

CITY OF OBERLIN, OHIO

ORDINANCE No. 25-22 AC CMS

AN ORDINANCE REQUESTING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S ROAD SALT CONTRACTS AWARDED IN 2025 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY CONTRACTS TO GO INTO IMMEDIATE EFFECT

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides that the Director of the Ohio Department of Transportation may permit any political subdivision in contracts into which the director has entered for the purchase of machinery, materials, supplies, or other articles; and

WHEREAS, Section 5513.01(B) of the Ohio Revised Code requires that any political subdivision desiring to participate in such purchase contracts shall file with the director a certified copy the ordinance or resolution of the legislative authority requesting authorization to participate in such contracts and agreeing to be bound by such terms and conditions as the director prescribes.

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

SECTION 1. That in accordance with Ohio Revised Code 5513.01(B), the City of Oberlin hereby requests authorization to participate in the ODOT annual road salt purchase contract and hereby agrees to all of the terms and conditions of said contract.

SECTION 2: That the City Manager is hereby authorized and directed to execute all contracts and take all of the steps necessary to participate in the ODOT Road Salt Contract awarded in 2025.

SECTION 3. That the necessary funds required to meet the City of Oberlin's obligation for this participation will be available on or before July 1, 2025.

SECTION 4. That the City of Oberlin agrees to the following terms and conditions regarding its participation in the ODOT road salt contract:

- a. The City of Oberlin hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The City of Oberlin hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the City of Oberlin; and
- c. The City of Oberlin agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees that each party hereto shall be responsible for liability associated with that party's own errors, actions, and failures to act; and

- d. The City of Oberlin's electronic order for Sodium Chloride (Road Salt) will be the amount the City of Oberlin agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The City of Oberlin hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The City of Oberlin hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to this ODOT road salt contract; and
- g. The City of Oberlin acknowledges that should it wish to rescind this participation agreement it will do so by written, e-mail request no later than Friday, May 2, 2025 by 5:00 p.m. Furthermore, it is the sole responsibility of the City of Oberlin to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive the City of Oberlin's participation agreement or its request to rescind said participation agreement.

SECTION 5. 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 6. To authorize participation in ODOT's Road Salt Contract awarded in 2025 and provided that at least five (5) members of Council determine by motion, this Ordinance shall go into full force and effect immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: April 21, 2025
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



EBONI A. JOHNSON
PRESIDENT OF COUNCIL

POSTED: 04/22/2025

EFFECTIVE DATE: 04/21/2025