

ORDINANCE NO. 2014- 3723

**AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE 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**, Ordinance No. 2014-3699 was adopted for salt tonnage requirements of the City of Fremont for 2014-2015 to be procured by the State of Ohio Department of Transportation's Contract for Sodium Chloride commencing November 1, 2014 and expiring May 31, 2015 went out for bid (Contract 018-15) for the County of Sandusky, but a contract was not awarded by the Director of ODOT due to high pricing;

**WHEREAS**, an invitation to bid (Contract 018A-15) will be issued as a second attempt to obtain rock salt quantities for 25 counties, including the County of Sandusky, not awarded under Contract 018-15 for 2014-2015; and

**WHEREAS**, the Safety Service Director has requested permission to purchase 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:**

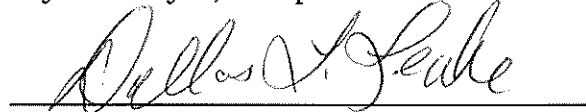
**SECTION 1.** Based upon the recommendation of Council, the Safety Service Director is hereby authorized to participate in the ODOT contract for sodium chloride and to purchase a minimum of 90 percent up to a maximum of 110 percent for the winter use contract of the estimated salt tonnage requirements of the City of Fremont for 2014-2015 as indicated in the ODOT Office of Contracts, Purchasing Services, Cooperative Purchasing Program, through a contract for Sodium Chloride (Rock Salt), Contract #018A-15 (winter use contract), which form is attached as Exhibit A. In addition, since 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.

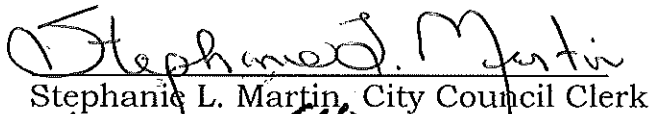


Dallas L. Leake  
President of Council

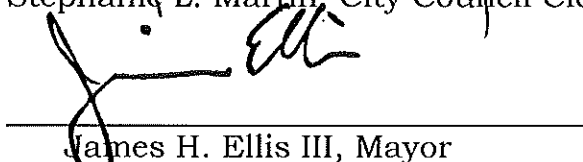
PASSED: 7-24-14

Effective date: 7-24-14

YEAS: 7 NAYS: 0



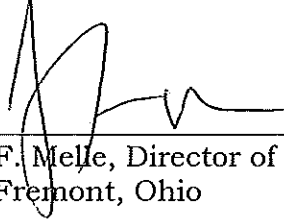
Stephanie L. Martin, City Council Clerk



James H. Ellis III, Mayor

ORDI

Approved as to form:

A handwritten signature in black ink, appearing to read 'J. Melle', written over a horizontal line.

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

EXHIBIT A

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

RESOLUTION/ORDINANCE as adopted for sodium chloride/rock salt to be procured by the ODOT through a Winter use contract (Contract #018A-15) that shall commence November 1, 2014 and expire May 31, 2015; and

Whereas, ODOT previously issued an invitation to bid (018-15) for rock salt in which this Political Subdivision was included but a contract was not awarded by the Director of ODOT for this Political Subdivision; and

Whereas, the invitation to bid #018A-15 is being issued as a second attempt in obtaining pricing for rock salt quantities for 25 counties not awarded under ODOT Contract 018-15 for the upcoming winter season; and

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. Ward, 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 contract 018A-15 (Winter use);
2. To be responsible for purchasing at minimum 90% of the total tonnage requested for your political subdivision.
3. To be responsible for placing all orders for salt directly with the awarded vendor;
4. To be responsible for prompt payment directly to the vendor for quantities delivered under the contract(s);
5. 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)

018A-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)
711 S. FRONT ST	750 TON	1700 TON

(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 this contract during the 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 any following summer or winter season contracts.