

ORDINANCE NO. 2013- 3634

AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE A MINIMUM OF 80 PERCENT UP TO A MAXIMUM OF 120 PERCENT OF THE ESTIMATED SALT TONNAGE REQUIREMENTS OF THE CITY OF FREMONT FOR 2013-2014 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 a minimum of 80 percent up to a maximum of 120 percent of the estimated salt tonnage requirements of the City of Fremont for 2013-2014, 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 2013-2014 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 2013-2014, 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:

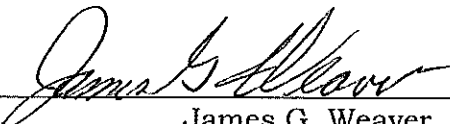
SECTION 1. Based upon the recommendation of Council, the Safety Service Director is hereby authorized to participate in the ODOT contract for sodium chloride and to purchase a minimum of 80 percent up to a maximum of 120 percent of the estimated salt tonnage requirements of the City of Fremont for 2013-2014 as indicated in the ODOT Office of Contracts, Purchasing Services, Cooperative Purchasing Program, Sodium Chloride (Rock Salt) Contract 018, 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 contract 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 2013-2014, through the ODOT program.

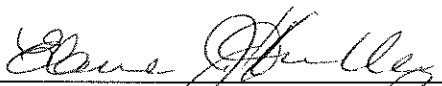
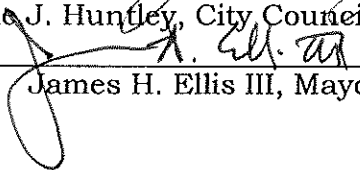
This ordinance, provided it receives a two-thirds yeas or nays vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by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


James G. Weaver
President of Council

PASSED: 5-2-13

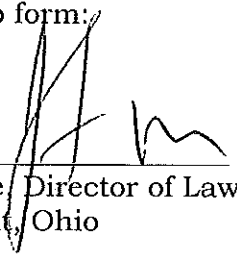
Effective date: 5-2-13

YEAS: 7 NAYS: 0


Elaine J. Huntley, City Council Clerk

James H. Ellis III, Mayor

ORDI783

Approved as to form:

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

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



OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

March 22, 2013

Re: 018-14, Salt- Sodium Chloride

To Cooperative Purchasing Entities:

The Ohio Department of Transportation will begin the process of soliciting tonnage from our districts and cooperative contracting local entities in anticipation of the 2013-2014 sodium chloride bid.

Similar to last season, the Department plans to post the Invitation to Bid on or about June 1st, 2013. The "Winter Use" contract will have the traditional 80-120% capacity applied to the estimated tonnage and will be awarded on or about June 30, 2013. It will have an effective date beginning October 1, 2013 and terminating April 30, 2014. The Invitation to Bid will also have revisions to some of its terms and conditions, including terms of payment. You should therefore carefully review the terms and conditions of the Invitation to Bid once it is posted online.

If you intend to participate in the Winter Use contract, please contact the Department at your earliest opportunity with the following pieces of mandatory information:

- 1) Your participation agreement which includes:
 - a. required annual sodium chloride tonnage
 - b. The location of the delivery for your sodium chloride; and
- 2) A copy of the resolution, signed cooperative agreement or legislation from your legislative body committing to participate in the contract.

The updated cooperative agreement form can be found on the ODOT website at ->

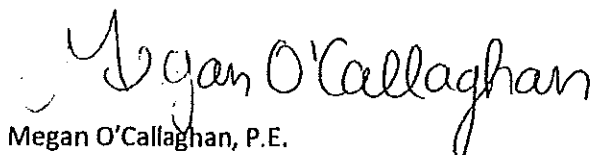
<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/Coop-Salt-ResolutionAgree.doc>

All agreements must be received by our office prior to May 1st, 2013. This will allow our office sufficient time to add your requirements to our bidding documents.

YOUR REQUEST WILL NOT BE PROCESSED UNTIL ALL OF THE ABOVE INFORMATION IS RECEIVED BY THE DEPARTMENT

If you have questions or concerns about this bidding opportunity, feel free to contact Lauren Purdy at (614) 995-0758.

Respectfully,



Megan O'Callaghan, P.E.
Deputy Director,
Division of Construction Management

1200 TON OF SALT
WILL BE THE
ESTIMATED TONNAGE FOR
THE 2013-14 WINTER SEASON.

WF

OHIO DEPARTMENT OF TRANSPORTATION - Office of Contracts, Purchasing Services
Cooperative Purchasing Program - Sodium Chloride (Rock Salt)

DATE SUBMITTED: _____

RESOLUTION/ORDINANCE as adopted for sodium chloride/rock salt requirements for purchase. Effective period: twelve months from date of award, inclusive, or on an effective date as determined by the Director at the time of bid.

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, Safety
(Agent) Service Director

Hereby Requests Authority in The Name of City of Fremont
(Political Subdivision)

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

- 1) To purchase an estimated salt tonnage, indicated below, exclusively from the vendor awarded the rock salt contract for the county in which said political subdivision is located;

018 NOTE: By executing this agreement and providing an estimated tonnage the Political Subdivision recognizes that Contract 018 will contain a min/max tonnage provision, as determined by the Director at the time of bid but will not exceed 80/120% respectively, for which the Political Subdivision will be responsible.

- 2) To be bound by the terms and conditions of the contract;
- 3) To be responsible for payment directly to the vendor for the quantities purchased under the contract; and
- 4) To be responsible for resolving all disputes arising out of participation in the contract 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 pursuant to Ohio Revised Code Section 5513.01(b).

MINIMUM ORDER = 1 TRUCKLOAD / 22 TONS WITHOUT PILER OR 200 TONS WITH PILER

| 018 Salt Winter Use Contract - 80/120% (Min/Max Tonnage) | | |
|--|--------------------|---------------------------|
| STOCKPILE LOCATIONS | STOCKPILE CAPACITY | TONS REQUIRED (ESTIMATED) |
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OHIO DEPARTMENT OF TRANSPORTATION - Office of Contracts, Purchasing Services
Cooperative Purchasing Program - Sodium Chloride (Rock Salt)
Continued

Participating Political Subdivisions are intended beneficiaries under this contract 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 upcoming winter season, upon award of the contract 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 the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of this contract may invalidate participation for the following winter season.

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.

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| <hr/> | |
| (Authorized Signature and Title) | (Date) |
| <hr/> | |
| Robert E. Ward, Jr. | |
| <hr/> | |
| (Print Exactly as Signed Above) | |
| <hr/> | |
| Sandusky County | |
| <hr/> | |
| (County Location) | |
| <hr/> | |
| City of Fremont | |
| <hr/> | |
| (Political Subdivision) | |
| <hr/> | |
| 323 S. Front St. | |
| <hr/> | |
| (Street) | (P.O. Box) |
| <hr/> | <hr/> |
| Fremont | OH 43420 |
| <hr/> | <hr/> |
| (City) | (State) (Zip plus 4) |
| <hr/> | <hr/> |
| Kill Guhn | 419-332-0696 |
| <hr/> | <hr/> |
| (Contact Name Responsible for Ordering Salt) | (Phone Number) |
| <hr/> | <hr/> |
| bguhn@fremontohio.org | |
| <hr/> | |
| (E-Mail Address) | |

Note: 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.

Upon receipt of the agreement each political subdivision will get added to a list that will be maintained on the Office of Contracts web site. This list will be updated daily on the Contracts web site located at ->

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/salt.doc>

Email the completed resolution to contracts.purchasing@dot.state.oh.us.