

RESOLUTION NO. R-17-23

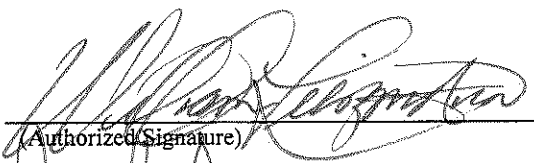


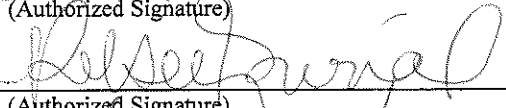
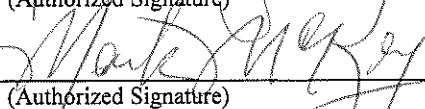

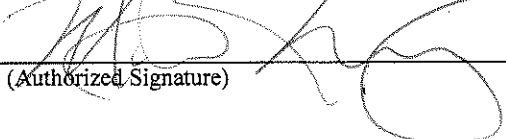
A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT (018-18) FOR ROAD SALT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington (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 (018-18) 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:

- a. 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 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 winter 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 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
- d. The Political Subdivision hereby requests through this participation agreement a total of six hundred (600) 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
- e. 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, 2017, through April 30, 2018; 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 winter 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 Thursday, June 1, 2017. 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.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

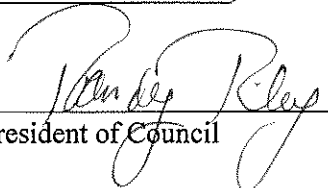
Section 1. That it is resolved by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract:

 (Authorized Signature)	<u>5-4-2017</u> Approval Date
 (Authorized Signature)	<u>5-4-2007</u> Approval Date
 (Authorized Signature)	<u>5-4-2012</u> Approval Date
 (Authorized Signature)	<u>5/8/2017</u> Approval Date
 (Authorized Signature)	<u>5/4/2017</u> Approval Date
 (Authorized Signature)	<u>05/09/17</u> Approval Date
 (Authorized Signature)	<u>5/9/2017</u> Approval Date

Section 2. That the Director of Public Service is further authorized and directed on behalf of the city to execute documents and take other actions as necessary in support of the ODOT winter road salt contract.

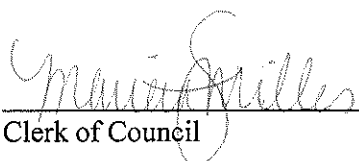
Section 3. That this resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare, due to an application deadline of May 10, 2017, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this 4th day of May, 2017.



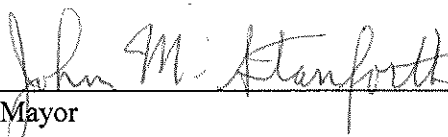
President of Council

ATTEST:



Clerk of Council

Approved by me this 4th day of May, 2017.



Mayor