

FIRST READING: 4.10.17
SECOND READING: 4.24.17
THIRD READING: 5.8.17

ORDINANCE NO. 26-17

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE ADMINISTRATION TO PURCHASE AN ESTIMATED 2,300 TONS OF SALT FOR THE 2017 / 2018 WINTER SEASON FOR THE SERVICE DEPARTMENT UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT NO. 18 FROM THE STATE-APPROVED VENDOR.

WHEREAS, the City of Rocky River, Cuyahoga County (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-18) 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 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 2,300 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, 2017 through April 30, 2018; 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 Thursday, June 1, 2017. 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 following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract:

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 8th day of May, 2017.

Aaron G. Pearson
Clerk of Council of the City of Rocky River, Ohio

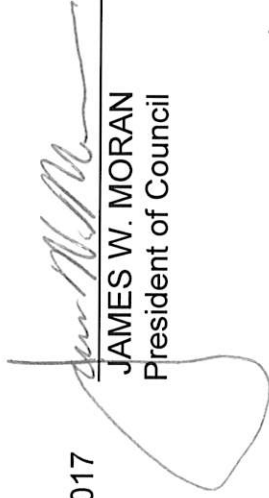
SECTION 1. That the Mayor and the Director of Public Safety-Service are hereby authorized to purchase the estimated 2,300 tons of salt and to participate in the Ohio Department of Transportation's Contract for Sodium Chloride (road salt), that the City of Rocky River is hereby bound by the terms and conditions of the contract attached hereto as Exhibit "A" and that the City is responsible for the payment directly to the vendor for the quantities purchased under the contract.

SECTION 2. Council passed Resolution 20-88 on March 21, 1988 authorizing the Administration to participate in the Ohio Cooperative Purchasing Act and Resolution 63-15 authorizing the Administration to participate in the ODOT Cooperative Purchasing Program. The ODOT Purchasing cooperative program authorizes the City of Rocky River to participate in the salt purchasing contract at the price to be determined under their program for a period of twelve (12) months during the 2017 / 2018 winter season and to be effective the date of the State Cooperative Purchasing bid award; and,

SECTION 3. The purchase price for the salt will be charged to Street Construction, Maintenance and Repair and also to the State Highway Fund.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety and for the further reason that prompt application is due prior to May 10, 2017 to participate in this contract under the Ohio Cooperative Purchasing Act, and provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 8th, 2017


JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: May 8th, 2017 APPROVED: May 8th, 2017

ATTEST:


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

It is hereby certified that the amount required for the execution of this Ordinance has been lawfully appropriated or authorized or directed for such purpose and is in the treasury or in the process of collection to the credit of the fund described herein free from any obligation or certification now outstanding.


MICHAEL THOMAS, CPA
Director of Finance

City of Rocky River
County of Cuyahoga } ss

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 26-17 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 8th DAY OF May, 2017 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 26-17

ssd

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 8th DAY OF May, 2017.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO



DEADLINE TO SUBMIT WINTER SALT RESOLUTION/ORDINANCE AND ELECTRONIC PARTICIPATION FORM: WEDNESDAY, MAY 10th

You must get the below resolution/ordinance document approved, signed, and submitted along with the electronic form at the bottom of this page to be included in the Department's road salt contract. All resolutions/ordinances must include the exact language included in the document below and must be physically signed (you cannot submit a word doc. copy of your resolution/ordinance). **You cannot use previously submitted or approved resolutions/ordinances. No exceptions.**

Link to Required Resolution/Ordinance Language:

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/Mandatory%20Resolution%20for%20018-18%20Winter%20Road%20Salt%20Contract.doc>

Note: Your Resolution/Ordinance document must include all of the language in the above document and be physically signed by your governing board (e.g. city council, trustees, county commissioners, etc.). The department will not accept electronic submissions for salt that fail to include a resolution/ordinance with the exact language that is included in the document above.

By submitting the electronic participation form below AND attaching a completed and signed Resolution/Ordinance (link above) for the ODOT Winter Salt Contract (018-18), you will be included in the Department's bidding opportunity for road salt and, upon the Director of ODOT's award of the contract, bound to purchase at least 90% (and you can purchase up to 110%) of the salt quantities requested. The Winter Salt Contract will be valid from October 1, 2017 through April 30, 2018.

HOW TO VERIFY THAT YOUR FORM AND RESOLUTION WERE SUCCESSFULLY SUBMITTED

It is each Political Subdivision's responsibility to verify that its information has been received and that all information entered is correct. We have provided a link below that each Political Subdivision must use to verify its information was submitted properly and that all submitted information (e.g. tonnage, stockpile location, county location, etc.) is correct. See section below for how to make changes to an already submitted form.

Link to Verify Your Electronic Form and Resolution/Ordinance Were Received by the Department:
<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/salt-winter.doc>

Note: Please check the above document 1-2 business days after submission of your electronic form to verify it has been received and all information is correct.

HOW TO MAKE CHANGES TO AN ALREADY SUBMITTED PARTICIPATION FORM

If you need to make any changes to your information after it has already been submitted, you must do so by no later than **5:00 PM on Friday, May 12th, 2017**. To make changes to an already submitted form you must re-submit the ENTIRE FORM WITH ALL INFORMATION FILLED OUT (including attached resolution/ordinance) and it will automatically overwrite the information you had previously submitted. Please check back 1-2 business days after submission, using the link provided above, to ensure changes have been successfully made.

Winter Fill Contract

* Indicates required field

Attachments	
County *	Cuyahoga
Political Subdivision *	City of Rocky River
Other	
Authorized Person *	Mary Kay Costello
Street	21012 Hilliard Blvd
City	Rocky River
State	Ohio
Zip	44116
Contact for Ordering	
Email *	safetyservice@rrcity.com
Phone *	440-331-0600
1st Stockpile Address - Include Zip *	22401 Lake Rd
1st Stockpile Tons Required *	2300
2nd Stockpile Address - Include Zip	
2nd Stockpile Tons Required	
3rd Stockpile Address - Include Zip	

3rd Stockpile Tons Required	
4th Stockpile Address - Include Zip	
4th Stockpile Tons Required	
5th Stockpile Address - Include Zip	
5th Stockpile Tons Required	
6th Stockpile Address - Include Zip	
6th Stockpile Tons Required	
7th Stockpile Address - Include Zip	
7th Stockpile Tons Required	
Submit	