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City of Willoughby Hills

Council
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ORDINANCE 2013 – 23

AMENDING ORDINANCE NO. 2013-10, AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH SOUTHEASTERN EQUIPMENT CO. INC. FOR THE PURCHASE OF A 521F WHEEL LOADER AS PROVIDED THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM FOR A TOTAL COST NOT TO EXCEED \$81,511.85 AND DECLARING AN EMERGENCY, TO INCREASE THE AUTHORIZED PURCHASE PRICE OF THE LOADER TO \$103,511.85 AND DECLARING AN EMERGENCY.

WHEREAS, with the adoption of Ordinance 2013-11 on March 28, 2013 City Council declared the 2001 Case Loader Model 621C Serial Number JEE0125077 to be surplus equipment and authorized the disposition of said loader through sale and/or internet auction pursuant to the requirements of Section 721.05 of the Ohio Revised Code; and

WHEREAS, Southeastern Equipment Company offered the City a trade-in allowance of \$22,000.00 for the 2001 Case Loader Model 621C against the \$103,511.85 purchase price of the 521F Wheel Loader resulting in a net payment to Southeastern Equipment Co. Inc. of \$81,511.85 for the new loader; and

WHEREAS, on April 29, 2013 the City chose to accept the net high bid of \$26,601.00 for the 2001 Case Loader Model 621C offered through an internet auction rather than the \$22,000 trade in allowance offered by Southeastern Equipment Co. Inc. as this resulted in a net cost of the new 521F Wheel Loader of \$76,910.85; and

WHEREAS, the not to exceed contract price of \$81,511.85 authorized in Section 1 of Ordinance No. 2013-10 enacted by City Council on March 14, 2011 is equal to the actual purchase price of \$103,511.85 less the \$22,000 trade in allowance as detailed in Exhibit "A" of Ordinance 2013-10.

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

SECTION 1. Ordinance No. 2013-10, Section 1 is hereby amended to read as follows:

"The Mayor is hereby authorized and directed to enter into a purchase agreement with Southeastern Equipment Co., Inc., 8757 Tyler Boulevard, Mentor, Ohio 44060 for the purchase of a 521F Wheel Loader provided through the State Cooperative Purchasing Program for a total price not to exceed ~~\$81,511.85~~ \$103,511.85, substantially pursuant to the terms and conditions as identified in the attached Quote, dated March 4, 2013, attached hereto as part of **Exhibit "A"**, consisting of six (6) 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, and further provides for the usual daily operation of the Service Department, and further reason being to guarantee the 2012 pricing of a 521F Wheel Loader before 2013 pricing is published for state bids; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: May 9, 2013

Submitted to the Mayor for his approval
on this 9 day of May, 2013

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

David A. Reichelt

David A. Reichelt
President of Council

Approved by the Mayor

May 9, 2013

Robert M. Weger

Robert M. Weger
Mayor