

City of Willoughby Hills

ORDINANCE NO. 2014-23

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SODIUM CHLORIDE (ROCK SALT) REQUIREMENTS FOR THE 2014-2015 WINTER SEASON AND DECLARING AN EMERGENCY.

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; and

WHEREAS, the City desires to participate in the Ohio Department of Transportation's Participation Agreement Contract 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.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. To participate in the Ohio Department of Transportation's Contract for Sodium Chloride (Rock Salt) the City of Willoughby Hills 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 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 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%)
35405 Chardon Road Willoughby Hills, Ohio 44094	1,000	600

018-15 Winter Use Contract – 90/110% (Min/Max Tonnage) (November 1, 2014 – May 31, 2015)		
STOCKPILE LOCATION(S)	STOCKPILE CAPACITY	TONS REQUIRED: (90%/110% min/max)
35405 Chardon Road Willoughby Hills, Ohio 44094	1,000	3,500

SECTION 2. The Mayor is hereby authorized and directed to enter into Participation Contracts with The Ohio Department of Transportation, 1980 W. Broad Street, Columbus, Ohio 43223, pursuant to the terms and conditions as identified in the Ohio Department of Transportation, Office of Contracts, Purchasing Services Sodium Chloride (Rock Salt) 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, attached hereto as the Exhibit "A", consisting of (2) pages and incorporated herein by reference, in order to secure the City's Sodium Chloride (Rock Salt) requirements.

SECTION 3. The Mayor is hereby authorized and directed to pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Willoughby Hills participates for items it receives pursuant to the contract.

SECTION 4. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 5. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the Service Department; to wit: all agreements must be received by the Ohio Department of Transportation **no later than Tuesday, April 8th** to allow the office sufficient time to add the City's requirements to their bidding documents; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: March 27, 2014


 Raymond C. Somich
 President of Council

Submitted to the Mayor for his approval on this 27 day of March, 2014

Approved by the Mayor
March 27, 2014

ATTEST:

 Victoria Ann Savage, CMC
 Clerk of Council


 Robert M. Weger
 Mayor