#55957650005, Nimesh Patel dba Maruti Foodmart Inc.
272 Linden Avenue, Dayton, OH 45403

Earlier this year, the Law Department recommended an objection to the issuance of the above-referenced liquor permit application. For the following reason, we recommend that the objection be withdrawn:

The City requested an objection to the referenced permit largely due to the fact that there were pending appeals hearings before the Ohio Liquor Control Commission challenging the Ohio Liquor Division's denial of both the renewal of Liquor Permit #2105088 to Dev, Inc. dba A1 Food Mart, 272 Linden Avenue, Dayton, Ohio 45403 and the transfer of Liquor Permit #5595765 to Nimesh Patel dba Maruti Foodmart Inc., 272 Linden Avenue, Dayton, Ohio 45403.

Counsel for both Dev, Inc and Maruti Foodmart Inc. has agreed to withdraw those appeals in consideration of the City's withdrawal of its objection to a new license. As the applicant for the new license was never a concern to the City, we would recommend that the objection be withdrawn.

Based on the foregoing, the Law Department recommends that the Commission withdraw its objection by no later than the October 5, 2016 meeting. Legislation is attached.

If you have any questions or concerns, please do not hesitate to contact me or Assistant City Attorney Mya E. Bronson.

BJD/meb

Attachments

cc: Chief Biehl
Asst. Chief Ecton
Ms. Bronson

1st Reading

C.P.

BY

NO 31526-16

AN ORDINANCE

Vacating the Alley West of North Gettysburg Avenue from the Alley North of West Third Street to Frances Avenue.

WHEREAS, The City Commission on June 15, 2016, by Resolution No. 6194-16, declared its intention to vacate the alley west of North Gettysburg Avenue from the alley north of West Third Street to Frances Avenue; and,

WHEREAS, The Board of Revision of Assessments, after a hearing regularly held for the purpose of consideration of objections to said proposed vacation, as provided by the Charter of the City of Dayton, has recommended that the alley west of North Gettysburg Avenue from the alley north of West Third Street to Frances Avenue be vacated; and,

WHEREAS, The City Plan Board has approved said vacation; and,

WHEREAS, The vacation of the alley west of North Gettysburg Avenue from the alley north of West Third Street to Frances Avenue described herein will enable the abutting property owners to develop this property; and,

WHEREAS, The Commission is satisfied that there is good cause for said vacation and that it will serve the public interest and welfare and should be made; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That the alley west of North Gettysburg Avenue from the alley north of West Third Street to Frances Avenue being more particularly bounded and described in as follows:

Being all of the 16 foot alley west of North Gettysburg Avenue from the 16 foot alley north of West Third Street to the 50 foot Frances Avenue

is hereby vacated. The vacation shall be subject to the following conditions:

- A. The vacated area shall be marked in a manner acceptable to the Division of Civil Engineering to indicate that it is not public right-of-way.
- B. Time Warner Cable shall retain an easement over, under, and through the vacated area for its existing facilities. With written consent from Time Warner Cable these facilities may be relocated or abandoned at the expense of the applicant.

C. AT&T shall retain an easement over, under, and through the vacated area for its existing aerial and underground facilities. With written consent from AT&T, these facilities may be relocated or abandoned at the expense of the applicant.

Passed by the Commission ,2016

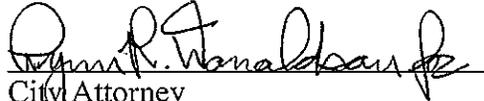
Signed by the Mayor ,2016

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

Approved as to form:



City Attorney

MEMORANDUM



September 23, 2016

TO: Shelley Dickstein
City Manager

FROM: Stephen Finke, Deputy Director
Department of Public Works *sf*

SUBJECT: The Vacation of the Alley West of North Gettysburg Avenue from the
Alley North of West Third Street to Frances Avenue

Attached is the ordinance to vacate the subject property. Please present this legislation to the City Commission for their action.

Petition No. 21134 requesting the vacation was received from Macedonia Baptist Church on May 16, 2016. Resolution No. 6194-16 declaring the Commission's intention to vacate was adopted on June 15, 2016. The Board of Revision of Assessments recommended the vacation on August 15, 2016. The vacation will enable the abutting property owner to consolidate this property.

