

1 RESOLUTION NO. 2023-075

2
3 SPONSOR Executive Shapiro

4
5 DATE March 20, 2023 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
13 bid as ODOT has lower salt price 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

19
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;

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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 of Summit agrees to the following
39 terms and 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 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

1 damages arising out of the County of Summit's participation in the road salt contract;
2 and
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6 SECTION 1 (Continued)
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- 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 by
19 5:00 p.m. The written, emailed request to rescind this participation agreement must be
20 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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44 SECTION 4
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46 It is found and determined that all formal actions of this Council concerning and relating
47 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
48 deliberations of this Council and of any of its committees that resulted in such formal action,
49 were in meetings open to the public, in compliance with all legal requirements, including
50 Section 121.22 of the Ohio Revised Code.
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INTRODUCED March 20, 2023

ADOPTED April 3, 2023

Haven Marsh
CLERK OF COUNCIL

For Rita S. Darrido
PRESIDENT OF COUNCIL

APPROVED April 3, 2023

Alex Shapiro
EXECUTIVE

April 4, 2023

ENACTED EFFECTIVE