

1 RESOLUTION NO. 2022-090

2
3 SPONSOR Executive Shapiro

4
5 DATE April 11, 2022

COMMITTEE Public Works

6
7 **A Resolution authorizing the Executive on behalf of the Engineer to participate in the Ohio**
8 **Department of Transportation's annual road salt bid, for the Engineer, and declaring an**
9 **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 a lower salt price than the cooperative purchasing program the County currently
14 uses; 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 Council must authorize the County's participation under the
18 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

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24 WHEREAS, the Engineer has provided ODOT with an amount of road salt he agrees to
25 purchase and upon selection of the supplier, and 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
51 damages arising out of the County of Summit's participation in the road salt contract; and

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5 SECTION 1 (Continued)

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

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29 SECTION 2

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31 This Resolution is hereby declared an emergency in the interest of the health, safety and
32 welfare of the residents of the County of Summit, and for the further purpose to immediately
33 allow the Executive to execute said agreement and allow the Engineer to purchase necessary
34 road salt at a lower price than under the current program.

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36 SECTION 3

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

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42 SECTION 4

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

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4 INTRODUCED March 28, 2022


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7 ADOPTED April 11, 2022

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10  _____

11 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

14 APPROVED April 12, 2022

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16  _____

17 EXECUTIVE

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19 *for*

20 April 12, 2022

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22 ENACTED EFFECTIVE

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, Feeman, McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite