

ORDINANCE NO. 98-52 AC CMS

**AN ORDINANCE APPROVING A PARTICIPATION AGREEMENT BETWEEN
THE CITY OF OBERLIN, OHIO, AND THE OHIO DEPARTMENT OF
TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT)
AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized and directed to execute the attached Participation Agreement with the Ohio Department of Transportation for the participation of the City of Oberlin in the Ohio Department of Transportation's contract for Sodium Chloride (rock salt).

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 Ohio Revised Code.


SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to authorize a participation agreement with the State of Ohio prior to its expiration",

and shall take effect immediately upon passage.

PASSED: 1st Reading - July 6, 1998 (E)
2nd Reading -
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: 7/8/98

EFFECTIVE DATE: 7/7/98

OHIO DEPARTMENT OF TRANSPORTATION

Office of Contracts
Purchasing Services
Sodium Chloride (Rock Salt)
Contract 18
1998 - 1999 Winter Season

PARTICIPATION AGREEMENT

RESOLUTION / ORDINANCE as adopted for sodium chloride requirements for purchase. Effective period: twelve months from date of award, inclusive.

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;

Now Therefore, Be it Ordained, Intending to Be Legally Bound That Rob DiSpirito, City Manager
(Agent)

Hereby Requests Authority in The Name of City of Oberlin, Lorain County, Ohio
(Political Subdivision)

To Participate in the Ohio Department of Transportation's Contract for Sodium Chloride and Agrees:

- 1) To purchase a minimum of 60 percent up to 140 percent of the estimated salt tonnage requirements indicated below, exclusively from the vendor awarded the 1998 - 1999 sodium chloride contract for the county in which said political subdivision is located.
- 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.
- 4) To hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in a contract pursuant to Ohio Revised Code Section 5513.01(b)

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

STOCKPILE LOCATIONS	STOCKPILE CAPACITY	TONS REQUIRED (Estimated)
320 S Main, Oberlin	100	300

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 1998 - 1999 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 shall 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.

Frances M. Baumann Chair of Council
(AUTHORIZED SIGNATURE AND TITLE) (DATE)

Frances M. Baumann
(PRINT EXACTLY AS SIGNED ABOVE)

Lorain
(COUNTY LOCATION) (COUNTY NUMBER)

City of Oberlin
(POLITICAL SUBDIVISION)

85 S Main Street
(STREET)

Oberlin Ohio 44074
(CITY) (STATE) (ZIP PLUS 4)

David Rucker (440) 775-7270
(CONTACT NAME RESPONSIBLE FOR ORDERING SALT) (PHONE NUMBER)

Note: This Participation Agreement must Be Received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services, No Later than July 15, 1998.

Fax copy to 614-728-2078

Mail original to:

The Ohio Department of Transportation
Office of Contracts, Purchasing Services
Attention, Tom Short, Purchasing Coordinator
1980 West Broad Street, 1st floor
Columbus, Ohio 43223