

# City of Willoughby Hills

KEVIN D. MALECEK  
President of Council

DAVID A. REICHEL  
Vice President of Council

VICTORIA ANN SAVAGE, CMC  
Clerk of Council

Council  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## ORDINANCE NO. 2009-9

### AN ORDINANCE ACCEPTING THE BID OF KOKOSING MATERIALS, INC. FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2009 AND DECLARING AN EMERGENCY.

**WHEREAS**, the Mayor solicited bids for the City's asphalt requirements for the year 2009; and

**WHEREAS**, the Council of the City of Willoughby Hills has reviewed and accepts the recommendations as provided by the Mayor in his Memorandum, dated March 4, 2009 directed to Council President Malcek, attached hereto as "Exhibit A", consisting of thirteen (10) pages and incorporated herein by reference, finding the following bid of: **\$57.25** per ton/picked up and **\$57.25** per ton/delivered (plus attached rate schedule) for ODOT #448-Type 1 Asphalt Concrete; **\$51.00** per ton/picked up and **\$51.00** per ton/delivered (plus attached rate schedule) for ODOT #448-Type 2 Asphalt Concrete; **\$49.00** per ton/picked up and **\$49.00** per ton/delivered (plus attached rate schedule) for ODOT #301 Asphalt Concrete Base as submitted by Kokosing Materials, Inc. to be the lowest bid in conformance with all contract requirements.

**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 accept the bid as submitted by Kokosing Materials, Inc., P. O. Box 334, Fredericktown, Ohio 43019, substantially pursuant to the terms and conditions as identified in the bid, opened on Wednesday, March 4, 2009, attached hereto as part of "Exhibit A", consisting of ten (10) pages and incorporated herein by reference, for the City's asphalt requirements for the year 2009.

**SECTION 2.** The Director of Finance is authorized and directed to return all bid bonds to the unsuccessful bidders.

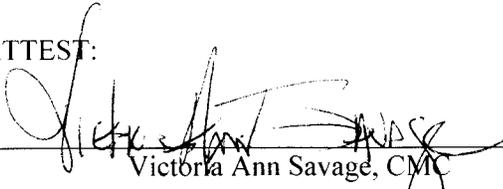
**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

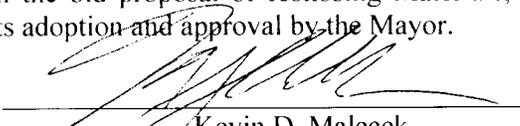
**SECTION 4.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of the City's Service Department, and further reason being to allow the City to accept the bid and enter into a contract within 30 days as specified in the bid proposal of Kokosing Materials, Inc.; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: March 12, 2009

Submitted to the Mayor for his approval  
on this 12 day of March, 2009

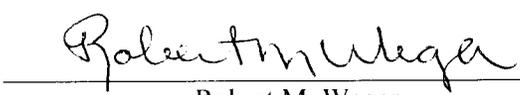
ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council

  
Kevin D. Malecek  
President of Council

Approved by the Mayor

March 12, 2009

  
Robert M. Weger  
Mayor