

ORDINANCE NO. 96-91 AC CMS

AN ORDINANCE ACCEPTING THE BID OF TOOMBS TRUCK AND EQUIPMENT
COMPANY OF ORRVILLE, OHIO, FOR AN AERIAL LIFT TRUCK FOR THE
OBERLIN MUNICIPAL LIGHT AND POWER SYSTEM 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 Toombs Truck and Equipment Company of Orrville, Ohio, for an aerial lift truck for the Oberlin Municipal Light and Power System, being the lowest and best bid submitted, is hereby accepted, and the City Manager is hereby authorized and directed to enter into a contract accordingly for the bid amount of \$104,769.

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 public peace, health, and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to accept a competitive bid prior to its expiration date",

and shall take effect immediately upon passage.

PASSED: 1st Reading - October 7, 1996
2nd Reading - October 21, 1996 (E)
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: October 22, 1996

EFFECTIVE DATE: October 22, 1996

omlps

OBERLIN MUNICIPAL LIGHT AND POWER SYSTEM ♦ 289 SOUTH PROFESSOR STREET ♦ OBERLIN, OHIO 44074
Phone (216)775-7260 Fax (216)775-1546

MEMORANDUM

To: Eugene Simon, City Clerk
From: Steve Dupee, Assistant to OMLPS Director
Date: November 5, 1996
Re: Agreement for Aerial Lift Truck

As per your request, attached please find agreement between the City of Oberlin and Toombs Truck & Equipment Company for aerial lift truck per ordinance #96-91 AC CMS.

I will forward you 1 copy of the completed bid document once I assemble all the paperwork.

If you have any questions, please call.



Steve Dupee, Assistant to OMLPS Director

/sd

cc: Vic Oefftering, Interim Director

AGREEMENT

This Agreement made this 29TH day of OCTOBER, 1996, by and between the City of Oberlin, Ohio, hereinafter called the "Owner" acting through its City Manager, and Toombs Truck & Equipment Co. Inc., a corporation, ~~as partnership~~, or an individual (strike out inapplicable terms), doing business at 7629 Chippewa Road, of the City of Orrville, County of Wayne, 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 (1) Aerial Lift Truck

With the following variations from the specifications and contract documents herein: As specified in your bid submittal

Within one hundred eighty (180) calendar days from the date of the Notice of Award for the sum of one hundred four thousand seven hundred and sixty nine dollars (\$ 104,769.00).

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.) Bid
- d.) Bid Bond
- e.) Delinquent Personal Property Tax Affidavit
- f.) Notice of Award
- g.) Agreement
- h.) Specifications
- i.) Addenda:

No. 1, dated August 21, 1996.

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 four copies, each of which shall be deemed an original, on the date first written above.

OWNER: City of Oberlin, Ohio

By: *Robert P. Spinto*

Title: CITY MANAGER

(SEAL)

ATTEST:

Eugene F. Simon
City Clerk

Approved as to form: *Erin R. Simon*

City Solicitor

Witness

CONTRACTOR: Toombs Truck & Equipment Co. Inc.

By: *Rick Zedars*

Title: Sales/Rentals

Address: 7629 Chippewa Road

Orrville OH 44667

(SEAL)

ATTEST:

Shirley S. Y. Hunt
(Secretary, If Corporation)

Ruth Blaught
Witness