

VILLAGE OF GRAFTON
RESOLUTION NO 19-013

INTRODUCED BY:

MOTION BY: SAUER

SECONDED BY: KITTS

RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS
AWARDED IN 2019 AND DECLARING AN EMERGENCY

WHEREAS, the Village of Grafton, Lorain County (hereinafter referred to as the "Political Subdivision") 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; and

WHEREAS, The Political Subdivision 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

WHEREAS, The Political Subdivision 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 Political Subdivision; and

WHEREAS, The Political Subdivision 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 Political Subdivision's participation in the road salt contract; and

WHEREAS, The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount 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

WHEREAS, 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; and

WHEREAS, 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 salt contract; and

WHEREAS, 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 Friday April 19 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 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.

NOW THEREFORE, BE IT ORDAINED, by the Village of Grafton, County of Lorain, and State of Ohio:

SECTION 1. That, the Mayor or Village Administrator, on behalf of the Village of Grafton, be permitted and directed to enter into a Participation Agreement with the Ohio Department of Transportation for road salt and that this participation agreement is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

SECTION 2. That, it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements of the Ohio Revised Code.

SECTION 3. That, this Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, safety and welfare of the citizens of Grafton, Ohio, the emergency being the immediate necessity of adopting local Resolutions to maintain the public peace and safety within the Village of Grafton, Ohio.

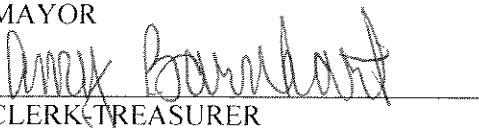
SECTION 4. That, this Resolution shall be in full force and effect as soon as permitted by law after its passage and approval.



PRESIDENT OF COUNCIL

4-4-2019

DATE PASSED

MAYOR


CLERK-TREASURER

4-4-2019

DATE APPROVED

4-4-2019

DATE ATTESTED

APPROVED AS TO FORM BY:



GRETCHEN A. HOLDERMAN, DIRECTOR OF LAW

Motion to waive ^{AD} 3 readings: STRAH
Seconded by: SAUER