

CITY OF KIRTLAND

RESOLUTION NUMBER 21-R-16

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for counties, townships, municipal corporations, port authorities, regional transit authorities, state colleges/universities and county transit boards to participate in contracts of the Ohio Department of Transportation (ODOT) for the purchase of machinery, material, supplies, or other articles; and

WHEREAS, the Ohio Department of Transportation requires agreement from the City of Kirtland to be bound by all terms and conditions established by ODOT in the winter road salt contract and an acknowledgment 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 City of Kirtland desiring to participate in the purchase of sodium chloride (rock salt) for the 2021-2022 contract must enter into a participation agreement with the Ohio Department of Transportation; and

WHEREAS, the City of Kirtland, located in Lake County, Ohio, hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid (Contract No. 018) 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 of Kirtland 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 of Kirtland 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 of Kirtland; and

(c) The City of Kirtland 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 of Kirtland's participation in the road salt contract; and

(d) The City of Kirtland's electronic order for Sodium Chloride (Road Salt) will be the amount the City of Kirtland 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 of Kirtland hereby agrees to purchase a minimum of 90 percent of its electronically submitted salt quantities from its awarded salt supplier during the contract's effective period; and

(f) The City of Kirtland 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 City of Kirtland acknowledges that should it wish to rescind this participation agreement it will do so by written, e-mailed request by no later than Friday, April 30, 2021 by 5:00 p.m. The written, e-mailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section e-mail: 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 of Kirtland's participation request. Furthermore, it is the sole responsibility of the City of Kirtland 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 of Kirtland's participation agreement and/or the City of Kirtland's request to rescind its participation agreement; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: The Mayor is hereby authorized and requested to execute the participation agreement for the ODOT road salt contract, attached hereto, marked Exhibit "A" and made a part hereof, that is hereby approved and for which all funding has been authorized, and the City of Kirtland further agrees to all of the terms and conditions, as set forth hereinabove, regarding participation in the ODOT salt contract.

SECTION II: The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to meet the deadline for participation in the Ohio Department of Transportation contract for road salt; wherefor, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2021.

ATTEST:

Approved by the Mayor, this _____ day
of _____, 2021.

Clerk of Council
ODOT salt 2021

Mayor Kevin F. Potter

**DEADLINE TO SUBMIT SALT 2021-2022 RESOLUTION/ORDINANCE PARTICIPATION
FORM: FRIDAY, APRIL 30th (Updated 3/12/2021)**

At this time, we have not made any decision on the POST or OPEN date of the next salt contract.

Local Municipalities have inquired about the current deadlines to submit your salt requests and resolutions. A decision on whether to extend this date has not been determined at this time. We understand that it may not be possible for Local Municipalities to meet and obtain a signed resolution by the April 30th deadline. ODOT will work those Local Municipalities that are unable to obtain a signed resolution by the deadline. However, we recommend that you submit the requested quantity through the electronic application as soon as you have determined this amount. This will allow us to gather your information and include it with the contract. A signed copy of the resolution should be submitted upon collection of the required signatures.

We recommend that you monitor this site weekly for any updates or possible extensions.

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 (018-22), 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 30th, 2021**. 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 *

Select Other if Not on List...

Other

Authorized
Person *

City

Contact for
Ordering *

EmailAddress *

Email Address -
2nd

Phone *

Tons Requested *

1st Stockpile

Address - Include
Zip *