RESOLUTION 00-2024

AUTHORIZING PARTICIPATION IN THE ODOT ROAD

SALT CONTRACTS AWARDED IN 2024, AND DECLARING AN EMERGENCY.

**WHEREAS**, the City of Maumee, Lucas County, Ohio (hereinafter referred to as the “Political Subdivision”) hereby submits this written resolution and 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 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

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 that each party hereto shall be responsible for liability associated with that party’s own errors, actions, and failures to act; 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 electronically submitted 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, May 3rd **by 5:00 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.

Section 1. **NOW, THEREFORE,** be it resolved by the City Council of the City of Maumee, that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, that the Mayor and/or City Administrator are authorized to sign any agreements and/or place orders related to this agreement and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 3. This Resolution is hereby declared an emergency measure and shall take effect and be in full force and effect immediately from and after its passage. The reason for the emergency lies in the fact that there are time limits for entering into this agreement and the supply of road salt is necessary for the immediate preservation of the public peace, health, and safety and to authorize the execution of agreements as set forth herein.

MOTION TO DECLARE AN EMERGENCY: Second:

Yeas: Nays:

Motion to Pass: Second:

Yeas: Nays:

Passed as an emergency measure: May 6, 2024

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 Mayor.

ATTEST:

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Municipal Clerk.

Approved as to form by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Law Director.