

AN ORDINANCE AWARDING A COMPETITIVE BID CONTRACT TO HAUL SLUDGE FROM THE VERMILION WATER POLLUTION CONTROL PLANT TO LOCATIONS APPROVED BY THE OHIO EPA; AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO SUCH CONTRACT ON BEHALF OF THE CITY OF VERMILION, OHIO WITH BROWNING FERRIS INDUSTRIES OF OHIO, INC., DBA REPUBLIC SERVICES OF ELYRIA, PROVIDING SUCH SERVICES BE AVAILABLE FIVE (5) DAYS PER WEEK FOR A PERIOD OF THREE (3) YEARS COMMENCING APRIL 19, 2023 THROUGH APRIL 19, 2026, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT THEREFORE AS INVOICES ARE APPROVED BY THE DIRECTOR OF PUBLIC SERVICE AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio EPA prescribes that it is necessary for this City to remove and dispose of digested sanitary sewer sludge to locations approved by it and,

WHEREAS, this City deems it appropriate to solicit competitive bids therefore and public invitations were advertised on February 9 and February 16, 2023 and such bids were opened March 2, 2023, by the Director of Public Service; and

WHEREAS, the Director of Public Service has advised this Council that the awardee herein is the best qualified contractor to fulfill such service needs and,

WHEREAS, this City has published detailed specifications which shall be made a part of this award enactment and the contract herein authorized,

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Vermilion, Counties of Erie and Lorain, State of Ohio:

SECTION 1: That a public competitive bid contract to haul unit quantities by furnishing all necessary labor and equipment to remove and dispose of digested sanitary sewer sludge from the Vermilion Water Pollution Control Plant to disposal sites approved by the Ohio EPA be and the same is hereby awarded to Browning Ferris Industries of Ohio, Inc., DBA Republic Services of Elyria for a period of three (3) years commencing April 19, 2023 and ending April 19, 2026. That the Mayor is hereby authorized and directed to make and enter into a contract according to law with said awardee on behalf of the City of Vermilion prescribing the rendition of said service according to detailed specifications prepared by the Director of Public Service which are made a part hereof by this reference as if fully reappearing herein.

SECTION 2: That the Director of Finance shall cause payment to be made unto said awardee, who is an independent contractor herein, at regular and periodic intervals in amounts as listed in Exhibit A attached hereto and incorporated herein.

It is provided that contractual services shall commence April 19, 2023 and shall be rendered five (5) days per week, each week. The contractor shall hold the City harmless from any and all responsibilities, liabilities, claims or demands hereunder and shall be solely responsible for its work product together with acceptable clean up and housekeeping practices at said treatment plant shall immediately clean any spillage which may occur at any place other than upon the disposal site. Payment shall be made only upon the presentation of invoices which shall first be approved by the Director of Public Service. The contractor shall have its loading procedures and facilities for liquid digested sludge approved by the Director of Public Service and shall always comply with the orders and standards of the Ohio EPA and the Erie County Health Department. All haulage shall be full truck loads unless a lesser amount is agreed upon by the Director of Public Service.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4 : That this Ordinance is declared to be an emergency for the public peace, health, and safety of the City; and the necessity of having a contract in place to resume sludge hauling; wherefore, this Ordinance shall take effect immediately upon its passage and approval of the mayor, providing it meets the statutory requirements for passage; otherwise, it shall take effect and be enforced from and after the earliest period allowed by law.

PASSED: _____,2023

Monica Sweinhagen, President of Council

ATTEST: _____,2023

Gwen Fisher, Clerk of Council

APPROVED: _____,2023

Jim Forthofer, Mayor

This document prepared as to FORM:
By: Gwen Fisher, Certified Municipal Clerk (3/9/2023)