

North Canton City Council
Street and Alley Committee

Resolution No. 6 - 2017

A resolution authorizing participation in the Ohio Department of Transportation Winter Contract (018-18) for road salt, and declaring the same to be an emergency.

Whereas, the City of North Canton, Stark County, Ohio, (hereinafter referred to as the "Political Subdivision") hereby submits this written resolution to participate in the Ohio Department of Transportation's ("ODOT") annual winter road salt bid (018-18) in accordance with Ohio Revised Code Section 5513.01(B), and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

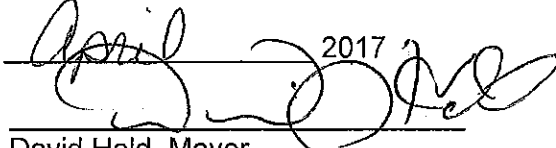
- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT, it shall be bound by all such terms and conditions included in the contract; and
- b. The 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 2,000 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its award 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 award 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 shall do so by written, emailed request 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.

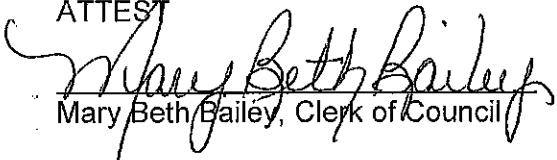
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the above stated participation agreement for the ODOT winter road salt contract be, and is hereby approved, with funding being authorized, and the City of North Canton agreeing to the above terms and conditions regarding participation with the ODOT winter salt contract.

Section 2. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary in order for the City to participate in the Winter Salt program; ODOT requires the resolution to be uploaded to its website by May 10, 2017; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

Passed in Council this 24th day of April, 2017

David Held, Mayor

Signed: 5/02, 2017

ATTEST

Mary Beth Bailey, Clerk of Council