

CITY OF OBERLIN, OHIO

ORDINANCE No. 21-52 AC CMS

AN ORDINANCE AUTHORIZING AN AMENDMENT TO A CONTRACT WITH EDWARDS TREE SERVICE INC. TO EXTEND THE CONTRACT TERM FOR THE PROVISION OF TREE SERVICES IN THE CITY OF OBERLIN AS AN EMERGENCY MEASURE

WHEREAS, by Ordinance 20-09 AC CMS Oberlin City Council accepted the bid of Edwards Tree Service Inc. for tree work in the amount of \$95,000.00 and authorized and directed the City Manager to enter into a Contract accordingly, (“Contract”); and

WHEREAS, the term of said Contract was for a period of twelve (12) months expiring on April 28, 2021; and

WHEREAS, due to the COVID-19 pandemic, Edwards was constrained in its ability to deploy the labor necessary to complete the work within the Contact term; and

WHEREAS, additional work within the scope of the Contract has been performed by Edwards since the expiration of the Contract term for which payment has not yet been made and additional work remains to be completed; and

WHEREAS, there remains unused funds that have been appropriated for the work to be completed under the Contract.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That the Contract between the City of Oberlin and Edwards Tree Service Inc. as approved by Ordinance No. 20-09 AC CMS, for tree work within the City of Oberlin be and is hereby amended to extend the expiration date until December 31, 2021, and the City Manager is hereby authorized and directed to execute an amendment to said contract authorizing said extension.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to allow for the payment for work completed and to assure completion of the remaining work to be provided under the Contract and shall take effect immediately upon passage; and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall

go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest period allowed by law.

PASSED: 1st Reading: August 16, 2021

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



LINDA SLOCUM
PRESIDENT OF COUNCIL

POSTED: 08/17/2021

EFFECTIVE DATE: 08/16/2021

**FIRST AMENDMENT TO
TREE MAINTENANCE SERVICES CONTRACT BETWEEN EDWARDS TREE
SERVICE INC.
AND
THE CITY OF OBERLIN, OHIO**

This First Amendment to Schedule to Tree Maintenance Services Agreement ("Amendment") is made by and between Edwards Tree Service Inc., 49090 Cooper Foster Park Rd W, Amherst, OH 44001 ("Edwards") and The City of Oberlin, 85 South Main Street, Oberlin, Ohio 44074 ("Municipality"). Edwards and Municipality may each be referred to herein as a "Party", and collectively as the "Parties".

RECITALS

1. The Parties entered into an agreement for the provision of tree maintenance services (Services") dated as of April 28, 2020, (the "Agreement").
2. The Parties now wish to extend the term of the Agreement to allow for the completion of the Services provided thereunder.

AGREEMENT

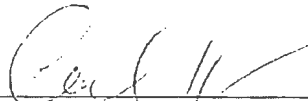
NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Parties agree as follows:

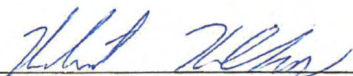
1. The Term of the Agreement is hereby extended to December 31, 2021.
2. Except as expressly modified by this Amendment, all other terms of the Agreement shall remain unchanged and in full force and effect.

In witness whereof, the Parties have signed this First Amendment to Tree Services Agreement as of the Effective.

EDWARDS TREE SERVICE INC.


THE CITY OF OBERLIN, OHIO

By: 

By: 
Robert Hillard, City Manager

Its: 

Approved as to form:

By: 
Jon D. Clark, Law Director