

ORDINANCE NO. 2019-4

**AN ORDINANCE
AUTHORIZING THE VILLAGE TO PARTICIPATE IN
OHIO DEPARTMENT OF TRANSPORTATION WINTER
CONTRACT (019-20) FOR ROAD SALT AND TAKE ANY
OTHER ACTION NECESSARY TO PARTICIPATE IN THE
BULK PURCHASING OF ROAD SALT FOR THE 2019-2020
WINTER SEASON, AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Waite Hill (hereinafter referred to as the "Village") requires certain amounts of road salt each year; and

WHEREAS, Council desires to authorize the submission of this written agreement to participate in the Ohio Department of Transportation's ("ODOT") annual winter road salt bid (019-20) in accordance with Ohio Revised Code 5513.01(B) and to agree to all of the following terms and conditions in its participation of the ODOT winter road salt contract

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, STATE OF OHIO:

SECTION 1. The Village 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

SECTION 2. The Village 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 Village; and

SECTION 3. The Village 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 Village's participation in the winter road salt contract; and

SECTION 4. The Village hereby requests through this participation agreement a total of six hundred (600) tons of Sodium Chloride (Road Salt) of which the Village agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

SECTION 5. The Village 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 September 1, 2019 through April 30, 2020; and

SECTION 6. The Village 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

SECTION 7. The Village acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, June 1, 2019. 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 Village’s participation request. Furthermore, it is the sole responsibility of the Village 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 Village’s participation agreement and/or the Village’s request to rescind its participation agreement.

SECTION 8. That the actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the Village of Waite Hill.

SECTION 9. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Waite Hill, and for the reason that in order to obtain salt pursuant to the ODOT contract, immediate action is necessary because ODOT has set a May 18, 2019, deadline for submission; wherefore, this Ordinance shall take effect immediately upon its enactment and approval by the Mayor.

PASSED: _____, 2019

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2019

Approved by the Mayor

ATTEST:

_____, 2019

Clerk-Treasurer

Mayor