

(Mayor Potter)

CITY OF KIRTLAND

RESOLUTION NUMBER 21-R-30

**A RESOLUTION ACCEPTING THE BID OF OSBORNE
CONCRETE & STONE CO. FOR THE PICK-UP OF
ASPHALT CONCRETE ROAD MATERIALS, AND
DECLARING AN EMERGENCY.**

WHEREAS, the City of Kirtland must provide for the usual and daily operations of the Service Department in maintaining its streets and roads; and

WHEREAS, in accordance with its duty to maintain the streets and roads, the Service Department requires the pick-up of certain asphalt concrete road materials; and

WHEREAS, the City of Kirtland, in compliance with all bidding requirements as found in the Ohio Revised Code, solicited bids for the pick-up of certain types of limestone materials; and

WHEREAS, the City of Kirtland unsealed and opened various bids relative to the pick-up of said materials on May 5, 2021; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

IT IS HEREBY RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: It is hereby determined that the bid of Osborne Concrete & Stone Co., of Grand River, Ohio, for the pick-up price of the following asphalt concrete road materials is the lowest and best bid received after advertising in accordance with law.

1. 1,000 tons, more or less, ODOT Specification #301: Asphalt Concrete Base, pick-up price, \$52.00/ton;
2. 1,000 tons, more or less, ODOT Specification #448: Asphalt Concrete Intermediate Course, Type 2, PG64-22, pick-up price, \$53.00/ton; and
3. 1,000 tons, more or less, ODOT Specification #448: Asphalt Concrete Surface Course, Type 1, PG64-22, pick-up price, \$63.00/ton.

SECTION II: The Mayor be and he is hereby authorized and directed to enter into a contract, which is attached hereto and incorporated herein as Exhibit A, for the purchase of the above road materials, or so much thereof as may be needed, but not to exceed the appropriation from the street construction, maintenance and repair fund or road operating levy to pay the cost thereof.

SECTION III: The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION IV:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed 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.

(b) This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the usual and daily operations of the Service Department in maintaining the streets and roads of the City; wherefor, this resolution shall be in full force and

effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2021.

ATTEST:

Approved by the Mayor, this _____
day of _____, 2021.

Clerk of Council
2021 Road Materials Pick-up with Osborne

Mayor Kevin F. Potter

CONTRACT

THIS AGREEMENT, made and entered into by and between **THE CITY OF KIRTLAND, OHIO**, hereinafter called "City", and **OSBORNE CONCRETE & STONE CO.**, hereinafter called "Contractor".

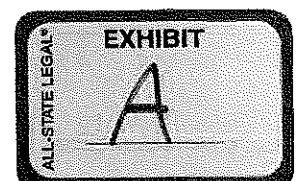
WITNESSETH, the Contractor has agreed and by these presents does agree with the City for the consideration hereinafter mentioned and contained, and under penalty expressed in the surety bond provided to the City to furnish to the City the following:

1. 1,000 tons, more or less, ODOT Specification #301: Asphalt Concrete Base, pick-up price, \$52.00/ton;
2. 1,000 tons, more or less, ODOT Specification #448: Asphalt Concrete Intermediate Course, Type 2, PG64-22, pick-up price, \$53.00/ton; and
3. 1,000 tons, more or less, ODOT Specification #448: Asphalt Concrete Surface Course, Type 1, PG64-22, pick-up price, \$63.00/ton.

The following form essential parts of this Contract, are incorporated herein by reference and shall be known as the "Contract Documents":

1. Legal notice to bidders;
2. Specifications, drawings, conditions, and provisions, if any;
3. Contractor's proposal and bid forms dated April 23, 2021;
4. Contract surety bond;
5. Ordinance or resolution number 21-R-30 authorizing this contract;
6. All materials shall be delivered within two (2) business days (48 hours) from the time the City places an order with the successful bidder.

The City shall pay and the Contractor shall receive as consideration for the performing of this contract the price stipulated in the Contract Documents which are part of this contract. Said payment shall be in conformity of the provisions contained in the



CONTRACT
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Contract Documents. This Contract shall be in full force and effect from the date of execution by both parties.

THIS AGREEMENT has been executed at _____, Ohio,
this ____ day of _____, 2021, by the **CITY OF KIRTLAND**.

THIS AGREEMENT has been executed at _____, Ohio,
this ____ day of _____, 2021, by **OSBORNE CONCRETE &
STONE CO.**

CITY OF KIRTLAND, OHIO

By: _____
Kevin F. Potter, Mayor

OSBORNE CONCRETE & STONE CO.

By: _____
(Name and Title)

CITY OF KIRTLAND

2021 ROAD MATERIALS BID FORM

BID PROPOSAL FORM

ITEM #	DESCRIPTION	EST. TONS	PICK-UP PRICE	DELIVERED PRICE
1	#10 Limestone Screenings, ODOT 703.01C	500	16.50	\$21.00 /TON
2	#8 Crushed Limestone, ODOT 703.01C	500	24.65	\$29.15 /TON
3	#1 / #2 Limestone, ODOT 703.01C	200	22.50	\$27.00 /TON
4	#57 Crushed Limestone, ODOT 703.01C	1500	23.00	\$27.50 /TON
5	#304 Crushed Limestone, ODOT 703.01C	1000	16.15	\$20.65 /TON
6	#411 Limestone, ODOT 703.18	500	17.00	\$21.50 /TON
7	ODOT Specification #301: Asphalt Concrete Base	1000	\$ 52.00 /TON	\$No Bid /TON
8	ODOT Specification #448: Asphalt Concrete Intermediate Course, Type 2, PG64-22	1000	\$ 53.00 /TON	\$No Bid /TON
9	ODOT Specification #448: Asphalt Concrete Surface Course, Type 1, PG64-22	1000	\$ 63.00 /TON	\$No Bid /TON

1. GENERAL:

- A. Total quantities to be supplied in this bid are estimated quantities. No quantities of any items in this bid are guaranteed. The ordering of any materials in this bid is strictly contingent upon the needs of the City. The quantity to be paid for shall be the actual number supplied at the price stipulated in this bid.
- B. Terms of Contract: All materials shall be supplied in the amounts as designated by the Director of Public Service within two (2) business days.
- C. Determination of the lowest and best bid to the City of Kirtland, Ohio shall be based upon the delivered cost per ton for each item, to the City of Kirtland Public Works Garage, 10282 Chillicothe Road, Kirtland, Ohio 44094.
- D. The Construction and Material Specifications of the State of Ohio Department of Transportation (ODOT), 2020 edition shall govern work and materials which are not specified or modified herein.
- E. Samples and Approval: The City may request a stone sample to be inspected and approved

by Kirtland Service Department.

F. For each type of asphalt mix, submit a job mix formula (JMF) from an approved certified testing lab.

G. No recycled or slag stone materials will be accepted.

H. No Fuel Surcharges may be applied.

I. ODOT 401.20 Asphalt Binder Price Adjustment shall not apply.

Bidder Name

(Company): Osborne Concrete & Stone Co.

Name of Officer and Title: Edward S. Fabis, Vice President of Operations

Address: 1 Williams St. P.O. Box 249

City: Grand River State: Ohio ZIP: 44045

Telephone No: (440) 357-5562 Fax No. (440) 357-8560

Email Address: ed@osdocks.com

Dated at: Grand River this 23 day of April, 2021.

Signed: 

Title: Vice President