

RESOLUTION NO. 063-19

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF PURCHASING A 2019 TEREX VEHICLE FOR THE CITY OF NAPOLEON ELECTRIC DEPARTMENT, AND TO SOLE SOURCE SAID PURCHASE TO TEREX UTILITIES, INC.; AND DECLARING AN EMERGENCY

WHEREAS, the purchase of a replacement City Electric Department vehicle was included in the 2019 Master Bid Resolution passed by Council on December 21, 2018, Resolution No. 079-18; and,

WHEREAS, the cost to purchase said vehicle and install the required systems exceeds \$25,000.00; and,

WHEREAS, Terex Utilities, Inc. is the only company offering the required specifications of the requested vehicle; and,

WHEREAS, the current quoted cost from Terex Utilities, Inc. is valid for the purchase of the requested replacement vehicle with required equipment; and,

WHEREAS, the City of Napoleon desires to sole source the purchase of the outfitted vehicle to Terex Utilities, Inc. based on the limited availability of the vehicle outfitted with the required systems, and this being the best and lowest price; and,

WHEREAS, based on all the foregoing, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon;
Now Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 to purchase a replacement City Electric Department vehicle outfitted with the required systems, as included in the 2019 Master Bid Resolution.

Section 2. That, due to limited availability and the lowest and best price, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

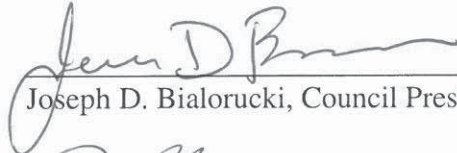
Section 3. That, the City Manager is authorized to enter into a contract with Terex Utilities, Inc. for the purchase of said vehicle.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

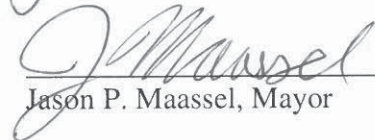
Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet the time requirements necessary for the legislation to take effect before the October 1, 2016 purchase deadline; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchasing process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: October 21, 2019


Joseph D. Bialorucki, Council President

Approved: October 21, 2019


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Resolution No. 063-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26th day of October, 2019; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Roxanne Dietrich, interim Clerk of Council



CITY OF NAPOLEON, OHIO

ELECTRIC DEPARTMENT

PO Box 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

PHONE: (419) 599-1891 FAX: (419) 592-4379

INTEROFFICE MEMORANDUM

(Amended to include justification for elimination of competitive bidding)

TO: Joel Mazur, City Manager
FROM: Dennis P. Clapp, Superintendent
SUBJECT: Purchase of New Terex Commander
DATE: September 10, 2019
CC: Mayor, City Council, Finance Director

Please find in this packet to be presented to Council, the required documentation for the purchase of a new Terex Commander 5050 model hydraulic rotating digger derrick with a turntable winch. Sourcewell (formerly NJPA National Joint Powers Alliance) Contract Number: 042815-TER (Reference QU10364 C5050), Quote Number: QU3048, Unit: C5050. The cost details for this purchase are as follows:

- Purchased under approved 2019 Budget
- Account # 503-6110-5700 – Machinery & Equipment
- Budgeted Amount: \$300,000 to replace Line Truck #56 (2005 International Lift All)
- Quoted Amount: \$260,195
 - Includes: \$21,000 – Trade in Allowance
 - Add Option: \$1,636 – Terex Texoma 18" TXD (dirt tooth auger) x 104" long – 60" of 5/16" flighting, 2 5/8" hex bushing. Rollup dish and cable pin welded in place and auger painted Terex Red.
- Vendor: Terex Utilities Inc.
500 Oakwood Road
Watertown, South Dakota 57201
- Sales Representative: Brian ODell, cell number (330) 461-7943

The justifications for the elimination of competitive bidding are outlined as follows:

1. The lifting capacity required by the City Electric dept. is 17,300 lbs., however the other vendors researched could only offer a lifting capacity of 15,100 lbs. The Terex truck will meet the future needs for lifting capacity which are increasing with growth of Industrial customers needing larger transformers, and existing customers are aging and may need transformers changed in non-business hours when a crane is not readily available. Also, the existing truck is 15 yrs. old and is no longer able to lift our heavier transformers.
2. There will be a cost savings to the City by purchasing the Terex, as Terex is allowing us to trade in our old truck with pre-determined price of \$21,000; in researching the other vendors, there was no trade in option available.

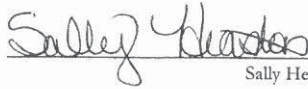
3. The City Electric dept. requires a 24" auger for transmission poles, which the Terex truck can handle, however in researching the other vendors, the augers were only 18" which is not sufficient for City projects.
4. The steel boom on Terex is heavier duty for added long term stability.
5. The City Electric dept. prefers the hydraulic controls, which are offered by Terex; in researching the other vendors, the controls are electronic.

It is my recommendation to trade in our existing line truck #56 due to condition of truck and liability of resale by the City of Napoleon. I feel the \$21,000 offered for our trade in is a very fair price.

Electric Superintendent
Dennis P. Clapp
DCLAPP@NAPOLEONOHIO.COM

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 26th day of October, 2019.



Sally Heaston

Subscribed and sworn to before me this
31st day of October, 2019



Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$279.45

Notary Fee: \$2.50

Summary of Ordinance No.(s) 060-19, 061-19, 069-19,
070-19, 074-19 and Resolution No.(s) 063-19, 071-19

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 060-19

AN ORDINANCE ADOPTING A REVISED COMPREHENSIVE PLAN WITH THOROUGHFARE PLAN PROVISIONS IN AND FOR THE CITY OF NAPOLEON, OHIO

In this legislation, the City adopted a revised Comprehensive Plan with Thoroughfare Plan Provisions in and for the City.

Ordinance No. 061-19

AN ORDINANCE AMENDING CHAPTER 301 - DEFINITIONS, AND ENACTING CHAPTER 343 - OPERATION OF LOW SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, OR MINI-TRUCKS, RELATIVE TO THE TRAFFIC CODE; AND DECLARING AN EMERGENCY

In this legislation, the City amended Chapter 301 and enacted Chapter 343 relative to the City Traffic Code.

Ordinance No. 069-19

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION 3) FROM ONE APPROPRIATION LINE ITEM TO ANOTHER APPROPRIATION LINE ITEM PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AS LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY

In this legislation, the City authorized the transfer of appropriations from one appropriation line item to another pursuant to ORC Section 5705.40 for the fiscal year ending December 31, 2019.

Ordinance No. 070-19

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 6) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY

In this legislation, the City supplemented the annual appropriation measure for the year 2019.

Ordinance No. 074-19

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 7) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY

In this legislation, the City supplemented the annual appropriation measure for the year 2019.

Resolution 063-19

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF PURCHASING A 2019 TEREX VEHICLE FOR THE CITY OF NAPOLEON ELECTRIC DEPARTMENT; AND TO SOLE SOURCE SAID PURCHASE TO TEREX UTILITIES, INC.; AND DECLARING AN EMERGENCY

In this legislation, the City approved the sole source purchase of a 2019 Terex vehicle for the City Electric department from Terex Utilities, Inc.

Resolution 071-19

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2019, LISTED IN EXHIBIT "A", TRANSFER 3; AND DECLARING AN EMERGENCY

In this legislation, the City authorized the Finance Director to transfer certain fund balances from respective funds to other funds per ORC Section 5705.14 on an as needed basis in fiscal year 2019.

All the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director