

ORDINANCE NO. 94-40 AC CMS

AN ORDINANCE ACCEPTING THE BID OF
LANPHEAR SUPPLY, OF SOUTH EUCLID, OHIO, FOR A
BRUSH CHIPPER FOR THE PUBLIC WORKS DEPARTMENT
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the bid of Lanphear, Supply of South Euclid, Ohio, for a brush chipper for the Public Works Department, being the best and lowest bid submitted, is hereby accepted, and the City Manager is hereby authorized and directed to enter into a contract accordingly, said bid being in the amount of \$17,842.00.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to accept a pending bid prior to its expiration date"

and shall take effect immediately upon passage.

PASSED: 1st Reading - May 16, 1994
2nd Reading - June 6, 1994 (E)
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: June 10, 1994

EFFECTIVE DATE: June 6, 1994

NOTICE OF AWARD

To: LANPHEAR SUPPLY DIV.
1884 SOUTH GREEN ROAD
SOUTH EUCLID, OH 44121

The City of Oberlin, Ohio, having considered the Bid submitted by
you for WOOD/CHUCK W/C-17 4039 DL BRUSH CHIPPER

_____ in response to the Advertisement for Bids dated MARCH 22, 1994
does hereby notify you that your Bid has been accepted in the
amount of \$ 17,842.00 , by City Ordinance No. 94-40 .
The following variations from the Specifications and Bid
Instructions have been allowed: BASE BID - \$16,242 PLUS
SWIVEL CHUTE - \$800 PLUS OVERSIZE TABLE AND ROLLERS - \$800

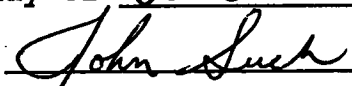
You are required to execute the Agreement within ten (10) calendar
days from the date of this Notice to you. If you fail to execute
said Agreement within ten (10) days of the date of this Notice, the
City of Oberlin will be entitled to consider all your rights
arising out of the City's acceptance of your Bid as abandoned and
as a forfeiture of your Bid Bond. The City of Oberlin will also
be entitled to such other rights as may be granted by law.

Dated this 10TH day of JUNE , 19 94 .

City of Oberlin, Ohio
By: 
GARY DODDARD
Title: CITY MANAGER

Acceptance of Notice of Award

Receipt of the above Notice of Award is hereby acknowledged by
LANPHEAR SUPPLY , this 26 day of JUNE , 1994 .

By: 
Title: Manager

AGREEMENT

This Agreement made this 20 day of JUNE, 1994, by and between the City of Oberlin, Ohio, hereinafter called the "Owner" acting herein through its City Manager, and LANPHEAR SUPPLY, a corporation, a ~~partially exempt, xxxxxxxx, xxxxxxxx, xxxxxxxx, xxxxxxxx~~ (strike out inapplicable terms), doing business at 1884 SOUTH GREEN ROAD, of the City of SOUTH EUCLID, County of CUYAHOGA, and State of OHIO, hereinafter called the "Contractor".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The Contractor will furnish and deliver A WOOD/CHUCK
W/C-17 4039 DL BRUSH CHIPPER

with the following variations from the Specifications and Contract Documents herein: BASE UNIT BID PLUS OPTIONAL
SWIVEL CHUTE AND OVERSIZE TABLE AND ROLLERS

within SIXTY (60) calendar days from the date of the Notice of Award for the sum of SEVENTEEN THOUSAND EIGHT HUNDRED FORTY TWO DOLLARS (\$17,842.00).

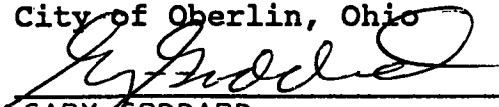
2. The term "Contract Documents" means and includes, but may not be limited to, the following:

- a) Advertisement for Bids
- b) Instructions to Bidders
- c) MBE & EEO Documents
- d) Bid and Bid Bond
- e) Delinquent Personal Property Tax Affidavit
- f) Notice of Award
- g) Agreement
- h) Legal & Fiscal Officers' Certificates
- i) Specifications
- j) Addenda: NONE
No. 94-40, dated 6/21/94, 1994.
No. , dated , 19 .
No. , dated , 19 .

Agreement, Continued

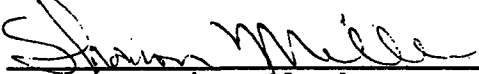
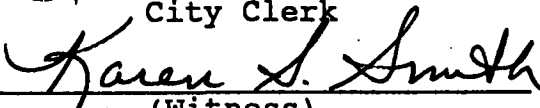
3. The Owner will pay to the Contractor in the manner and at such times as set forth in the Contract Documents, such amounts as required by this Agreement.
4. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in TWO (2) copies, each of which shall be deemed an original, on the date first written above.

Owner: City of Oberlin, Ohio
By: 
GARY GODDARD
Title: CITY MANAGER

(SEAL)

ATTEST:


City Clerk

(Witness)

Contractor: LANPHEAR SUPPLY

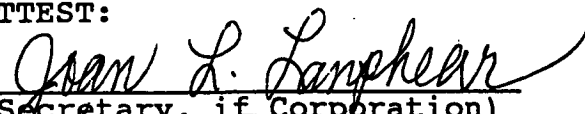
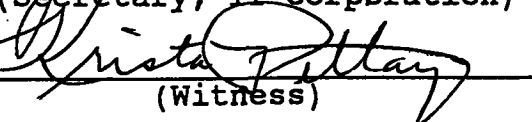
By: 

Title: Manager

Address: 1804 So GREEN RD
SOUTH EUCLID OH 44121

(SEAL)

ATTEST:


(Secretary, if Corporation)

(Witness)

CITY OF OBERLIN, OHIO

LEGAL OFFICER'S CERTIFICATE

Project Identification: PURCHASE OF BRUSH CHIPPER FOR
STREET DEPARTMENT

The foregoing Agreement between the City of Oberlin, Ohio, (Owner)
and LANPHEAR SUPPLY (Contractor)
is approved as to form.

6/8/94
Date


Signature

ERIC R. SEVERS

Name

CITY SOLICITOR

Title

CITY OF OBERLIN, OHIO

FISCAL OFFICER'S CERTIFICATE

Project Identification: PURCHASE OF BRUSH CHIPPER FOR
STREET DEPARTMENT

I, KELLY E. CLARK, CITY AUDITOR, hereby
Name Title

certify that I am the qualified and acting fiscal officer of the
City of Oberlin, Ohio, and that the amount of money, to wit
\$ 17,842.00-----, required to meet the cost of the
attached Agreement between the City of Oberlin and LANPHEAR
SUPPLY (Contractor)

has been lawfully appropriated for the purpose of said Agreement
and the money so appropriated is on deposit (in process of
collection) to the credit of the appropriate fund free from any
previous encumbrances.

7-14, 1994
Date

[Signature]
Signature

KELLY E. CLARK
Name

CITY AUDITOR
Title