

Village of Yellow Springs, Ohio

RESOLUTION 2024-09

**AUTHORIZING THE INTERIM VILLAGE MANAGER TO SETTLE CLAIMS
AGAINST JNT EXCAVATING, LLC AND ENTER INTO A CONTRACT WITH
MAJORS ENTERPRISES, INC. FOR COMPLETION OF TWO-INCH GALVANIZED
LINE REPLACEMENT**

WHEREAS, the Village of Yellow Springs, Ohio ("the Village") entered into a contract with JNT Excavating, LLC ("JNT Excavating") on or about January 19, 2023, for the King Street water main extension project as well as for a 2-inch galvanized water line project; and,

WHEREAS, JNT Excavating, LLC defaulted on their contract for these projects, and the Village terminated the contracts on or about August 7, 2023 and pursued a claim against the performance bond provided by JNT Excavating, LLC and insured by United Fire Group; and,

WHEREAS, in accordance with the performance bond and Ohio law, United Fire Group has acquired bids for the King Street Water Main project, as well as for the two-inch galvanized project; and,

WHEREAS, the Village has the statutory authority to enter into a contract directly with one of the responsive bidders; and,

WHEREAS, The Village will enter into a contract with Majors Enterprises, LLC and United Fire Group will issue payment to the Village for the increased cost of Majors' bid in relation to JNT Excavating LLC's prior bid; and,

WHEREAS, the Village has reached a settlement with United Fire Group, with the following terms: United Fire Group will issue payment to the Village in the amount of \$375,000.00, which represents the difference between the JNT Excavating, LLC contracts and the newly selected contractor of \$296,728.15 plus \$78,271.85 which reimburses the Village for legal and engineering costs incurred due to the default, as well as liquidated damages; and,

WHEREAS, there are no Findings for Recovery for on record with the Ohio Auditor of State against Majors Enterprises LLC; and,

WHEREAS, the Interim Village Manager recommends that Majors Enterprises, LLC be awarded the contract for this project in the amount of \$1,656,660.00,

NOW, THEREFORE, be it resolved by Council for the Village of Yellow Springs, Ohio that:

Section 1. The Interim Village Manager is authorized to execute a settlement agreement with United Fire Group as set forth in the recitals as stated in the preamble above, and in a final form approved by the Village Solicitor.

Section 2. The Interim Village Manager is hereby authorized to approve the contract with Majors Enterprises, LLC, in a form to be approved by the Village Solicitor, for the completion of two-inch galvanized line replacement in an amount not to exceed \$1,656,660.00.

Section 3. Costs will be taken from funds available in the Capital Fund.

Section 4. The Interim Village Manager is authorized to represent the Village in all matters related to this project.

Kevin Stokes, Council President

Passed: 1-16-2024

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Kevin Stokes_Y__ Gavin Devore Leonard_Y__ Brian Housh_Y__
Carmen Brown_Y__ Trish Gustafson_Y__