



RESOLUTION 007-2021

**TO AUTHORIZE PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2021
AND DECLARE AN EMERGENCY**

WHEREAS, the City of Marysville (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:

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 of 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 of thirty-two hundred (3,200) tons of 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 30 by 5:00 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 RESOLVED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

Section I. That the City Manager of Marysville, Ohio is hereby granted authority in the name of the City of Marysville to participate in the agreement for the ODOT winter road salt contract, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Section II. In order to maintain safe roads for citizens and participate in the ODOT Winter Salt Contract for the upcoming winter, the Resolution needs to be effective and submitted to ODOT no later than April 30, 2021. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the citizens of the City, and as such, this resolution shall take effect and be in force immediately upon its adoption.

1st READING March 22, 2021

2nd READING April 12, 2021

3rd READING April 26, 2021

Passed: April 26, 2021

APPROVED AS TO FORM:



Law Director Date 3/16/21


MAYOR/PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

Passed March 22, 2021
EMERGENCY CLAUSE