

ORDINANCE NO. 2014- 3699

AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE 100 PERCENT FOR THE SUMMER FILL CONTRACT AND A MINIMUM OF 90 PERCENT UP TO A MAXIMUM OF 110 PERCENT FOR THE WINTER USE CONTRACT OF THE ESTIMATED SALT TONNAGE REQUIREMENTS OF THE CITY OF FREMONT FOR 2014-2015 THROUGH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION'S CONTRACT FOR SODIUM CHLORIDE; WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles; and

WHEREAS, the Safety Service Director has requested permission to purchase 100 percent for the summer fill contract and a minimum of 90 percent up to a maximum of 110 percent for the winter use contract of the estimated salt tonnage requirements of the City of Fremont for 2014-2015, through the State of Ohio Department of Transportation's Cooperative Purchasing Program, in tonnage amounts to be determined by the Safety Service Director in order to provide for the 2014-2015 needs of the City of Fremont; and

WHEREAS, Council has determined that it is necessary to purchase the requested estimated salt tonnage requirements of the City of Fremont for 2014-2015, through the State of Ohio Department of Transportation's ("ODOT") Cooperative Purchasing Program, in tonnage amounts to be determined by the Safety Service Director in order to provide for the needs of the City of Fremont.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL, CITY OF FREMONT, STATE OF OHIO:

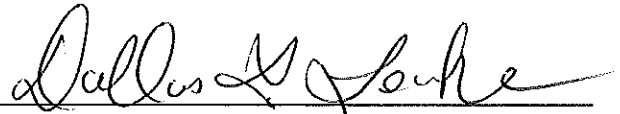
SECTION 1. Based upon the recommendation of Council, the Safety Service Director is hereby authorized to participate in the ODOT contracts for sodium chloride and to purchase 100 percent for the summer fill contract and a minimum of 90 percent up to a maximum of 110 percent for the winter use contract of the estimated salt tonnage requirements of the City of Fremont for 2014-2015 as indicated in the ODOT Office of Contracts, Purchasing Services, Cooperative Purchasing Program, through two separate contracts for Sodium Chloride (Rock Salt), Contract #418-15 (summer fill contract) and Contract #018-15 (winter use contract), which form is attached hereto and incorporated herein. Because this purchase is being made through the State of Ohio Department of Transportation Cooperative Purchasing Program, Council waives its requirement for competitive bidding.

SECTION 2. The Safety Service Director is hereby authorized to agree to the terms and conditions of the ODOT contracts and to be responsible for payment directly to the vendor for the quantities purchased under the contract.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to immediately allow the City of Fremont to purchase estimated salt tonnage requirements for the City of Fremont for 2014-2015, through the ODOT program.

This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.



Dallas L. Deake
President of Council

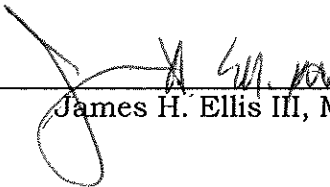
PASSED: 4-3-14

Effective date: 4-3-14

YEAS: 7 NAYS: 0



Elaine J. Huntley, City Council Clerk



James H. Ellis III, Mayor

ORDI850

Approved as to form:



James F. Melle, Director of Law
City of Fremont, Ohio

Ohio Department of Transportation- Office of Contract Sales, Purchasing Services
 Cooperative Purchasing Program Participation Agreement- Sodium Chloride (Rock Salt)

(PLEASE NOTE: YOU MAY CHOOSE TO PARTICIPATE IN EITHER OR BOTH CONTRACTS)

RESOLUTION/ORDINANCE as adopted for sodium chloride/rock salt to be procured by the ODOT through two separate contracts (a summer fill and winter use). A summer fill contract (Contract #418-15) that shall commence upon the date of contract award (May 8th estimated award date) and expire on October 31, 2014, and a Winter use contract (Contract #018-15) that shall commence November 1, 2014 and expire May 31, 2015;

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;

Now, Therefore, Be It Ordained, Intending to be Legally Bound That Robert E. Warr, Jr.
 (Authorized Agent of Political Subdivision)

Hereby Requests Authority in The Name of City of Fremont
 (Political Subdivision)
Sandusky
 (County where Political Subdivision is located)

