

RESOLUTION NO.: 15 -2009
INTRODUCED BY: O'Toole

A RESOLUTION AUTHORIZING THE CITY TO PURCHASE SODIUM CHLORIDE (ROCK SALT) FROM THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CITY'S DEPARTMENT OF PUBLIC SERVICE FOR THE 2009-2010 WINTER SEASON.

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for political subdivisions of the state, including municipalities, to participate in contracts of the Ohio Department of Transportation ("ODOT") for the purchase of machinery, material, supplies or other articles, which includes sodium chloride (rock salt); and

WHEREAS, the City's Director of Public Service has recommended participation in the ODOT contract for the winter season of 2009–2010 for the purchase of rock salt for City roadways and sidewalks as a cost savings to the City;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The Mayor is authorized to execute the "Resolution/Ordinance" (Agreement), attached hereto and incorporated herein as Exhibit A, for participation in the ODOT contract for the purchase of sodium chloride (rock salt) for the City's Department of Public Service for the 2009-2010 winter season and for the tonnage required, as determined by the City's Director of Public Service.

Section 2: The Director of Finance is authorized to appropriate to a proper account the amount deemed necessary to cover the cost of the Agreement with ODOT authorized in Section 1 above.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and 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 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council

EXHIBIT A

OHIO DEPARTMENT OF TRANSPORTATION

Office of Contracts
Purchasing Services
Cooperative Purchasing Program
Sodium Chloride (Rock Salt)
Contract 18

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

DATE SUBMITTED: _____

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 Mayor Daniel J. Ursu
(Agent)

Hereby Requests Authority in The Name of City of Richmond Heights, Ohio
(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;
- 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 disputes arising out of participation in the contract and, to the extent allowable under Ohio law, hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute 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

¹ **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.

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.

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<i>(Authorized Signature and Title)</i>	<i>(Date)</i>
Daniel J. Ursu, Mayor	
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<i>(Print Exactly as Signed Above)</i>	
Cuyahoga	
<hr/>	
<i>(County Location)</i>	<i>(County Number)</i>
City of Richmond Heights	
<hr/>	
<i>(Political Subdivision)</i>	
26789 Highland Road	
<hr/>	
<i>(Street)</i>	<i>(P.O. Box)</i>
Richmond Heights	OH 44143-1429
<hr/>	<hr/>
<i>(City)</i>	<i>(State) (Zip plus 4)</i>
Donald Lazar, Service Director	(216) 383-6310
<hr/>	<hr/>
<i>(Contact Name Responsible for Ordering Salt)</i>	<i>(Phone Number)</i>

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.

Fax copy to 614-728-2078

Mail original to:

The Ohio Department of Transportation
Office of Contracts, Purchasing Services
Attention, Jim Schurch, Purchasing Coordinator
1980 West Broad Street, 1st floor
Columbus, Ohio 43223