CITY OF OBERLIN, OHIO

ORDINANCE No. 14-12 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:	1 st Reading: April 7, 2014 (E)			
	2 nd Reading:	= 15		
	3 rd Reading:	<u> </u>		
ATTEST:	1.1			
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BELINDA B CLERK OF (. ANDERSON, MMC COUNCIL	H. SCOTT BROAD PRESIDENT OF CO		
POSTED: 04	4/08/2014	EFFECTIVE DATE	: 04/07/2014	

Ohio Department of Transportation-Office of Contract Sales, Purchasing Services Cooperative Purchasing Program Participation Agreement-Sodium Chloride (Rock Salt)

(PLEASE NOTE: YOU MAY CHOOSE TO PARTICIPATE IN EITHER OR BOTH CONTRACTS)

12:05 RCVD

<u>RESOLUTION/ORDINANCE</u> as adopted for sodium chloride/rock salt to be procured by the ODOT through two separate contracts (a summer fill and winter use). A summer fill contract (Contract #418-15) that shall commence upon the date of contract award (May 8th estimated award date) and expire on October 31, 2014, and a Winter use contract (Contract #018-15) that shall commence November 1, 2014 and expire May 31, 2015;

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	Eric P. Norenberg, City Manager	
		(Authorized Agent of Political Subdivision)
Hereby Requests Authority in The Name of	City of Ob	erlin
	(Political Subdivisi	on)
	Lorain	
	(County where I	Political Subdivision is located)

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

- 1. To be bound by the terms and conditions of contracts 018-15 (Winter use) and 418-15 (Summer fill);
- 2. To be responsible for purchasing at minimum 90% of the total tonnage requested for your political subdivision (applies to 018-15 Winter use contract only);
- 3. To be responsible for purchasing the total tonnage amount (100%) of salt requested for the Summer Fill contract (418-15) only withstanding if the awarded vendor delivers within the time constraints set forth in the contract.
- 4. To be responsible for placing all orders for salt directly with the awarded vendor:
- 5. To be responsible for prompt payment directly to the vendor for quantities delivered under the contract(s);
- 6. To be responsible for resolving all disputes arising out of participation in the contract(s) 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(s) pursuant to Ohio Revised Code Section 5513.01(b);

MINIMUM TONNAGE REQUEST= 22 Tons (1 Truckload)

418-15 Summer Fill Contract (100% of tonnage guaranteed) (Contract award date-October 31, 2014)

STOCKPILE LOCATION(S): STOCKPILE CAPACITY: TONS REQUIRED: (must purchase 100%)

018-15 Winter Use Contract- 90/110% (Min/Max Tonnage) (Nov 1, 2014-May 31, 2015)

STOCKPILE LOCATION(S): STOCKPILE CAPACITY: TONS REQUIRED: (90/110% min/max)

538 Hillcreek Dr. 375 tons 350 tons

Oberlin, OH 44074

Ohio Department of Transportation-Office of Contract Sales, Purchasing Services Cooperative Purchasing Program Participation Agreement-Sodium Chloride (Rock Salt)

(Continued)

Participating Political Subdivisions are intended beneficiaries under these contracts 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 these contracts (as applicable to each Political Subdivision) during the upcoming Summer fill up and winter season, upon award of the contract by ODOT 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 each contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of these contracts may invalidate participation for the following summer or winter season contracts.

This Participation Agreement must be received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services <u>prior</u> to the mailing of the Invitation to bid. 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.

Authorized Agent's Original Rigna	in the contract of the contrac	Camioi de 19p	<u>eu j</u>	(Date)		
Eric P. Norenberg						
Print Exactly as Signed Above)						
City of Oberlin, Lorain	County					
Political Subdivision and County)	12 71 - 1		Ш			
85 S. Main St.						
Street)		-10 1	(P.O	. Box)		
Oberlin	Ohio	E- 1	44074			
City)	(Stat	re)	(Zip plus 4)		
Dave Rucker		(440) 775	-7270			
Contact Name Responsible for Ord	ering Salt)	(Phone Num	ber)		2 101	
drucker@cityofoberlin.c	om					
E-Mail Address) (This email addres	s will be used to	contact your	entity for parti	cination in	future salt	

COMPLETED PARTICIPATION AGREEMENT AND RESOLUTION/ORDINANCE DUE BACK TO ODOT NO LATER THAN Tuesday APRIL 8TH. WE WILL ONLY BE ACCEPTING COMPLETED PARTICIPATION AGREEMENTS BY MAIL OR EMAIL (NO FAXES):

Email this completed participation agreement along with a resolution/ordinance adopted by your legislative body to: contracts.purchasing@dot.state.oh.us

or

Mail completed participation agreements along with resolutions/ordinances to:

Ohio Department of Transportation Purchasing Services, Mail Stop 4110 Attn: Jim Schurch 1980 West Broad St. Columbus, OH 43223