

CITY OF BEDFORD, OHIO

ORDINANCE NO. 037-23

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE ODOT WINTER CONTRACT (2023-24) FOR ROAD SALT AND DECLARING AN EMERGENCY

WHEREAS, the City of Bedford, Ohio, Cuyahoga County, (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (2023-24) 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 winter road salt contract:

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

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

WHEREAS, The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter 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 winter road salt contract; and

WHEREAS, The Political Subdivision hereby requests through this participation agreement a total of **2,800** tons of Sodium Chloride (Road Salt) of which 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

WHEREAS, 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 of **October 1, 2023, through April 30, 2024**; and

WHEREAS, 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 winter salt contract; and

WHEREAS, 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 Monday, May 1, 2023. 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

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failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bedford, County of Cuyahoga, and the State of Ohio:

Section 1. Council for the City of Bedford hereby authorizes the City Manager to enter into a purchasing participation agreement, attached hereto as Exhibit A, with the Ohio Department of Transportation, for the purchase of Sodium Chloride (rock salt) for the **2023-2024** winter season.

Section 2. The Finance Director is hereby authorized and directed to issue vouchers of the City for the purposes stated herein, said vouchers to be charged to the appropriate fund.

Section 3. This ordinance is hereby declared to be an emergency measure immediately necessary for the public peace, health, safety, and welfare and for the further reason that said agreement must be received by ODOT by **April 29, 2023**, for the City to purchase rock salt from the vendor awarded the rock salt contract from the State of Ohio.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Stanley C. Koci, Mayor-President of Council

Tracy M. Simons, Clerk of Council

Prepared and approved as to legal content by: _____
John J. Montello, Law Director

PASSED: April 17, 2023