

DELIVERED APR 08 2021

**City of Middleburg Heights, Ohio**

**Ordinance No. 2021-22**

Introduced by: Mr. Bortolotto, Mr. Meany, and Mr. Grech

**AN ORDINANCE  
AUTHORIZING THE MAYOR AND FINANCE DIRECTOR  
TO ENTER INTO A CONTRACT WITH  
REILLY SWEEPING, INC.  
AND DECLARING AN EMERGENCY**

WHEREAS, the City's purchasing policy requires City Council approval on any single purchase of products or services exceeding \$25,000 or any professional service contract exceeding \$10,000, with the exception of items purchased through or at an amount equal to an approved cooperative purchasing agreement; and

WHEREAS, the City desires to retain the services of a competent and qualified contractor to provide certain products/services to the City; and

WHEREAS, Reilly Sweeping, Inc. is competent and qualified to furnish products and/or services to the City and has provided a responsive and responsible proposal, and desires to provide Street Sweeping Services.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO:**

Section 1. That the Mayor and Finance Director is hereby authorized to enter into a contract with Reilly Sweeping, Inc. to provide certain products and/or services to the City, a copy of which is attached hereto and marked "Exhibit A".

Section 2. That it is hereby found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were adopted in an open meeting of this council, and that all deliberations of this 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 chapter 107 of the Codified Ordinances and section 121.22 of Ohio Revised Code.

Section 3. That this ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety of the citizens of the City of Middleburg Heights, Ohio. Therefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED 4/13/21


  
PRESIDENT OF COUNCIL

ATTEST:  
M. Meola  
CLERK OF COUNCIL

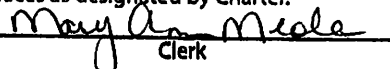
PRESENTED TO MAYOR 4/14/21

APPROVED ON: 4-20-2021

	YEAS	NAYS
BORTOLOTTO	<u>X</u>	_____
ALI	<u>X</u>	_____
SAGE	<u>X</u>	_____
MEANY	<u>X</u>	_____
MCGREGOR	<u>ABSENT</u>	_____
FERENCE	<u>X</u>	_____
GRECH	<u>X</u>	_____

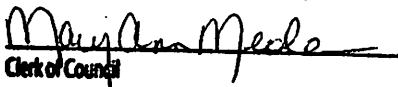
  
MAYOR

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2021-22 adopted by the Council of the City of Middleburg Hts., on 4/13/21 was posted for a period of fifteen days, beginning 4/20/21 and remained so posted for fifteen days at the two posting places as designated by Charter.

  
Clerk

**CERTIFICATE**

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2021-22 passed on the 13<sup>th</sup> day of April 2021 by said Council.

  
Clerk of Council

**PROPOSAL**  
SUBCONTRACT AGREEMENT



20350 Hannan Parkway  
Walton Hills, OH 44146  
Ph. 440/786-8400  
Fx. 440/786-8405  
[www.reillysweeping.com](http://www.reillysweeping.com)

City of Middleburg Heights	ATTN: Jim Herron	Date: March 8, 2021
15700 Bagley Road	Phone: 440-234-2216	Fax: 440-234-8990
Middleburg Heights, Ohio 44130	Site: various curbed streets in the city	

*We hereby submit specifications and estimates for:*

Providing a four-wheel mechanical broom sweeper with operator to sweep all roadways and streets as instructed at the above location. City of Middleburg Heights water supply for the sweepers dust control. Prices are as follows:

First year of the contract:

Streets to be Swept 8 times per year

Each Sweeping	8 Sweepings per year
\$ 5661.00	\$ 45288.00

**On Call Sweeping will be as follows \$135.00 per hour**

The parties agree that liability hereunder is and shall be limited to the time period that contractor's Reilly Sweeping, Inc. vehicle (s) and equipment are actually on the property performing services and not prior or subsequent thereto since the same is beyond contractor's control. Customer agrees to provide adequate protection to their employees from exposure to potentially hazardous materials contained in any and all debris collected or disturbed by Reilly Sweeping, Inc. while working for Contractor/Customer on the contracted job site. A Two-Million Dollar liability insurance certificate with an additional Ten Million-umbrella coverage would be provided.

City of Middleburg Heights agrees to secure all necessary approvals for use of water source to be provided at the City of Middleburg Heights sole cost and expense in addition to contract prices stipulated herein. City of Middleburg Heights agrees to save harmless and indemnify Reilly Sweeping, Inc., including reasonable attorney's fees and court costs, should Reilly Sweeping, Inc. in any way be responsible and/or held liable for said water charges used in conjunction herein.

WATER FILL LOCATION FOR SWEEPER \_\_\_\_\_

*We Propose* here by to furnish the above service for the sum of

As stated above

Payment to be made as follows:  
Net 30 days

Authorized Signature: Jeffrey Alexa

*Acceptance of Proposal* The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. If payment is not received by the 30<sup>th</sup> day following completion of the invoiced work, RSI will commence litigation to collect any such delinquent payments. We agree to pay all reasonable attorneys' fees incurred by RSI in such collection efforts. The parties also agree to the jurisdiction of venue the Cuyahoga County Court of Common Pleas for all litigation matters arising from this agreement.

Signature x Matthew J. Costello Title: Mayor Date: 4-20-2021

This proposal may be withdrawn by us if not accepted within: 30 days