

RESOLUTION NO. 7-2023

RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT
CONTRACTS AWARDED IN 2023 AND DECLARING AN EMERGENCY

WHEREAS, the Village of Marblehead, Ottawa County (hereinafter referred to as the “Political Subdivision”) hereby submits this written 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 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 Monday, May 1st 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.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARBLEHEAD, OTTAWA COUNTY, OHIO:

Section 1.

That this participation agreement for the ODOT road salt contract is hereby approved, funding is authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract.

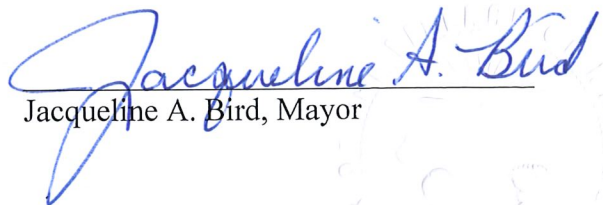
Section 2.

That it is found and determined that all formal actions of Council concerning and relating to this Ordinance were taken in meetings of Council, open to the public, and that all deliberations of this Council, and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with the applicable legal requirements, including Sections 121.22 of the Ohio Revised Code.

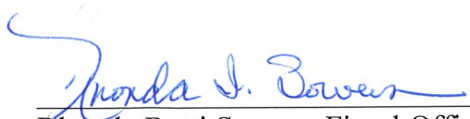
Section 3.

This Resolution is hereby declared an emergency measure for the immediate preservation of the public peace, health, and safety of the Village of Marblehead to ensure an adequate supply of road salt for the upcoming winter and therefore this Resolution shall go into immediate effect.

Approved: April 26, 2023


Jacqueline A. Bird, Mayor

Attest:


Rhonda Botti Sowers, Fiscal Officer

Dated: April 26, 2023