

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY OF ROCKY RIVER TO PURCHASE FROM THE STATE-APPROVED VENDOR AN ESTIMATED 2,000 TONS OF SALT FOR THE 2020 / 2021 WINTER SEASON FOR THE SERVICE DEPARTMENT UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT NO. 18

WHEREAS, City Council passed Resolution 85-19 on December 9, 2019, 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 2020 / 2021 winter season and to be effective the date of the State Cooperative Purchasing bid award; and

WHEREAS, the City of Rocky River, Cuyahoga County (hereinafter referred to as the "Political Subdivision") hereby submits this Ordinance 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; and

WHEREAS, that the Mayor and the Director of Public Safety-Service are hereby authorized to purchase the estimated 2,000 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, and furthermore;

- 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'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
- e. The Political Subdivision 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 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
- 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 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 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 ordinance 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:

SECTION 1. The purchase price for the salt will be charged to Street Construction, Maintenance and Repair Fund and also to the State Highway Fund.

SECTION 2. 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 April 24, 2020 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: March 23rd, 2020

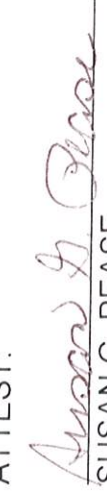

JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: March 23rd, 2020

APPROVED: March 23rd, 2020

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

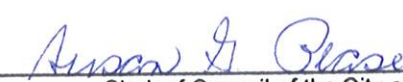
City of Rocky River } ss
County of Cuyahoga }

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. 20-20 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 23rd DAY OF March, 2020. 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. 20-20

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 23rd DAY OF March, 2020.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

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 23rd day of March, 2020.


Clerk of Council of the City of Rocky River, Ohio

DEADLINE TO SUBMIT SALT 2020-2021 RESOLUTION/ORDINANCE PARTICIPATION FORM: FRIDAY, APRIL 24th

Each Political Subdivision **must** submit this electronic order form (BELOW) AND attach an approved, completed, and signed Resolution/Ordinance for the ODOT Salt Contract to be included in the Department's bidding opportunity for road salt. Upon the Director of ODOT's award of the contract, you will be bound to purchase at least 90% (and you can purchase up to 110%) of the salt quantities requested on this participation form.

[Link to Required Resolution/Ordinance Language](#)

- 1) You cannot use previously submitted or approved resolutions/ordinances. No exceptions.
- 2) ALL ORDERS WILL BE BASED ON THIS ELECTRONIC SUBMISSION

By submitting the electronic participation form below AND attaching a completed and signed Resolution/Ordinance (link above) for the ODOT Salt Contract (018-21), 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.

3) Submission Receipt

Each Political Subdivision will receive a "submission receipt" via email verifying submitted tonnages. It is each Political Subdivision's responsibility to verify this information has been received and that all information is correct.

4) 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, April 24th, 2020. 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.

Salt Resolution/Ordinance Participation Form

* Indicates required field

Attachments

County *

Political Subdivision *

Other

Authorized Person *

City

Contact for Ordering *

Email Address *

Phone *

Tons Requested *

1st Stockpile Address - Include Zip *

2nd Stockpile Address - Include Zip

3rd Stockpile Address - Include Zip

4th Stockpile Address - Include Zip

5th Stockpile Address - Include Zip

6th Stockpile Address - Include Zip

7th Stockpile Address - Include Zip

8th Stockpile Address - Include Zip

Submit

Browse...

Cuyahoga

City of Rocky River

Select Other if Not on List...

Rich Snyder

Rich Snyder

rsnyder@rcrcity.com

440-331-0600

2000

22401 Lake Road, Rocky River 44116