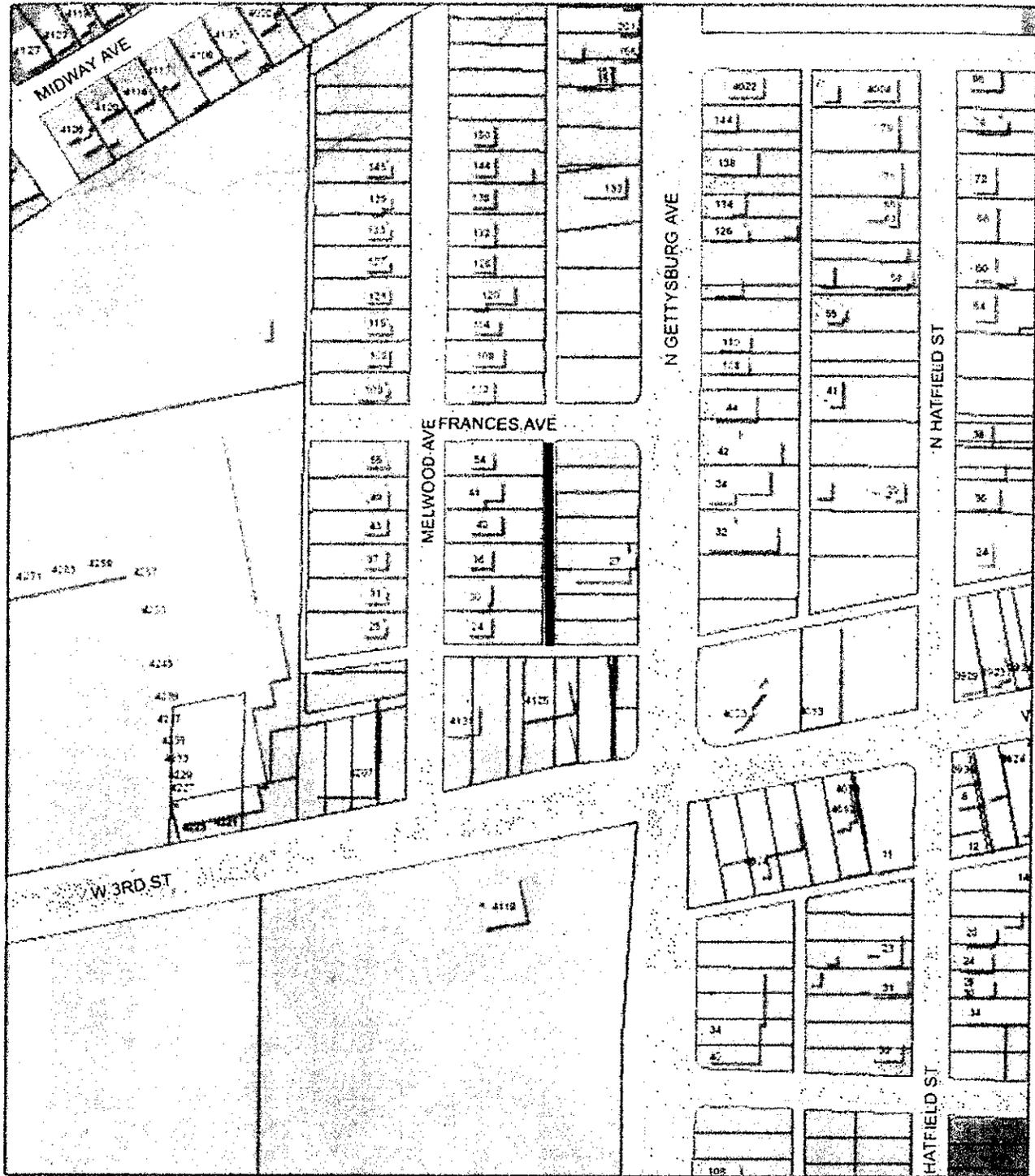
If you have any additional questions, please contact me at 3839.

JRW

Attachments

cc: Ms. Clements
Mr. Parlette
Department of Planning
Department of Law
Clerk of Commission
Secretary / Board of Revision of Assessments

Vacation of the Alley West of North Gettysburg Avenue



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 200 feet
5/25/2016

BY..... Mr. Shaw.....

NO..... 6215-16.....

A RESOLUTION

Authorizing the City Manager to Accept a Grant Award from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) in the Amount of Sixty-Three Thousand Five Hundred Seventy-Nine Dollars (\$63,579.00) on Behalf of the City of Dayton.

WHEREAS, FEMA and DHS administer an Assistance to Firefighters Grant Program; and

WHEREAS, The City of Dayton submitted a grant application seeking funding to purchase and install a breathing air filling station at the Dayton Fire Department Training Center; and

WHEREAS, Pursuant to Section 36.10 of the Revised Code of General Ordinances of the City of Dayton, the City Manager executed the grant application on behalf of the City of Dayton; and

WHEREAS, FEMA and DHS approved the City of Dayton's grant application and will award the City an Assistance to Firefighters Grant subject to the City's acceptance; now, therefore,

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:

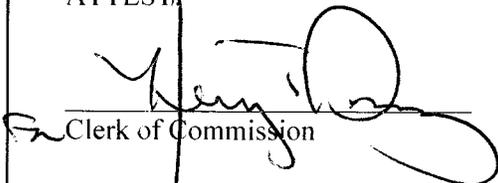
Section 1. That the City Manager is authorized to execute any and all documents and agreements on behalf of the City of Dayton, which are necessary to accept an Assistance to Firefighters Grant in the amount of Sixty-Three Thousand Five Hundred Seventy-Nine Dollars (\$63,579.00) from the Federal Emergency Management Agency and the Department of Homeland Security.

ADOPTED BY THE COMMISSION..October..5....., 2016

SIGNED BY THE MAYOR.....October..5....., 2016


MAYOR CITY OF DAYTON, OHIO

ATTEST


Clerk of Commission

APPROVED AS TO FORM:


City Attorney



September 15, 2016

TO: Shelley Dickstein
City Manager

FROM: Jeffrey L. Payne
Director and Chief
Department of Fire

SUBJECT: 2015 Assistance to Firefighter Grant

Attached for your review is a Resolution authorizing the acceptance of a grant award in the amount of \$63,579.00 from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security. I am requesting that this Resolution be placed on the September 28, 2016 City Commission calendar for its adoption.

This grant award will be used to install a breathing air filling station at the Fire Training Center. Having an air filling station at the Training Center will facilitate the refilling of spent cylinders, thereby mitigating training delays resulting from the lack of full cylinders.

If you have any questions, please contact Assistant Chief Lykins at x4503.

Thank you.

Attachments