

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A CONTRACT FOR A BACKHOE AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Water Distribution Division has 2003 Caterpillar 430D backhoe that is near the end of its useful life; and,

**WHEREAS**, this Division relies on this equipment to repair and maintain water lines throughout the distribution network; and,

**WHEREAS**, the City received a quote from Ohio CAT for a new 2022 Caterpillar 420XE model at the price of \$124,494.00; and,

**WHEREAS**, Council finds that the City met the competitive bidding requirements for the item required by §151.03(a) by locating and selecting the item through the Sourcewell cooperative purchasing platform;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator is directed to enter into a contract with Ohio CAT using the Sourcewell Contract No. 032119-CAT for a Caterpillar 420XE backhoe at a cost of \$124,494.00 and according to the terms and conditions of the proposal on file in the office of the Law Director.

**Section 2:** The Finance Director shall pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 591-538-52-980880 of the 2022 annual budget.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that the quote for this item provided by Ohio CAT is likely to increase if the City does not execute the contract within thirty days. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: \_\_\_\_\_, 2022  
\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_  
Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2022  
\_\_\_\_\_  
Mayor