

RECORD OF ORDINANCES

Ordinance No. 07-36 2020 Passed 7-21- 2020

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT CONTRACT (018-21) FOR ROAD SALT AND DECLARING AN EMERGENCY

WHEREAS, the City of Circleville Department of Public Service hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-21) in accordance with Ohio Revised Code 55.13.01 (B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract.

- a. The City of Circleville Department of Public Service hereby agrees to be bounded 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 bounded by all such terms and conditions included in the contract; and
- b. The City of Circleville Department of Public Service 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 City of Circleville Department of Public Service agrees to be solely responsible for resolving all claims and 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 City of Circleville Department of Public Service hereby requests through this participation agreement a total of 400 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 City of Circleville Department of Public Service 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; and
- f. The City of Circleville Department of Public Service hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it received pursuant to ODOT winter salt contract; and
- g. The City of Circleville Department of Public Service acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than April 24, 2020. The written, emailed request to rescind this participation agreement must be received by ODOT Office of Contract Sales, Purchasing Section email: 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.

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NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Circleville, County of Pickaway, State of Ohio, as follows:

SECTION I: That the Council of the City of Circleville authorize the participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the City of Circleville Public Service Department agrees to the above terms and conditions regarding participation on the ODOT winter salt contact.

SECTION II. That the Director of Public Service is hereby authorized to contract for professional services to include engineering and inspections in conjunction with the stated various contracts.

SECTION III. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the citizens of the City of Circleville, such emergency arising out of the immediate need to include the exact tonnage of salt being requested in the legislation authorizing the purchase and participation in the contract, so that this ordinance shall take effect and be in force immediately from and after the page and approval by the Mayor.

PASSED: 7-21-2020 [Signature]
DATE PRESIDENT OF COUNCIL

ATTEST: [Signature]
CLERK OF COUNCIL

APPROVED: 7-22-2020 [Signature]
DATE MAYOR

APPROVED AS TO FORM: [Signature]
GARY D. KENWORTHY
CIRCLEVILLE LAW DIRECTOR

REVIEWED BY LAW DIRECTOR AND APPROVED AS TO FORM