

RAYMOND C. SOMICH
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Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
JENNIFER SOMMERS GREER
CHRISTOPHER HALLUM
JOHN PLECNIK

ORDINANCE NO. 2015-36 – AS AMENDED

(Amended during the Special Council Meeting of September 1, 2015 and is reflected in the Minutes thereof.)

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE BID OF HENDERSON TRUCK EQUIPMENT-OHIO FOR A NEW HENDERSON MUNIBODY FULL SNOW AND ICE CONTROL SINGLE AXLE PACKAGE ~~AND DECLARING AN EMERGENCY.~~

WHEREAS, on January 28, 2015 the Council of the City of Willoughby Hills adopted Ordinance No. 2015-3 providing \$150,000 in notes in anticipation of the issuance of bonds for the purpose of paying the costs of acquiring vehicles and related equipment for the Service Department; and

WHEREAS, on May 14, 2015 the Council of the City of Willoughby Hills adopted Ordinance No. 2015-24 for the purchase of a new 2016 single axle dump truck and chassis at a price not to exceed \$108,230.00; and

WHEREAS, the Council of the City of Willoughby Hills on June 11, 2015, by motion, granted the Mayor authorization to advertise for bids to secure a new salt spreader and plow for the new 2016 single axle dump truck and chassis; and

WHEREAS, the original Notice for the solicitation of seal bids for a stainless steel salt spreader was prepared by Administration and published in the local news paper The Lake County News-Herald on June 21, 2015; and

WHEREAS, the original bid opening for the Salt Spreader was conducted on June 26, 2015 and only one bid was received; Henderson Truck Equipment-Ohio of 2177 State Route 19, P.O. Box 811, Bucyrus, Ohio 44820 submitted a bid in the amount of \$77,114.00; however, due to discrepancies in the bidding process, the Administration rejected the bid; and

WHEREAS, a second Notice for the solicitation of seal bids for a stainless steel salt spreader was prepared by Administration and now due to time being of the essence a **Liquidated Damages Clause** was added to the Bid Specifications stating that in the case of the vendor's failure to deliver the said equipment within 120 days of contract award date, the City of Willoughby Hills will be damaged and may assess liquidated damages thereby; and because it is difficult to definitely ascertain and prove the amount of such damages, it is hereby agreed that the amount of such damages shall be the liquidated sum of two hundred dollars (\$200.00) per calendar day for each day's delay in delivering said equipment in excess of the number of days prescribed (120 days following award of contract); and

WHEREAS, on August 10, 2015 bids were opened by Road Superintendent Mark Grubiss and he had requested that the bid as submitted by Jones Equipment, Inc. of 31 Richmond Street, Painesville, Ohio in the amount of \$76,950.00 (being considered the lowest and best bid) be approved by Council; and

WHEREAS, in his Interoffice Memo dated August 10, 2015 to Members, the Mayor stated that he would appreciate Council approving the bid as submitted by Jones Equipment, Inc. and further requested that said legislation be prepared as an emergency for prompt order submission by our Road Superintendent; and

WHEREAS, on August 11, 2015 in his Interoffice Memo to the Members, the Mayor stated that he had received a Memo from Road Superintendent Mark Grubiss dated August 10, 2015 stating that the Road Superintendent further reviewed the bid specs and there were a few items listed that made the Road Superintendent reconsider his original recommendation; and

WHEREAS, upon further review of the Road Superintendent's Memo, dated August 10, 2015 the Mayor concurred with the Road Superintendent's decision to accept the bid submitted by Henderson Equipment-Ohio as the lowest and best bid and requested Council to change the legislation; and

WHEREAS, the Finance Director confirmed that the current budget for the snowplow is \$150,000; if the salt spreader and plow contract is awarded, the budget adjustment required will be \$35,500 which he believes can be handled by reallocating the portion of the Capital Fund appropriation allocated for the Electronic Records Management System and from the amount allocated for the Rt. 91 Paving Project Design since it appears that the design cost of the project will be less than was estimated in the 2015 Operating Budget.


NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor is hereby authorized and directed to enter into a Purchase Agreement with **Henderson Truck Equipment-Ohio** for the purchase of a Henderson Munibody Full Snow and Ice Control-Single Axle Package for a price **not to exceed \$77,114.00** pursuant to the terms and conditions as identified in the bid submitted by Henderson Truck Equipment-Ohio, attached hereto as the **Exhibit "A"**, consisting of four (4) pages and incorporated herein by reference.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

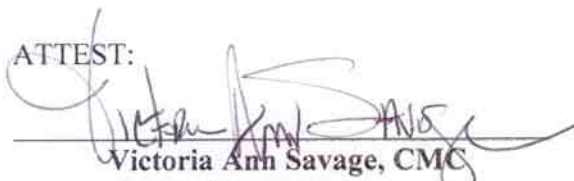
SECTION 3. ~~This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the Service Department; to wit: the Mayor/Safety Director requested that this Ordinance become effective immediately to provide for a prompt order submission by the Road Superintendent; wherefore~~ This Ordinance shall be in full force and take effect at the earliest time permitted by law.

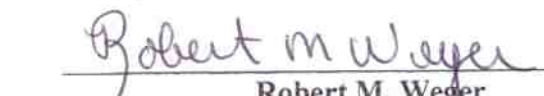
PASSED: September 1, 2015


Raymond C. Somich
President of Council

Submitted to the Mayor for his approval on this 2nd day of September 2015

Approved by the Mayor
September 2, 2015

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weger
Mayor