

RESOLUTION NO. 019-13

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO A CONTRACT FOR THE PURCHASE OF SODIUM
CHLORIDE IN COOPERATION WITH ODOT; 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 NAPOLEON, OHIO:

Section 1. That, intending to be legally bound, the City Manager of the City of Napoleon, Ohio, is given the authority in the name of the City of Napoleon, Ohio, to participate in the Ohio Department of Transportations Contract for Sodium Chloride and this Council agrees as follows:

- 1) To purchase an estimated salt tonnage, indicated in contract, exclusively from the vendor awarded rock salt contract for the County in which said political subdivision (Napoleon, Ohio) is located.
- 2) To be bound by the terms and conditions of the contract.
- 3) To be responsible for payment for the quantities purchased under the contract.
- 4) To be responsible for resolving disputes arising out of participation in the contract and, to the extent allowable under Ohio law, hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim and dispute arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01(b).

Section 2. That, the Clerk of this Council and/or City Manager is authorized to fill out the ODOT prescribed form that is attached as Exhibit "A" to this Resolution.

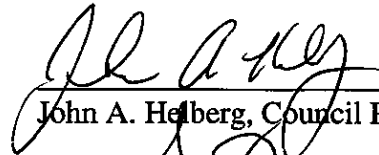
Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely purchase of Sodium Chloride, needed for

placement on streets in winter months for safe travel; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: April 15, 2015


John A. Helberg, Council President

Approved: April 15, 2015


Ronald A. Behm, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. _____ was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

OHIO DEPARTMENT OF TRANSPORTATION - Office of Contracts, Purchasing Services
Cooperative Purchasing Program - Sodium Chloride (Rock Salt)

DATE SUBMITTED: April 18, 2013

RESOLUTION/ORDINANCE as adopted for sodium chloride/rock salt requirements for purchase. Effective period: twelve months from date of award, inclusive, or on an effective date as determined by the Director at the time of bid.

Whereas, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Political Subdivisions including Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards and others to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles;

Now Therefore, Be it Ordained, Intending to Be Legally Bound That _____
(Agent)

Hereby Requests Authority in The Name of City of Napoleon, Ohio
(Political Subdivision)

To participate in the Ohio Department of Transportation's Contract for Rock Salt and Agrees:

- 1) To purchase an estimated salt tonnage, indicated below, exclusively from the vendor awarded the rock salt contract for the county in which said political subdivision is located;

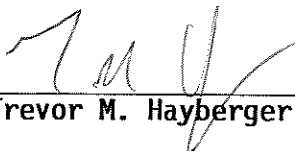
018 NOTE: By executing this agreement and providing an estimated tonnage the Political Subdivision recognizes that Contract 018 will contain a min/max tonnage provision, as determined by the Director at the time of bid but will not exceed 80/120% respectively, for which the Political Subdivision will be responsible.

- 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; and
- 4) To be responsible for resolving all disputes arising out of participation in the contract and agree to release the Director of Transportation and the Ohio Department of Transportation from liability for all loss or damage, and from any and every claim or damage resulting from or 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

018 Salt Winter Use Contract - 80/120% (Min/Max Tonnage)		
STOCKPILE LOCATIONS	STOCKPILE CAPACITY	TONS REQUIRED (ESTIMATED)
1775 Industrial Drive, Napoleon, Ohio, 43545	150 Tons	500 Tons

Approved as to form and correctness:




Trevor M. Hayberger, City Law Director

OHIO DEPARTMENT OF TRANSPORTATION - Office of Contracts, Purchasing Services
Cooperative Purchasing Program - Sodium Chloride (Rock Salt)
Continued

Participating Political Subdivisions are intended beneficiaries under this contract and are real parties 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, you will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of this contract may invalidate participation for the following winter season.

Political subdivisions will be required to submit a new participation agreement form every year, indicating storage capacity and stating salt needs for the contract period.

 City Manager April 16, 2013

(Authorized Signature and Title) (Date)

Jon A. Bisher

(Print Exactly as Signed Above)

Henry

(County Location)

City of Napoleon

(Political Subdivision)

255 W. Riverview Avenue PO Box 151

(Street) (P.O. Box)

Napoleon Ohio 43545

(City) (State) (Zip plus 4)

Jeffrey H. Rathge 419-599-1891

(Contact Name Responsible for Ordering Salt) (Phone Number)

jrathge@napoleonohio.com

(E-Mail Address)

Note: This Participation Agreement must be received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services prior to the mailing of the Invitation to bid.

Upon receipt of the agreement each political subdivision will get added to a list that will be maintained on the Office of Contracts web site. This list will be updated daily on the Contracts web site located at ->

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/salt.doc>

Email the completed resolution to contracts.purchasing@dot.state.oh.us.