

1 RESOLUTION NO. 2022-274

2  
3 SPONSOR Executive Shapiro

4  
5 DATE October 3, 2022

COMMITTEE: Public Works

6  
7 **A Resolution authorizing the Executive to execute an agreement with Fidelity and Deposit**  
8 **Company of Maryland, to assign the construction payment obligations under the**  
9 **construction contract with The Knoch Corporation for the Operations Fleet Maintenance**  
10 **Facility Project Q-614, located in the City of Akron, in Council District 4, for the**  
11 **Executive's Department of Sanitary Sewer Services, and declaring an emergency.**

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13 WHEREAS, this Council previously adopted Resolution No. 2020-128, which authorized  
14 the Executive to execute a construction contract and any other necessary related documents with  
15 The Knoch Corporation ("Knoch") for the Operations Fleet Maintenance Facility Project Q-614  
16 (the "Project"), located in the City of Akron, in Council District 4, in the amount not to exceed  
17 \$9,720,598.00 (the "Contract"); and

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19 WHEREAS, pursuant to the terms of the Contract, Knoch provided a performance bond  
20 issued by the Fidelity and Deposit Company of Maryland ("F&D") that in the event Knoch failed  
21 to pay all lawful claims of subcontractors, material persons and laborers, then F&D would pay  
22 all such claims related to the Project; and

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24 WHEREAS, F&D has notified the County that it has paid a claim made by a  
25 subcontractor that Knoch failed to pay for work completed for the Project; and

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27 WHEREAS, F&D has notified the County that pursuant to the terms of the Contract, the  
28 payments made by the County to fund the Project shall be assigned from Knoch to F&D; and

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30 WHEREAS, it is necessary for the County to enter into an agreement with F&D to allow  
31 F&D to take over the payment of all lawful claims of subcontractors, material persons and  
32 laborers for the Project pursuant to the terms of the Contract; and

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34 WHEREAS, this Council has determined, after reviewing all pertinent information, that it  
35 is necessary and in the best interest of the County to authorize the Executive to execute the  
36 aforementioned agreement;

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38 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
39 of Ohio, that:

40  
41 SECTION 1

42  
43 The Executive is hereby authorized to execute an agreement and any necessary related  
44 documents with the Fidelity and Deposit Company of Maryland ("F&D") that shall allow F&D  
45 to be assigned the rights to take over the payment obligations for all lawful claims of  
46 subcontractors, material persons and laborers pursuant to the terms of the construction contract  
47 (the "Contract") with The Knoch Corporation for the Operations Fleet Maintenance Facility  
48 Project Q-614.

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SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the residents of the County of Summit, and for the further reason that it immediately authorizes the execution of the aforementioned necessary agreement to comply with the payment obligations under the Contract.

SECTION 3

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.05 of the Ohio Revised Code.


INTRODUCED September 19, 2022

ADOPTED October 3, 2022

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED October 3, 2022

  
EXECUTIVE

October 4, 2022  
ENACTED EFFECTIVE

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite