

ORDINANCE NO. 04-79 AC CMS

AN ORDINANCE ACCEPTING THE BID OF DUECO, INC., OF WAUKESHA, WISCONSIN, FOR A REPLACEMENT DIGGER DERRICK TRUCK FOR THE OBERLIN MUNICIPAL LIGHT & 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 Dueco, Inc., of Waukesha, Wisconsin, for a replacement digger derrick truck for the Oberlin Municipal Light & 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, said bid being in the amount of \$176,862.

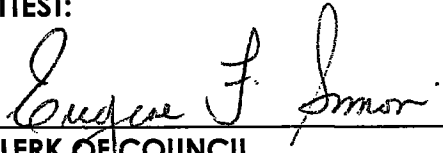
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were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

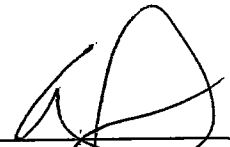
SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipality, to wit:

"to accept a bid within the time limitations provided by law", and shall take effect at the earliest date allowed by law.

PASSED: 1st Reading – December 6, 2004 (E)
2nd Reading –
3rd Reading –

ATTEST:


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

POSTED: December 7, 2004

EFFECTIVE DATE: December 7, 2004

NOTICE OF AWARD

To: Dueco, Inc.
N4 W22610 Bluemond Road
Waukesha, Wisconsin 53186

The City of Oberlin, Ohio, having considered the Bid submitted by you for a digger/derrick truck in response to the Advertisement for Bids dated October 19, 2004 and October 26, 2004 and in the amount of \$176,862.00 does hereby notify you that your bid has been accepted by City Ordinance No. 04 - 79 ACCMS.

The following variations from the Specifications and Bid Instructions have been allowed:

None

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 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: 12/09/04

Acceptance of Notice of Award

Receipt of the above Notice of Award is hereby acknowledged by

Kim Robbins, this 17th day of December, 2004.

By: 

Title: Sales Administrator

AGREEMENT

This Agreement, made this 10th day of December, 2004, by and between the City of Oberlin, Ohio, hereinafter called the "Owner", acting herein through its City Manager, and Dueco, Inc., a corporation, ~~a partnership~~, or ~~an individual~~, (strike out inapplicable terms), doing business at N4 W22610 Bluemond Road of the City of Waukesha, County of Waukesha, 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: One (1) Digger/Derrick Truck with the following variations from the specifications and contract documents herein: None

within the number of calendar days specified in contractor's bid submittal from the date of the Notice of Award for the sum of: \$176,862.00

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. _____, dated _____, 2004.
No. _____, dated _____, 2004.

- 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.

By: *[Signature]*
City Manager

Approved as to
form: 

City Solicitor

City Clerk

Contractor: Dueco, Inc

By: Ken Kelen

Title: Sales Administrator

Address: N4W22610 Bluemound Road
Waukesha, WI 53186

ATTEST:

Barbara J. Maloney Sec/Treas
(Secretary, if Corporation)

(Secretary, if Corporation)

Witness Sherrise Baldwin