

**RESOLUTION NO. R-21-23**

**A RESOLUTION TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT FOR ROAD SALT AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 5513.01(B) provides an opportunity for municipal corporations to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles; and

**WHEREAS**, the City of Avon, pursuant to Section 5513.01(B), requests authorization from the Director of Transportation to participate in Contract No. 018-24 for road salt; and

**WHEREAS**, said purchase, although exempt from competitive bidding by the City, would be at costs competitively bid by the Director of Transportation; and

**WHEREAS**, the savings would greatly benefit the community and further promote the health, safety and welfare of the citizens of Avon.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:**

Section 1 - That the Mayor or his designee (Safety-Service Director) is hereby authorized, on behalf of the City of Avon, to participate in the Ohio Department of Transportation's (ODOT) winter road salt Contract No. 018-24 pursuant to ORC Section 5513.01(B) by executing the written agreement, attached hereto and incorporated herein as Exhibit A, and thereby agreeing to be bound by all terms and conditions as the Director of Transportation prescribes therein.

Section 2 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those 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 3 - That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity for the City to join in a cooperative purchasing program with ODOT by April 29, 2022 to acquire road salt for the 2023-2024 winter season at a reduced cost; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: April 10, 2023

DATE SIGNED: April 10, 2023

Resolution No. R-21-23 (Con't.)

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: April 11, 2023

[Signature]  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

Posted: April 12, 2023  
Electronically and at City Hall as  
Provided by Council

Prepared By:

John A. Gasior, Esq.  
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Resolution No. R-21-23, passed by the Council of said City on April 10, 2023.

IN WITNESS WHEREOF, I have on this 11<sup>th</sup> day of April, 2023, affixed my signature and official seal.

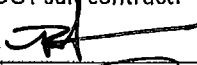
Barbara J. Brooks  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio

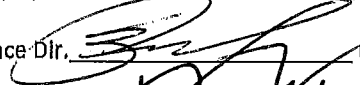
**EXHIBIT A TO RESOLUTION NO. R-21-23**  
**RESOLUTION AUTHORIZING PARTICIPATION**  
**IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2023**

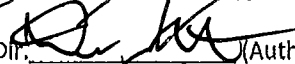
WHEREAS, the (City of Avon, Lorain County) (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. 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 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 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 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
- 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 Monday, May 1<sup>st</sup>, 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](mailto: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 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 salt contract:

Bryan K. Jensen - Mayor  (Authorized Signature) 4-11-23 Approval Date

Steve Presley - Finance Dir.  (Authorized Signature) 4.11.23 Approval Date

Duane Streater Safety/Service Dir.  (Authorized Signature) 4-11-23 Approval Date

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER THAN MAY 1<sup>ST</sup>, 2023.**

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.