

(Mayor Potter)

CITY OF KIRTLAND

RESOLUTION NUMBER 22-R-43

A RESOLUTION ACCEPTING THE BID OF THE SHELLY COMPANY 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 asphalt concrete road materials; and

WHEREAS, the City of Kirtland unsealed and opened various bids relative to the pick-up of said materials on June 8, 2022.

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 The Shelly Company of Twinsburg, 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, \$63.50/ton;
2. 1,000 tons, more or less, ODOT Specification #448: Asphalt Concrete Intermediate Course, Type 2, PG64-22, pick-up price, \$65.00/ton; and
3. 1,000 tons, more or less, ODOT Specification #448: Asphalt Concrete Surface Course, Type 1, PG64-22, pick-up price, \$78.50/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:

(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
_____, 2022.

ATTEST:

Approved by the Mayor, this _____
day of _____, 2022.

Clerk of Council
2022 Road Materials Asphalt Pick-up with Shelly

Mayor Kevin F. Potter

CONTRACT

THIS AGREEMENT, made and entered into by and between **THE CITY OF KIRTLAND, OHIO**, hereinafter called "City", and **THE SHELLY COMPANY**, 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, \$63.50/ton;
2. 1,000 tons, more or less, ODOT Specification #448: Asphalt Concrete Intermediate Course, Type 2, PG64-22, pick-up price, \$65.00/ton; and
3. 1,000 tons, more or less, ODOT Specification #448: Asphalt Concrete Surface Course, Type 1, PG64-22, pick-up price, \$78.50/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 May 25, 2022;
4. Contract surety bond;
5. Ordinance or resolution number 22-R-43 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 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 **THE SHELLY COMPANY**.

CITY OF KIRTLAND, OHIO

By: _____
Kevin F. Potter, Mayor

THE SHELLY COMPANY

By: _____
(Name and Title)