



**CITY OF BROADVIEW HEIGHTS
RESOLUTION NO. 2025-68**

INTRODUCED BY MAYOR AND ENTIRE COUNCIL

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT BETWEEN THE CITY OF BROADVIEW HEIGHTS AND
KOKOSING MATERIALS, INC. FOR THE PURCHASE OF ASPHALT MATERIALS
FOR 2025-2026 IN THE CITY OF BROADVIEW HEIGHTS AND DECLARING AN
EMERGENCY**

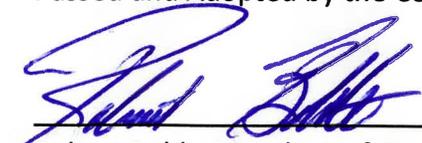
WHEREAS, the City Council has determined that it is in the best interest of the City to enter into an agreement between the City of Broadview Heights and Kokosing Materials, Inc. for the purchase of asphalt materials for 2025-2026 in the City of Broadview Heights.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROADVIEW HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. The Mayor is hereby and herein authorized to enter into an agreement between the City of Broadview Heights and Kokosing Materials, Inc. for the purchase of asphalt materials for 2025-2026 in the City of Broadview Heights as delineated in Exhibit "A" attached hereto and made a part hereof as if fully rewritten.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason stated in the Preamble hereof, and provided it receives the affirmative vote of five (5) or more of the members of Council and signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed and Adopted by the Council on this 28th day of April, 2025



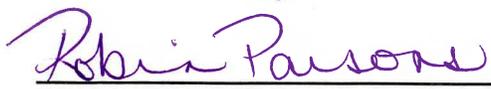
Robert Boldt, President of Council



Samuel J. Alai, Mayor

April 28, 2025

Date



Attest: Robin Parsons, Clerk of Council

April 28, 2025

Date

AGREEMENT: CITY OF BROADVIEW HEIGHTS AND KOKOSING MATERIALS, INC.

THIS AGREEMENT made and entered into at Broadview Heights, Ohio, effective May 1, 2024 through April 30, 2025, by and between the City of Broadview Heights (hereinafter designated as the "CITY") and Kokosing Materials, Inc. located at P.O. Box 334 Fredericktown, OH 43019

WITNESSETH

WHEREAS, the Council of the City of Broadview Heights, pursuant to RESOLUTION 2025-68 on the 27th day of April, 2025 authorized the Mayor to enter into a contract, after advertising for bids therefor as required by law, for the following:

Virgin Binder Materials picked up by City at Vendor's Plant
Reclaimed Asphalt Pavement (RAP) Materials (Per ODOT 440.05B – Method 1) picked up by City at
Vendor's Plant

WHEREAS, the CONTRACTOR has submitted his bid therefore, which bid is attached hereto and made a part hereof and marked as "Exhibit One";

NOW THEREFORE, in consideration of their mutual covenants and promises, the parties agree as follows:

- (1) The CONTRACTOR will furnish the items above described to the CITY in accordance with its bid and the specifications of the CITY.
- (2) The CITY will pay the CONTRACTOR utilizing the price as per attached Exhibit One, in full consideration of the "Bid Pricing" outlined in the specifications, therefore in the following manner: City will place orders for materials as needed. Invoices shall be accompanied by delivery/pickup receipts signed by authorized City personnel.
- (3) That where labor and material is included as a part of the specifications upon which the bid was taken, same shall be furnished in a good and workmanlike manner.
- (4) Whenever applicable, the CONTRACTOR will furnish performance and completion bonds equal to the amount of the bid, and will furnish Workman's Compensation Insurance for the protection of all workmen and will further, where necessary, furnish certification liability and damage protection insurance as may be required by the Director of Finance.
- (5) Any manufactured or designed article furnished the CITY is hereby warranted by the CONTRACTOR to be free of defects in workmanship and material.
- (6) The Notice to Bidders, specifications, and any other document or information upon which bids were made shall be considered a part of this Agreement as though fully rewritten at length herein.
- (7) CONTRACTOR agrees with the CITY that the materials, services, labor or items contracted for herein shall be delivered and/or completed from 5/1/2025 – 4/30//26.

(8) In the event a patented article is incorporated into the item described and for which the bid was taken, the CONTRACTOR agrees to save the CITY harmless from liability for royalties, claims or other demands and will defend all suits or other claims for infringement, by reason of the CITY'S use of such item.

(9) An extension of time shall be granted the CONTRACTOR for performance or delivery only upon proof that the delay was occasioned through no fault of the CONTRACTOR, but was caused solely by the actions of the elements or other persons over which the CONTRACTOR exercised no control. However, a request for a reasonable extension of time may be granted by the Mayor upon written notice given by the CONTRACTOR at least one week prior to the completion or delivery date, stating the additional time required and the reason for such request.

IN WITNESS WHEREOF, we have hereunto set our hands the year and day first above written.

Date:

April 28, 2025

CITY:

City of Broadview Heights, Ohio

By 
Samuel J. Alai, Mayor

CONTRACTOR:

Signature

Print Name

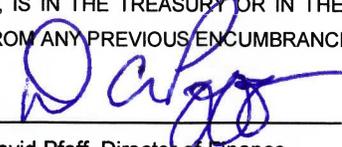
Title

APPROVED AS TO FORM AND LEGALITY:



Vince Ruffa, Director of Law
City of Broadview Heights

I HEREBY CERTIFY THAT THE AMOUNT REQUIRED TO MEET THE OBLIGATION CREATED BY THIS AGREEMENT HAS BEEN LAWFULLY APPROPRIATED FOR SUCH PURPOSE, IS IN THE TREASURY OR IN THE PROCESS OF COLLECTION TO THE CREDIT OF THE PROPER FUND, FREE FROM ANY PREVIOUS ENCUMBRANCES.


David Pfaff, Director of Finance