

Resolution

Resolution No. 12-17

Date Passed 11/20/17

**TO AUTHORIZE THE VILLAGE ADMINISTRATOR TO EXECUTE A CONTRACT WITH ODOT FOR PARTICIPATION IN THE ODOT WINTER CONTRACT (018-18) FOR ROAD SALT, AND TO DECLARE AN EMERGENCY.**

WHEREAS, the Village of Lithopolis desires to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-18) in accordance with Ohio Revised Code section 5513.01(B); and

WHEREAS, ODOT has provided a form contract (Exhibit A, attached hereto), which the Village Council finds acceptable and further finds it to be in the best interest of the Village to enter this contract;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;**

Section 1. That the Village Administrator, on behalf of the Village of Lithopolis, is hereby authorized to execute and deliver a contract, in a form substantially similar to Exhibit A, for the purchase of road salt for the 2017-2018 winter season.

Section 2. That the Fiscal Office shall administer and directly pay the vendors under each such contract of ODOT in which the Village participates pursuant to the contract described in Section 1 of this Resolution.

Section 3. That the Village hereby agrees to be bound by all the terms and conditions provided in Exhibit A; agrees to be responsible for resolving any disputes arising under this contract; and hereby waives any claims, actions, expenses, or damages the Village may have or claim against ODOT arising out of the Village's participation in this contract, unless such liability is the result of negligence on the part of ODOT or its employees.

Section 4. That this Resolution is immediately necessary for the preservation of the public health, safety, and welfare by providing for winter road salt in Lithopolis which may be required within 30 days or less, is hereby declared an emergency measure, and shall take effect and be in force immediately upon passage.

DATE PASSED: November 20, 2017

ATTESTED: [Signature]

CLERK

SIGNED: [Signature]

MAYOR

APPROVED AS TO FORM:

[Signature]

VILLAGE SOLICITOR

## Resolution

Resolution No. 12-17

Date Passed \_\_\_\_\_

### EXHIBIT A

#### RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT (018-18) FOR ROAD SALT

**WHEREAS**, the Village of Lithopolis (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement 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:

- 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 hereby requests through this participation agreement a total of 80 tons of Sodium Chloride (Road Salt) of which 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 above-requested salt quantities from its awarded salt supplier during the contract’s effective period of October 1, 2017 through April 30, 2018; 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 winter 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 Thursday, June 1, 2017. 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

# Resolution

Resolution No. 12-17

Date Passed \_\_\_\_\_

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 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:



\_\_\_\_\_

Village Administrator, Brandon Roberts

Approved: 11/20/17

Date



\_\_\_\_\_

Fiscal Officer, Jamie Argyle

Attested: 11/20/17

Date