

Village of Crooksville, Ohio

RESOLUTION NO. 2016-39

**RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT WINTER CONTRACT (018-17) FOR ROAD SALT**

Whereas, the Village of Crooksville (hereinafter referred to as the “Political Subdivision”), pursuant to Ohio Revised Code §5513.01(B), is permitted to participate in contracts into which the State of Ohio Director of Transportation has entered, for the purchase of machinery, materials, supplies, or other articles; and

Whereas, purchases made by a municipal corporation under Ohio Revised Code §5513.01(B) are exempt from any competitive bidding required by law for the purchase of machinery, materials, supplies, or other materials; and

Whereas, the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-17) contains the following terms and conditions for a Political Subdivision’s participation in the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter 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 Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision hereby requests through this participation agreement a total of 150 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period of October 1, 2016 through March 31, 2017; and
- f. The Political Subdivision 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 ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Wednesday, June 1, 2016. The written, emailed request to rescind this

participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision 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 a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

Whereas, the Council has determined that participation in cooperative bidding and purchasing with ODOT will ensure the best possible price and a reliable source of availability for road salt for the 2016-2017 winter season, and will therefore serve the best interests and general welfare of the Village.

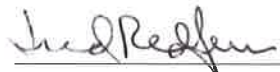
NOW THEREFORE BE IT, AND IT IS HEREBY RESOLVED by the Village Council of the Village of Crooksville, Perry County, State of Ohio, that:

Section 1. The participation agreement for the ODOT winter road salt contract as set forth hereinabove in Items a. through g. is hereby approved, funding is authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Section 2. This Resolution is hereby declared an emergency measure in order to allow sufficient time for submission of the same to ODOT in accordance with the deadline for participation in the winter salt program. This Resolution shall therefore have immediate effect.

1st Reading: Waived on 2/3 Vote.
2nd Reading: Waived on 2/3 Vote.
3rd Reading: Waived on 2/3 Vote.

Passed: May 16, 2016.


Fred Redfern, Mayor

5/16/2016
Date

ATTESTED:


Brittany Ross, Fiscal Officer

5/16/16
Date

APPROVED:

Chris Rice 5-16-16
Chris Rice, Councilman Date

Billie Smith 5-16-16
Billie Smith, Councilwoman Date

Chris Mohler 5/16/2016
Chris Mohler, Council President Date

R. Scott Locke 5-16-16
R. Scott Locke, Councilman Date

Jan Driggs 5/16/16
Jan Driggs, Councilwoman Date

Bill Hampton 5/16/16
Bill Hampton, Councilman Date

Posting Certification

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 17th day of May, 2016.

Brittany Ross
Brittany Ross, Fiscal Officer