

RESOLUTION NO. 1811

RESOLUTION AUTHORIZING THE LAW DIRECTOR AND ADMINISTRATION TO ENTER INTO THE ATTACHED AGREEMENT FOR BREATHING APPARATUS AS REQUESTED BY THE UHRICHVILLE FIRE DEPARTMENT

WHEREAS, the City of Uhrichsville, Ohio desires to purchase fire fighting equipment as requested by the fire chief, a proposed copy of the bid is attached as well as the proposed agreement drafted by the City Law Director.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Uhrichsville, Tuscarawas County, Ohio as follows:

Section 1. This Council hereby approves the purchases. In rendering such purchases, the seller shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or city, or of this City, or the execution of public trusts. Such services may be terminated at any time by the City or the Firm by written notice to the other.

Section 2. The Mayor, Law Director and Auditor, and any other officer of the City are each hereby authorized, alone or together, to take such actions as may be required to implement this Resolution.

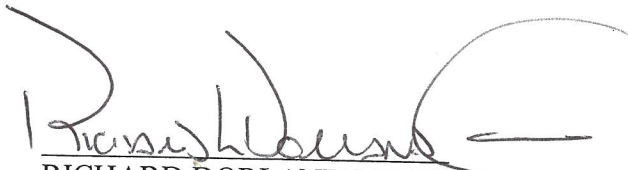
Section 3. The City is authorized to execute any operating or confidentiality agreement required under State and Federal Law.

Section 4. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were passed in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of § 121.22 of the Ohio Revised Code.

PASSED: February 22, 2018


MARK HANEY PRESIDENT OF COUNCIL

ATTEST: Trisha Addison
TRISHA ADDISON CLERK OF COUNCIL


RICHARD DORLAND MAYOR

CONTRACT

This Agreement, made and entered into this _____ day of _____, 20____ by and between the Incorporated City of Uhrichsville, Ohio, acting by and through its Director of Public Safety hereinafter called the Party of the First Part and _____ Contractor, of _____ and _____ successors, executors, administrators and assigns hereinafter called the Party of the Second Part;

WHEREAS, THE Part of the First desires to enter into contract for _____ and the Party of the Second Part has agreed to perform the labor and supply the materials for the various items of work and/or construction for the compensation as specifically set forth in the proposal, which proposal is hereto affixed.

NOW THEREFORE WITNESSETH, that the said Party of the Second Part, _____ heirs, executors, administrators, successors, and assigns, has agreed and by these presents does agree, with said party of the First Part, for the consideration hereinbefore set forth in the proposal, to furnish all the necessary materials, labor, tools and equipment, at his own proper risk and expense and within the period of time stated in his proposal; and to carry out and complete in a good, firm and substantial manner the work as outlined in the forepart of this contract, in accordance with the City's plans and specifications for this improvement, as prepared by the Engineers for this City.

NOW ALSO, if the said _____ shall well and faithfully do and perform the things agreed by _____ to be done and performed to the terms of said contract; and shall pay all lawful claims of subcontractors, material suppliers, and laborers, for labor performed and materials furnished in the carrying forward, performing, or completing of said contract; we agreeing and assenting that this undertaking shall be for the benefit of any material suppliers or

laborer having a just claim, as well as for the Obligee herein; thence this obligation shall be void, otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of the said contract or in or to the plans or specifications therefor shall in any way affect the obligations of said Surety on its bond.

Signed this _____ day of _____, 20____

WITNESS OF PRINCIPAL

PRINCIPAL: _____

BY: _____ **(1)**

TITLE: _____

SURETY: _____

WITNESS OF ATTORNEY-IN FACT

BY: _____
ATTORNEY-IN-FACT

- (1) Signed by the same one or two Officials who will be signing the contract. Supply full mailing address of Surety and Attorney-in-Fact where indicated. Facsimile signatures are not accepted.

AFFIDAVIT

This affidavit shall be filled out and executed by the bidder: If the bid is made by a corporation, then by its properly authorized agent.

The name of the individual swearing to the affidavit should always appear on the line marked "Name of Affiant". The affiant's capacity, when a partner or officer of a corporation should be inserted on lines marked "Affiant". The affiant should sign individual name at end, not partnership or corporation name, and swear to said affidavit before a Notary Public, who must attach his seal.

STATE OF OHIO, COUNTY OF TUSCARAWAS, SS

(Name of Affiant) _____

_____ being duly sworn do dispose and say that _____

_____ (Affiant's name) residing at _____

_____ (Give names of all persons, firms, or corporations

interested in the bid) is or are the only persons interested with _____

in the profits of any contract which may result from herein contained Proposal; that the said Proposal is made without any connection or interest in the profits thereof with any other person making any other bid or proposal for said work; that the said proposal is, on his/her/their part, in all respects fair, and without collusion or fraud; also that no member of the Council, head of Department or bureau, or employee therein, or any office of the City of Uhrichsville, is directly or indirectly interested therein; and that all the statements made by him in this proposal are true.

Signed this _____ day of _____, 20_____.

Affiant

Sworn before me this _____ day of _____, 20_____

Notary Public