

ORDINANCE NO. 49-14

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR
TO ENTER INTO A CONTRACT WITH COLUMBUS EQUIPMENT
COMPANY TO PURCHASE EQUIPMENT FOR THE STREET DEPARTMENT
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon is a participant in the State of Ohio's Cooperative Purchasing Program through the Ohio Department of Administrative Services (DAS) pursuant to Ohio Revised Code Section 125.04(B)(2); and

WHEREAS, it is necessary and desirable to purchase a 19,000 pound excavator and a 30,000 pound wheel loader to replace equipment that is either obsolete or in a state of disrepair; and

WHEREAS, per the Cooperative Purchasing Program of the DAS, the following equipment is available:

19K LB. EXCAVATOR	COST	TRADE**	3 YR WARRANTY*	BUY PRICE
2014 CASE CX80C	\$107,761.76	\$ (32,000.00)	\$ -	\$75,761.76
2014 CAT 308E2	\$95,121.72	\$ (27,000.00)	\$7,642.00	\$75,763.72

* 3 YR WARRANTY FOR CASE WAS NO CHARGE ** TRADING IN 2004 CAT 914G WHEEL LOADER (1 1/4 YARD BUCKET)

30K LB WHEEL LOADER (3 YARD BUCKET)	COST	TRADE**	3 YR WARRANTY*	BUY PRICE
2014 CASE 721F	\$159,343.00	\$ (125,000.00)	\$ -	\$34,343.00
2014 CAT 930K	\$150,695.82	\$ (137,000.00)	\$3,470.00	\$17,165.82

* TRADING IN 2006 CAT 120H MOTOR GRADER THAT HAS BEEN USED 27 HRS A YEAR OVER 9 YEARS

** 3 YR WARRANTY FOR CASE WAS NO CHARGE

WHEREAS, the following equipment is available through Columbus Equipment Company in Richfield, Ohio at a lower cost:

19K LB. EXCAVATOR	COST	TRADE**	3 YR WARRANTY*	BUY PRICE
KOMATSU PC88MR8	\$101,640.00	\$ (28,000.00)	\$1,370.00	\$75,010.00

30K LB WHEEL LOADER (3 YARD BUCKET)	COST	TRADE**	3 YR WARRANTY*	BUY PRICE
KOMATSU WA270-7	\$140,568.00	\$ (127,500.00)	\$3,495.00	\$16,563.00

Ordinance No. 49-14 (Con't)

WHEREAS, pursuant to Ohio Revised Code §125.04(C), “A political subdivision ...may purchase supplies from another party...instead of through participation in contracts...[entered into by the Department of Administrative Services]... if the political subdivision...can purchase those supplies...from the other party upon equivalent terms, conditions and specifications but at a lower price than it can through those contracts....”; and

WHEREAS, the Service Director of the City of Avon would recommend the purchase of the Komatsu excavator and wheeler loader as it provides better quality, allows for interchangeability of parts and is more compatible with existing equipment; and

WHEREAS, Council, having reviewed the proposed purchase of equipment pursuant to ORC §125.04(C), finds adoption of the Service Director’s recommendation to be in the best interests of the health, safety and welfare of the citizens of Avon in maintaining modern and efficient equipment at the lowest and best cost.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the Mayor and/or the Service Director is hereby authorized and directed to execute the purchase agreement with Columbus Equipment Company of 3924 Brecksville Road, Richfield, Ohio for the acquisition of the Komatsu PC88MR8 19,000 lb. excavator and a Komatsu 30,000 lb. wheel loader, with trade-in pursuant to ORC §125.04(C).

Section 2 – Payment in the amount of Ninety-One Thousand, Five Hundred and Seventy-Three Dollars and no cents (\$91,573.00) shall be made from the Street Construction, Maintenance and Repair Fund No. 201 pursuant to the directives of the Finance Director to meet the City’s obligation under the contract, which is attached hereto and incorporated herein by this reference.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to purchase two new pieces of equipment important to the operation of the Service (Streets) Department; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

Ordinance No. 49-14 (Con't)

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director