

ORDINANCE NO. 23-062

AN ORDINANCE AMENDING ORDINANCE NO. 22-074, PASSED ON APRIL 11, 2022; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE A NEW KUBOTA U SERIES MINI EXCAVATOR FROM STREACKER TRACTOR SALES, INC. OF FREMONT, OHIO, THROUGH THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM FOR THE WATER DISTRIBUTION DIVISION; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Water Distribution Division has been using the Cemetery's mini excavator when working in small trenches and tight spaces during water line replacements and main breaks as it is easier to operate an excavator in tight spaces and recently there has been scheduling conflicts when the equipment is needed by both the Cemetery and Water Distribution at the same time; and

WHEREAS, it is desired to purchase a mini excavator for the Water Distribution Division as it has proven to be a valuable piece of equipment for use in the roadway and lessens the obstruction to traffic and interruption to the public and additionally, having their own equipment would provide the Water Distribution Division immediate access to the mini excavator and allow quicker response times in emergency situations; and

WHEREAS, Sourcewell's (formerly National Joint Powers Alliance [NJPA]) cooperative contract purchasing leverages the national purchasing power of more than 50,000 member agencies while also streamlining the required purchasing process and as a municipal national contracting agency, Sourcewell establishes and provides nationally leveraged and competitively solicited purchasing contracts under the guidance of the Uniform Municipal Contracting Law; and

WHEREAS, the City, as a member of the Sourcewell Cooperative Purchasing Program (Member ID 68351), desires to purchase a Kubota U Series, U55-5R3AP Mini Excavator that has been competitively bid and made available through the membership from Streaker Tractor Sales, Inc. of Fremont, Ohio; and

WHEREAS, the City was recently notified that prior to production of the mini excavator, the contract price expired and the new price has increased by \$5,944.55; and

WHEREAS, the **revised** total cost for the new Kubota U Series, U55-5R3AP Mini Excavator is \$70,181.25 and will be paid with Water Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to provide approval documentation to the vendor as soon as possible to ensure production and delivery in 2023; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily

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operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby amends Ordinance No. 22-074, passed on April 11, 2022.

Section 2. The City Manager is authorized and directed to expend funds for the purchase a new Kubota U Series, U55-5R3AP Mini Excavator from Streaker Tractor Sales, Inc. of Fremont, Ohio, through the Sourcewell Cooperative Purchasing Program (Contract 040319-KBA) from Streaker Tractor Sales, Inc. of Fremont, Ohio, for the Water Distribution Division at an amount **not to exceed Seventy Thousand One Hundred Eighty-One and 25/100 Dollars (\$70,181.25)**.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: March 13, 2023