

**RESOLUTION No. 2009-17**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA, OFFICIALLY ACCEPTING BIDS AND APPROVING THE LOWEST RESPONSIBLE BIDDER FOR THE CONSTRUCTION OF THE BRANDYWINE CREEK TRAIL - PHASE 1 – PART B IN ACCORDANCE WITH THE REVIEW OF BIDS BY THE CITY'S ENGINEER BUCHART HORN, INC.**

WHEREAS, the City of Coatesville is a Home Rule Charter Third Class City in the Commonwealth of Pennsylvania; and

WHEREAS, the City of Coatesville intends to construct a project known as the Brandywine Creek Trail ( the "Project") on several parcels of land located in the City of Coatesville and Valley Township; and

WHEREAS, said funds for construction of the Project are being provided by the Pennsylvania Department of Conservation and Natural Resources and the County of Chester; and

WHEREAS, construction of the Project requires governmental approvals and the issuance of appropriate permits, as well as compliance by the City of Coatesville with applicable provisions of contracts for funding of the project by the Pennsylvania Department of Conservation and Natural Resources and the County of Chester; and

WHEREAS, the City of Coatesville sought bids for construction of Phase 1 of the Project, in accordance with the Coatesville Home Rule Charter and the Third Class City Code; and

WHEREAS, the bids for construction of Phase 1 of the project were divided into two parts, Part A and Part B, with Part A being for construction on parcels located in the City of Coatesville, and Part B being for construction on parcels located in Valley Township; and

WHEREAS, the bids for Part B were duly reviewed by the City's Civil Engineer, Buchart Horn, Inc.; and

WHEREAS, by letter to the City of Coatesville dated April 28, 2009 the City's Civil Engineer, Buchart Horn, Inc. communicated that, after review, it found that B.R. Kreider & Son, Inc. to be the apparent low bidder, and further found B.R. Kreider & Son, Inc.'s bid to be responsive to the bid specifications, and found B.R. Kreider & Son, Inc. to be a responsible contractor, and stated Buchart Horn's opinion that B.R. Kreider & Son, Inc. has demonstrated the requisite experience and expertise to satisfactorily perform the work associated with Phase 1, Part A of the Project and the construction contract therefor; and

WHEREAS, upon review of the bid responses and tabulation of bids by the Pennsylvania Department of Conservation and Natural Resources (DCNR), DCNR informed the City that Alternate Bid Item A should be added to and included in the bid; and

WHEREAS, said inclusion resulted in the Allan A. Myers, L.P. being the apparent low bidder; and

WHEREAS, the City's Civil Engineer, Buchart Horn, Inc. has communicated that, after further review, it found that Allan A. Myers, L.P. to be the apparent low bidder, and further found Allan A. Myers, L.P.'s bid to be responsive to the bid specifications, and found Allan A. Myers, L.P. to be a responsible contractor, and stated Buchart Horn's opinion that Allan A. Myers, L.P. has demonstrated the requisite experience and expertise to satisfactorily perform the work associated with Phase 1, Part A of the Project and the construction contract therefor; and

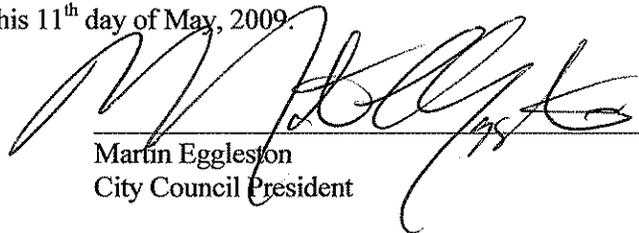
WHEREAS, the City of Coatesville administration and solicitor have reviewed the bid specifications, bid responses and tabulation of bids for Part A, and the aforesaid April 28, 2009 letter from Buchart Horn, and the further communication from Buchart Horn concerning further review of the bid responses, and recommend approval of Allan A. Myers, L.P. as the lowest responsible bidder for Part B of Phase 1 of the construction by the City of Coatesville of the Brandywine Creek Trail.

NOW THEREFORE BE IT RESOLVED by the Council for the City of Coatesville that the City of Coatesville approves Allan A. Myers, L.P. as the lowest responsible bidder for Part B of Phase 1 of the construction by the City of Coatesville of the Brandywine Creek Trail.

AND BE IT FURTHER RESOLVED that said approval is subject to the terms of the bid specifications and further subject to the issuance of required governmental approval and permits, and further subject to compliance by the City of Coatesville with applicable provisions of contracts for funding of the project by the Pennsylvania Department of Conservation and Natural Resources and the County of Chester.

IN WITNESS THEREOF, the Council of the City of Coatesville hereby authorizes the execution and attestation of this resolution.

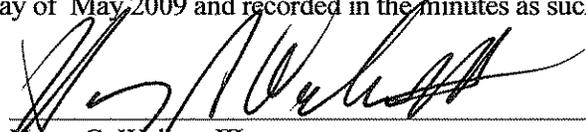
RESOLVED AND ENACTED, this 11<sup>th</sup> day of May, 2009.

  
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Martin Eggleston  
City Council President

ATTEST:

  
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Harry G. Walker, III  
City Manager

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of City Council held on the 11<sup>th</sup> day of May, 2009 and recorded in the minutes as such.

  
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Harry G. Walker, III  
City Manager