

## ORDINANCE NO. 00-57 AC CMS

**AN ORDINANCE ACCEPTING THE BID OF FAIRBANKS-MORSE ENGINE DIVISION OF BELOIT, WISCONSIN, FOR THE PURCHASE OF TWO (2) 3165 KW MODEL 38ETDD8 1/8 ENGINE GENERATORS AND AUXILIARY EQUIPMENT 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 Fairbanks-Morse Engine Division, of Beloit, Wisconsin, being the lowest and best bid submitted for the purchase of two (2) 3165 KW Model 38ETDD8 1/8 Engine Generators and Auxiliary Equipment for the Oberlin Municipal Light & Power System, is hereby accepted, and the City Manager is hereby authorized and directed to enter into a contract in accordance with their bid, and in the amount of \$2,774,668.

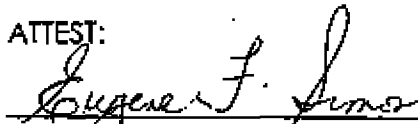
**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, 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 provide for the purchase within the period provided by the bidding process and to provide for the usual daily operation of a municipal department", and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading - May 30, 2000 (E)  
2<sup>nd</sup> Reading -  
3<sup>rd</sup> Reading -

ATTEST:

  
Eugene F. Simon  
CLERK OF COUNCIL

  
Frances M. Baumann  
CHAIR OF COUNCIL

POSTED: May 31, 2000

EFFECTIVE DATE: May 30, 2000

## CONTRACT AGREEMENT

This Agreement, made this 30th day of May, 2000, by and between the City of Oberlin, Ohio, hereinafter called the "Owner", acting herein through its City Manager, and BF Goodrich, Fairbanks-Morse Engine Division, a corporation doing business at 701 White Avenue, of the City of Beloit, County of Rock, and State of Wisconsin, hereinafter called the "Contractor".

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

1. The Contractor will furnish and deliver: TWO (2) ENGINE GENERATORS AND AUXILIARY EQUIPMENT with the following variations from the Specifications and Contract documents herein: include surge tank low level alarms, critical grade exhaust silencers, and 5 KV switchgear control and protection. Within the number of calendar days specified in Contractor's bid submittal from the date of the Notice of Award for the sum of two million seven hundred seventy-four thousand six hundred sixty-eight and no/100 (\$2,774,668.00).
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 Documentation
  - d) Bid
  - e) Bid Bond
  - f) Delinquent Personal Property Tax Affidavit
  - g) Notice of Award

- h) Agreement
  - i) Specifications
  - j) Addenda
- No. 1 dated April 24, 2000  
No. 2 dated May 4, 2000  
No. 3 dated May 12, 2000

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

Owner: City of Oberlin, Ohio  
289 South Professor St.  
Oberlin, OH 44074

By: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form: \_\_\_\_\_

City Solicitor

(Seal)

ATTEST:

City Clerk

Witness

By: Atty. Mark A. ...

Address: 701 White Avenue  
Beloit, WI 53511

Date: June 2, 2000

ATTEST:

Witness

**NOTICE OF AWARD**

To: B.F. Goodrich  
Fairbanks-Morse Engine Division  
701 White Avenue  
Beloit, WI 53511

The City of Oberlin, Ohio, having considered the Bid submitted by you for Two (2) Engine Generators and Auxiliary Equipment in response to the Advertisement for Bids dated May 18, 2000 and in the amount of \$2,774,668.00 does hereby notify you that your Bid has been accepted by City Ordinance No. 00-57. The following variations from the Specifications and Bid Instructions have been allowed:

Fairbanks-Morse Commercial Clarifications, Oberlin, Ohio, Proposal 99KL-20-SS

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) calendar 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.

City of Oberlin, Ohio

By: 

Title: City Manager

Date: 6/8/00

**Acceptance of Notice Award**

Receipt of the above Notice of Award is hereby acknowledged by

B.F. Goodrich, Fairbanks-Morse Engine Division, this 7<sup>th</sup> day of JUNE, 2000.

By: 

Title: VP-FINANCE

## EXPERIENCE STATEMENT

The bidder is required to state in detail in the space provided below, what work he has done of a character similar to that included in the proposed Contract, to give references and such other detailed information as will enable the Owner to judge of his responsibility, experience, skill and financial standing. Among other things, this statement shall include the following:

A record of similar work performed and evidence to the effect:

1. That the bidder maintains a permanent place of business.
2. That the bidder has adequate facilities and equipment available for the work under the proposed contract.
3. That the bidder has suitable financial means to meet obligations incidental to the work.
4. That the bidder has appropriate technical experience and possesses sufficient skill and experience.
5. That the bidder maintains a service department qualified to make all repairs to adjustments that may be required on the equipment to be used under the proposed contract.
6. That references listed below with phone numbers can be contacted.

1. Staten Island Hospital - Contact: Tony Caracci (718) 226-8342

- 1 x 9 cylinder 38ETDD8-1/8, 900 RPM Enviro-Design DE, 2370 kW

- Hours Operated = 20,000+

2. Dupage County - Contact: Kevin Boly (630) 985-7400

- 1 x 6 cylinder 38ETDD8-1/8 900 RPM Enviro-Design DE, 1500 kW

- Hours Operated = 30,000+ *dim*

(use additional sheet, if necessary)

**DELINQUENT PERSONAL PROPERTY TAX AFFIDAVIT**

State of Ohio

County of Lorain

Bid Identification: Bid for Engine Generators

Contractor G.H. Mueller  
being first duly sworn, deposes and says he is

V.P. Finance  
(sole City, partner, president, secretary, etc.)  
of Fairbanks Morse Engine Division, the party making the  
forgoing bid; hereby affirms under oath, pursuant to Section 5119.042 of the Ohio  
Revised Code that, at the time the Bid was submitted the company (was) (was not)  
charged with delinquent personal property taxes of the General Tax List of Personal  
Property for Lorain County, Ohio.

If such charge for delinquent personal property taxes exists on the General Tax List of  
Personal Property for Lorain County, Ohio, the amount of such due and  
unpaid delinquent taxes, including due and unpaid penalties shall be set forth below.

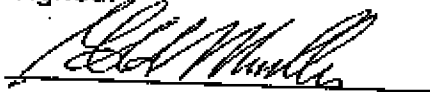
A copy of this statement shall be transmitted by the Fiscal Officer to the County  
Treasurer within thirty (30) days of the date it is submitted.

Delinquent Personal Property Tax \$ 0

Penalties \$ 0

Interest \$ 0

Signed:



G.H. Mueller, V.P. Finance  
Name and Title

Subscribed and sworn to before me this May day of  
15, 2000.

Seal of Notary



Shelley A. Moriarty  
Notary Public