

City of Willoughby Hills

ORDINANCE NO. 2015-22

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 2015-2016 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).

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

SECTION 1. By submitting a participation form for the Summer-Fill Salt Contract (418-16) the City is committed to:

(1) Purchase 100% of the salt quantities requested. After April 3rd, the City will not be given an opportunity to withdraw or reduce requested tonnage from the Contract unless given the opportunity to do so by the Department.

(2) The Summer Salt Contract will be valid from the Date of Award (approx. mid-May) through November 30, 2015. While the City's awarded salt supplier will have the entire contract period to deliver the requested salt quantities, they must have at least 50% of the City's ordered tonnage delivered by no later than October 15th.

(3) The Winter Contract participation Form will be made available the beginning of May. The Ohio Department of Transportation (ODOT) will send out an email in May when it is available to complete.

(4) The Summer Fill Contract and Resolution/Ordinance must be submitted by no later than FRIDAY, APRIL 3rd. The Department will not accept the City's Contract if the City fails to attach a completed Resolution or Ordinance when submitting the Contract. NO EXCEPTIONS.*

*Pursuant to the Road Superintendent's Interoffice Memo directed to the Mayor dated April 16, 2015, re: Request for Resolution for ODOT Road Salt Contract 2015-2016, consisting of four (4) pages, attached hereto as the "Exhibit A", The Ohio Department of Transportation (ODOT) has granted the City an extension in order to provide the required legislation.

SECTION 2. The Mayor is hereby authorized and directed to enter into Summer/Winter 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). **The Summer Fill Contract #418-16, requesting 600 tons of salt will be valid from the Date of Award (approx. mid-May) through November 30, 2015.** The Winter Contract Participation Form is to be made available the beginning of May and the City will be notified by ODOT via email in May when the Winter Contract available to complete.

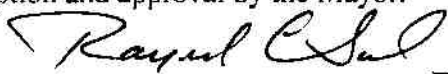
SECTION 3. The Mayor is hereby authorized and directed to pay vendor(s), under such contract(s) of the Ohio Department of Transportation in which the City of Willoughby Hills participates for items it receives pursuant to the Contract.

SECTION 4. The City of Willoughby Hills agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Willoughby Hills agrees to waive any claims, actions, expenses, or other damages arising out its participation I the cooperative purchasing program which the City of Willoughby Hills may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

SECTION 5. 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 6. 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 Contracts were required to be submitted to The Ohio Department of Transportation (ODOT) by April 3rd; however, ODOT granted the City an extension to comply with all contractual requirements numerated in Section 1 of this Ordinance; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: April 23, 2015

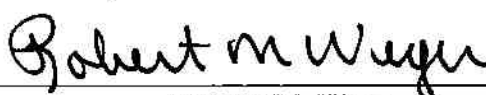

Raymond C. Somich
President of Council

Submitted to the Mayor for his approval
on this 23 day of April, 2015

Approved by the Mayor
April 23, 2015

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weger
Mayor