

CITY OF FOSTORIA, OHIO

Resolution No. 2020-_____

Sponsored by: _____

Requested By:

A RESOLUTION

To authorize participation in the Ohio Department of Transportation (ODOT) road salt contracts awarded in 2020.

WHEREAS, the City of Fostoria hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The City 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 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; and,
- c. The City agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the City's participation in the road salt contract; and,
- d. The City's electronic order for Sodium Chloride (Road Salt) will be the amount the City 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 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 hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it received pursuant to ODOT salt contracts; and,
- g. The City acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request no later than Friday, April 24 by 12:00 p.m. 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 City's participation request. Furthermore, it is the sole responsibility of the City 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's participation agreement and/or the City's request to rescind its participation agreement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the City agrees to the above terms and conditions regarding participation in the ODOT salt contract.

SECTION 2. 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 actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is declared to be an emergency measure necessary for the preservation of the public health, safety and welfare.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council and signature by the Mayor, this Resolution shall go into immediate force and effect.

Passed this _____ day of _____, 2020.

Steve Kauffman, Council President

ATTEST:

Tamara L. Drake, Clerk of Council

Filed with me and approved by me this _____ day of _____, 2020.

Eric J. Keckler, Mayor