

1 RESOLUTION NO. 2024-116

2  
3 SPONSOR Executive Shapiro

4  
5 DATE April 15, 2024 COMMITTEE Public Works

6  
7 **A Resolution authorizing the Executive, on behalf of the Engineer, to participate in the**  
8 **Ohio Department of Transportation’s annual road salt bid, for the Engineer, and declaring**  
9 **an emergency.**

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11 WHEREAS, pursuant to Ohio Revised Code section 5513.01(B), the Engineer wishes to  
12 participate in the Ohio Department of Transportation’s (“ODOT”) road salt purchase contract bid  
13 as ODOT has lower salt pricing than the cooperative purchasing program the County has  
14 previously used; and

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16 WHEREAS, ODOT requires authorizing legislation from the County in order to  
17 participate in the road salt bid and this Council must authorize the County’s participation under  
18 the terms and conditions established by ODOT; and

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20 WHEREAS, by participating in this process, the County is effectively agreeing to enter  
21 into a contract with the selected salt supplier, upon the execution of a contract between the  
22 supplier and ODOT; and

23  
24 WHEREAS, the Engineer has provided ODOT with an amount of road salt he agrees to  
25 purchase and upon selection of the supplier, the execution of the contract by ODOT, the  
26 Engineer agrees to purchase at least 90% of that amount; and

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28 WHEREAS, this Council has determined by reviewing all pertinent information that it is  
29 necessary and in the best interest of the County of Summit to authorize the Executive to  
30 participate in ODOT’s annual road salt bid on behalf of the Engineer;

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32 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
33 of Ohio, that;

34  
35 SECTION 1

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37 The Executive is hereby authorized to participate in the Ohio Department of  
38 Transportation’s (“ODOT”) annual road salt bid. The County agrees to the following terms and  
39 conditions:

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- 41 a. The County of Summit hereby agrees to be bound by all terms and conditions established
  - 42 by ODOT in the road salt contract and acknowledges that upon of award of the contract
  - 43 by the Director of ODOT it shall be bound by all such terms and conditions included in
  - 44 the contract; and
  - 45 b. The County of Summit hereby acknowledges that upon the Director of ODOT’s signing
  - 46 of the road salt contract, it shall effectively form a contract between the awarded salt
  - 47 supplier and the County of Summit; and
  - 48 c. The County of Summit agrees to be solely responsible for resolving all claims or disputes
  - 49 arising out of its participation in the ODOT road salt contract and agrees to hold the
  - 50 Department of Transportation harmless for any claims, actions, expenses, or other
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4 SECTION 1 (Continued)

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6 damages arising out of the County of Summit's participation in the road salt contract;  
7 and
- 8 d. The County of Summit's electronic order for Sodium Chloride (Road Salt) will be the  
9 amount the County of Summit agrees to purchase from its awarded salt supplier at the  
10 delivered bid price per ton awarded by the Director of ODOT; and
  - 11 e. The County of Summit hereby agrees to purchase a minimum of 90% of its electronically  
12 submitted salt quantities from its awarded salt supplier during the contract's effective  
13 period; and
  - 14 f. The County of Summit hereby agrees to place orders with and directly pay the awarded  
15 salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract;  
16 and
  - 17 g. The County of Summit acknowledges that should it wish to rescind this participation  
18 agreement it will do so by written, emailed request by no later than Friday, April 29,  
19 2024 by 5:00 p.m. The written, emailed request to rescind this participation agreement  
20 must be received by the ODOT Office of Contract Sales, Purchasing Section email:  
21 Contracts.Purchasing@dot.ohio.gov by the deadline; and
  - 22 h. The Department, upon receipt, will respond that it has received the request and that it has  
23 effectively removed the County of Summit's participation request; and
  - 24 i. It is the sole responsibility of the County of Summit to ensure ODOT has received this  
25 participation agreement as well as the receipt of any request to rescind this participation  
26 agreement, ODOT shall not be held responsible or liable for failure to receive the County  
27 of Summit's participation agreement and/or its request to rescind its participation  
28 agreement.
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30 SECTION 2

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32 This Resolution is hereby declared an emergency in the interest of the health, safety and  
33 welfare of the residents of the County of Summit, and for the further purpose to immediately  
34 allow the Executive to execute said agreement and allow the Engineer to purchase necessary  
35 road salt.

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37 SECTION 3

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39 Provided this Resolution receives the affirmative vote of eight members, it shall take  
40 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
41 effect and be in force at the earliest time provided by law.

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43 SECTION 4

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45 It is found and determined that all formal actions of this Council concerning and relating  
46 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
47 deliberations of this Council and of any of its committees that resulted in such formal action,  
48 were in meetings open to the public, in compliance with all legal requirements, including Section  
49 121.22 of the Ohio Revised Code.

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1 RESOLUTION NO. 2024-116

2 PAGE THREE

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5 INTRODUCED April 15, 2024

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8 ADOPTED \_\_\_\_\_

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12 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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15 APPROVED \_\_\_\_\_

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19 EXECUTIVE

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23 ENACTED EFFECTIVE