To participate in the Ohio Department of Transportation's Contract(s) for Rock Salt and Agrees:

1. To be bound by the terms and conditions of contracts 018-15 (Winter use) and 418-15 (Summer fill);
2. To be responsible for purchasing at minimum 90% of the total tonnage requested for your political subdivision (applies to 018-15 Winter use contract only);
3. To be responsible for purchasing the total tonnage amount (100%) of salt requested for the Summer Fill contract (418-15) only withstanding if the awarded vendor delivers within the time constraints set forth in the contract.
4. To be responsible for placing all orders for salt directly with the awarded vendor;
5. To be responsible for prompt payment directly to the vendor for quantities delivered under the contract(s);
6. To be responsible for resolving all disputes arising out of participation in the contract(s) and agree to release the Director of Transportation and the Ohio Department of Transportation from liability for all loss or damage, and from any and every claim or damage resulting from or arising out of participation in the contract(s) pursuant to Ohio Revised Code Section 5513.01(b);

MINIMUM TONNAGE REQUEST= 22 Tons (1 Truckload)

418-15 Summer Fill Contract- (100% of tonnage guaranteed) (Contract award date-October 31, 2014)		
STOCKPILE LOCATION(S):	STOCKPILE CAPACITY:	TONS REQUIRED: (must purchase 100%)
		300 TONS
018-15 Winter Use Contract- 90/110% (Min/Max Tonnage) (Nov 1, 2014-May 31, 2015)		
STOCKPILE LOCATION(S):	STOCKPILE CAPACITY:	TONS REQUIRED: (90/110% min/max)
		1200 TONS

Ohio Department of Transportation- Office of Contract Sales, Purchasing Services
Cooperative Purchasing Program Participation Agreement- Sodium Chloride (Rock Salt)

(Continued)

Participating Political Subdivisions are intended beneficiaries under these contracts and are real parties in interest with the capacity to sue and be sued in their own name without joining the state of Ohio, Ohio Department of Transportation. By signing and returning this agreement, you will be bound to participate in these contracts (as applicable to each Political Subdivision) during the upcoming Summer fill up and winter season, upon award of the contract by ODOT to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of each contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of these contracts may invalidate participation for the following summer or winter season contracts.

This Participation Agreement must be received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services prior to the mailing of the Invitation to bid. Political subdivisions will be required to submit a new participation agreement form every year, indicating storage capacity and stating salt needs for the contract period.

<hr/> <i>(Authorized Agent's Original Signature and Title) (Cannot be typed)</i>		<hr/> <i>(Date)</i>
Robert E. Ward, Jr.		
<hr/> <i>(Print Exactly as Signed Above)</i>		
City of Fremont, Sandusky County		
<hr/> <i>(Political Subdivision and County)</i>		
323 S. Front St.		
<hr/> <i>(Street)</i>		<hr/> <i>(P.O. Box)</i>
Fremont	OH	43420
<hr/> <i>(City)</i>	<hr/> <i>(State)</i>	<hr/> <i>(Zip plus 4)</i>
Bill Guhn	419-332-0696	
<hr/> <i>(Contact Name Responsible for Ordering Salt)</i>	<hr/> <i>(Phone Number)</i>	
bguhn@fremontohio.org		
<hr/> <i>(E-Mail Address) (This email address will be used to contact your entity for participation in future salt contracts)</i>		
rgegorski@fremontohio.org		
<hr/> <i>(E-Mail Address)</i>		

COMPLETED PARTICIPATION AGREEMENT AND RESOLUTION/ORDINANCE DUE BACK TO ODOT NO LATER THAN Tuesday APRIL 8TH. WE WILL ONLY BE ACCEPTING COMPLETED PARTICIPATION AGREEMENTS BY MAIL OR EMAIL (NO FAXES):

Email this completed participation agreement along with a resolution/ordinance adopted by your legislative body to: contracts.purchasing@dot.state.oh.us

or

Mail completed participation agreements along with resolutions/ordinances to:

Ohio Department of Transportation
Purchasing Services, Mail Stop 4110
Attn: Jim Schurch
1980 West Broad St.
Columbus, OH 43223