

RECORD OF ORDINANCES

Ordinance No. 2019-10

Passed APRIL 8

2019

AN ORDINANCE AUTHORIZING THE VILLAGE'S PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2019, AND THE DECLARATION OF AN EMERGENCY

WHEREAS, the Village of Baltimore, Ohio, (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and,

b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and,

c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and,

d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and,

e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and,

f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and,

g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 19 by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement; and,

WHEREAS, since the agreement for the purchase of rock salt with ODOT needs to be submitted prior to April 19, 2019, this ordinance will need to be passed on an emergency basis;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO,
THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: That the Village Administrator is hereby authorized to enter into an agreement with the Ohio Department of Transportation for road salt, funding for the same is hereby authorized, and the Village agrees to the above terms and conditions regarding participation in the ODOT salt contracts.

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SECTION 2: For the reasons noted in the preamble, this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Baltimore, Ohio. This ordinance shall become effective upon its passage by Council.



Brad Nicodemus, Mayor

DATE OF PASSAGE: 4-8-2019

EFFECTIVE DATE: 4-8-2019

ATTEST: 
Brian Bibler, Fiscal Officer

SPONSOR: **MOHLER**
APPROVED AS TO FORM: 
Jeffrey Feyko, Village Solicitor

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that the money required to meet this contract has hereby been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of this fund, free from any previous obligation or certification as required by Ohio Revised Code §5705.01 to §5705.47.

4/8/19

Date


Brian Bibler, Fiscal Officer