

ORDINANCE NO. 10-16 AC CMS

AN ORDINANCE APPROVING A PARTICIPATION AGREEMENT BETWEEN
THE CITY OF OBERLIN, OHIO, AND THE OHIO DEPARTMENT OF
TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT)
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized and directed to execute the attached Participation Agreement with the Ohio Department of Transportation for the participation of the City of Oberlin in the Ohio Department of Transportation's contract for Sodium Chloride (rock salt).

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 authorize a participation agreement with the State of Ohio in a timely manner", and shall take effect immediately upon passage.

PASSED: 1st Reading – March 1, 2010 (S),(E)
2nd Reading -
3rd Reading -

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



KENNETH SLOANE
PRESIDENT OF COUNCIL

POSTED: 03/02/2010

EFFECTIVE DATE: 03/01/2010

OHIO DEPARTMENT OF TRANSPORTATION
Office of Contracts
Purchasing Services
Cooperative Purchasing Program
Sodium Chloride (Rock Salt)

03-02-10P01:46 RCVD

Contract 018 - <http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Pages/Purchase.aspx>

DATE SUBMITTED: March 2, 2010

RESOLUTION / ORDINANCE as adopted for sodium chloride/ rock salt requirements for purchase. Effective period: twelve months from date of award, inclusive, or on an effective date as determined by the Director at the time of bid.

Whereas, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Political Subdivisions including Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards and others to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles;

Now Therefore, Be it Ordained, Intending to Be Legally Bound That Eric Norenberg
(Agent)

Hereby Requests Authority in The Name of the City of Oberlin
(Political Subdivision)

To participate in the Ohio Department of Transportation's Contract for Rock Salt and Agrees:

- 1) To purchase an estimated salt tonnage, indicated below, exclusively from the vendor awarded the rock salt contract for the county in which said political subdivision is located;

NOTE: By executing this agreement and providing an estimated tonnage the Political Subdivision recognizes that Contract 18 will contain a min/max tonnage provision, as determined by the Director at the time of bid but will not exceed 80/120 respectively, for which the Political Subdivision will be responsible.

- 2) To be bound by the terms and conditions of the contract;
- 3) To be responsible for payment directly to the vendor for the quantities purchased under the contract; and
- 4) To be responsible for resolving all disputes arising out of participation in the contract and agree to release the Director of Transportation and the Ohio Department of Transportation from liability for all loss or damage, and from any and every claim or damage resulting from or arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01(b).

MINIMUM ORDER = 1 TRUCKLOAD / 22 TONS WITHOUT PILER OR 200 TONS WITH PILER

STOCKPILE LOCATIONS	STOCKPILE CAPACITY	TONS REQUIRED (Estimated) ¹
<u>538 HILLCREEK DR</u>	<u>350 TN</u>	<u>500 TN</u>

Email the completed resolution to contracts.purchasing@dot.state.oh.us or fax a copy to 614-887-4022.

Continued

Participating Political Subdivisions are intended beneficiaries under this contract and are real parties in interest with the capacity to sue and be sued in their own name without joining the state of Ohio, Ohio Department of Transportation. By signing and returning this agreement, you will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of this contract may invalidate participation for the following winter season.

Political subdivisions will be required to submit a new participation agreement form every year, indicating storage capacity and stating salt needs for the contract period.

 *City Manager* March 2, 2010

(Authorized Signature and Title) *(Date)*

Eric Norenberg, City Manager

(Print Exactly as Signed Above)

Lorain

(County Location)

City of Oberlin

(Political Subdivision)

85 S. Main St.

(Street) *(P.O. Box)*

Oberlin OH 44074-1699

(City) *(State)* *(Zip plus 4)*

Dave Rucker (440) 775-7270

(Contact Name Responsible for Ordering Salt) *(Phone Number)*

drucker@cityofoberlin.com

(E-Mail Address)

Note: This Participation Agreement must be received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services prior to the mailing of Invitation 018 each year.

**Email the completed resolution to
contracts.purchasing@dot.state.oh.us or fax a copy to 614-887-4022.**