

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 081

By: Mayor Perciak and Mr. Carbone

AN ORDINANCE RATIFYING, AUTHORIZING AND APPROVING PARTICIPATION IN OHIO DEPARTMENT OF TRANSPORTATION CONTRACTS FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT) FOR USE BY THE SERVICE DEPARTMENT OF THE CITY DURING THE 2014-2015 SEASON; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for counties, townships and municipal corporations to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, materials, supplies or other articles; and

WHEREAS, this Council wishes to take advantage of that opportunity in the ongoing purchase as required of sodium chloride (rock salt) during the 2014-2015 season (State of Ohio Department of Transportation, Contract No. 418-15 summer fill contract; and Contract No. 018-15 winter use contract) for use by the Service Department of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Council ratifies, approves and authorizes the Mayor's request for authority in the name of the City of Strongsville to participate in Ohio Department of Transportation contracts for the purchase of sodium chloride (rock salt) at a rate per ton to be determined through the ODOT bidding process for use by the Service Department of the City, in a total amount estimated at 5,000 tons for the summer fill contract and 9,000 tons for the winter use contract, but in any event not to exceed \$700,000.00 for such tonnage, as reflected in the Participation Agreement attached hereto as Exhibit A and incorporated herein, which contract(s) the Department will have entered into pursuant to Revised Code Section 5513.01(B).

Section 2. That the City of Strongsville hereby agrees to be bound by the terms and conditions prescribed by the Director of the Ohio Department of Transportation for such purchases, and to directly pay the vendor under such contract of the Ohio Department of Transportation in which the City participates for the items it receives pursuant to the contract.

Section 3. That the Mayor and Director of Finance be and are hereby authorized to enter into and execute such agreements and documents as may be necessary to participate in the Ohio Department of Transportation Cooperative Purchasing Program.

Section 4. That the funds for the purposes of said contract(s) have been appropriated for 2014 and shall be paid from the Street Construction, Maintenance & Repair Fund and the State Highway Maintenance Fund.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to participate in such program and purchase such rock salt materials for the next winter season in order to provide continuity of services to residents of the City and in the operation of the Department of Public Service, to ensure safe passage on City streets, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

Michael Daymut
President of Council

Approved: Thomas J. Brien
Mayor

Date Passed: April 21, 2014

Date Approved: April 22, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Maloney	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: Annue Pieratka
Clerk of Council

ORD. No. 2014-081 Amended: _____
 1st Rdg. 04/21/14 Ref: _____
 2nd Rdg. suspended Ref: _____
 3rd Rdg. suspended Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 04/21/14 Defeated: _____

Ohio Department of Transportation- Office of Contract Sales, Purchasing Services
Cooperative Purchasing Program Participation Agreement- Sodium Chloride (Rock Salt)

(PLEASE NOTE: YOU MAY CHOOSE TO PARTICIPATE IN EITHER OR BOTH CONTRACTS)

RESOLUTION/ORDINANCE as adopted for sodium chloride/rock salt to be procured by the ODOT through two separate contracts (a summer fill and winter use). A summer fill contract (Contract #418-15) that shall commence upon the date of contract award (May 8th estimated award date) and expire on October 31, 2014, and a Winter use contract (Contract #018-15) that shall commence November 1, 2014 and expire May 31, 2015;

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 Thomas Perciak
(Authorized Agent of Political Subdivision)

Hereby Requests Authority in The Name of City of Strongsville
(Political Subdivision)

Cuyahoga
(County where Political Subdivision is located)

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

1. To be bound by the terms and conditions of contracts 018-15 (Winter use) and 418-15 (Summer fill);
2. To be responsible for purchasing at minimum 90% of the total tonnage requested for your political subdivision (applies to 018-15 Winter use contract only);
3. To be responsible for purchasing the total tonnage amount (100%) of salt requested for the Summer Fill contract (418-15) only withstanding if the awarded vendor delivers within the time constraints set forth in the contract.
4. To be responsible for placing all orders for salt directly with the awarded vendor;
5. To be responsible for prompt payment directly to the vendor for quantities delivered under the contract(s);
6. To be responsible for resolving all disputes arising out of participation in the contract(s) 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(s) pursuant to Ohio Revised Code Section 5513.01(b);

MINIMUM TONNAGE REQUEST= 22 Tons (1 Truckload)

418-15 Summer Fill Contract- (100% of tonnage guaranteed) (Contract award date-October 31, 2014)		
STOCKPILE LOCATION(S):	STOCKPILE CAPACITY:	TONS REQUIRED: (must purchase 100%)
16099 Foltz	5000	5000
018-15 Winter Use Contract- 90/110% (Min/Max Tonnage) (Nov 1, 2014-May 31, 2015)		
STOCKPILE LOCATION(S):	STOCKPILE CAPACITY:	TONS REQUIRED: (90/110% min/max)
16099 Foltz	8000	9000
15715 Royalton Road	500	
Sprague + Pearl Road	500	

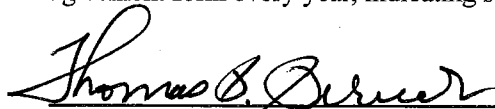
EXHIBIT A

Ohio Department of Transportation- Office of Contract Sales, Purchasing Services
Cooperative Purchasing Program Participation Agreement- Sodium Chloride (Rock Salt)

(Continued)

Participating Political Subdivisions are intended beneficiaries under these contracts 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 these contracts (as applicable to each Political Subdivision) during the upcoming Summer fill up and winter season, upon award of the contract by ODOT 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 each contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of these contracts may invalidate participation for the following summer or winter season contracts.

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. 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.



4-3-14

(Authorized Agent's Original Signature and Title) (Cannot be typed)

(Date)

Thomas P. Perciak, Mayor

(Print Exactly as Signed Above)

City of Strongsville
(Political Subdivision and County)

Cuyahoga

16099 Foltz
(Street)

(P.O. Box)

Strongsville
(City)

OH
(State)

44149
(Zip plus 4)

(Contact Name Responsible for Ordering Salt)

(Phone Number)

Elaine BARNHART

440-580-3174

Joe WALKER

440-580-3172

(E-Mail Address) (This email address will be used to contact your entity for participation in future salt contracts)

elaine.barnhart@strongsville.org

(E-Mail Address)

COMPLETED PARTICIPATION AGREEMENT AND RESOLUTION/ORDINANCE DUE BACK TO ODOT NO LATER THAN Tuesday APRIL 8TH. WE WILL ONLY BE ACCEPTING COMPLETED PARTICIPATION AGREEMENTS BY MAIL OR EMAIL (NO FAXES):

Email this completed participation agreement along with a resolution/ordinance adopted by your legislative body
to: contracts.purchasing@dot.state.oh.us

or

Mail completed participation agreements along with resolutions/ordinances to:

Ohio Department of Transportation
Purchasing Services, Mail Stop 4110

Attn: Jim Schurch
1980 West Broad St.
Columbus, OH 43223