

RESOLUTION NO. 13-22
INTRODUCED BY: Mr. Miller

A RESOLUTION
**AUTHORIZING THE PARTICIPATION IN THE OHIO DEPARTMENT OF
TRANSPORTATION'S CONTRACT FOR SODIUM CHLORIDE FOR THE
2013-2014 WINTER SEASON, 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 for the purchase of machinery, material, supplies, or other articles;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village Ohio:

SECTION 1. That the Director of Public Service and Properties is hereby authorized in the name of the City of Bay Village to participate in the Ohio Department of Transportation's contract for Sodium Chloride and agrees:

- (1) To purchase a minimum of 80 percent up to 120 percent of the estimated salt tonnage requirements indicated below, exclusively from the vendor awarded the sodium chloride contract for Cuyahoga County.
- (2) To be bound by the terms and conditions of the contract.
- (3) To be responsible for payment directly to the vendor for the quantities purchased under the contract.
- (4) To hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01 (b).

Minimum Order = 1 truckload/22 tons without piler or 200 tons with piler

<u>Stockpile Location</u>	<u>Stockpile Capacity</u>	<u>Tons Required (estimated)</u>
Bay Village Service Center	2000 tons	2000 tons

SECTION 2. That the City of Bay Village is an intended beneficiary under this contract and is a real party in interest with the capacity to sue and be sued in their own name without joining the State of Ohio, Ohio Department of Transportation. By signing and returning this agreement, the City will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. The City of Bay Village cannot change its position during this contract period.

Termination of participation is effective upon the expiration date of the contract. Failure of the City of Bay Village to purchase its requirements from the awarded vendor shall invalidate participation for the following winter season.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any committee that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to submit the participating agreement prior to the May cutoff date, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: April 15, 2013

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: April 16, 2013

/s/ Deborah L. Sutherland
MAYOR