

RESOLUTION NO. 2011- 41

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE/ROCK SALT FOR THE PERIOD OF ONE YEAR, AND DECLARING AN EMERGENCY.

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; and

WHEREAS, the City should be able to save money by purchasing the sodium chloride/rock salt with the other government entities at bulk rates; and

WHEREAS, the City wishes to participate in this contract for the purchase of sodium chloride/rock salt; and

WHEREAS, time is of the essence.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least seven (7) members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to participate in the Ohio Department of Transportation's contract for the purchase of sodium chloride/rock salt for the period of one year, a copy of which is marked Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 05/18/2011
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2011-41 was duly enacted this 18th day of
May, 2011, by the Council of the City of Kent, Ohio.

CLERK OF COUNCIL



OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

Friday, April 22, 2011

Re: 018-12, Salt- Sodium Chloride and 318-12 Summer Fill-Up

To Cooperative Purchasing Entities:

The Ohio Department of Transportation will begin the process of soliciting tonnage from our districts and cooperative contracting local entities in anticipation of the 2011-2012 sodium chloride bid. With Governor Kasich's signing of the Department's Biannual Transportation Budget Bill, a change in Ohio's purchasing regulations will take effect. It is ODOT's desire that this change will open up bidding opportunities for vendors of sodium chloride and will increase competition within the State to achieve better prices for Ohio's taxpayers.

Similar to last season, the Department plans to post the Invitation to Bid on or about June 6th, 2011. 018, the "Winter Use" contract and will have traditional 80-120% capacity applied to the estimated tonnage. 318, the "Summer Fill-Up" contract will have 100% capacity applied to the tonnage supplied. You are welcome to participate in either contract or both the Winter Use and Summer Fill-Up. Both the Winter Use and Summer Fill-Up contracts will be awarded on or about July 1, 2011. 018-12 will have an effective date beginning October 1, 2011 and terminating April 30, 2012. 318-12 will have an effective date beginning July 1st, 2011 - September 30th, 2011.

If you intend to participate in the Winter Use and/or the Summer Fill-Up contracts, please contact the Department at your earliest opportunity with the following pieces of mandatory information:

- 1) Your participation agreement which includes:
 - a. required annual sodium chloride tonnage
 - b. The location of the delivery for your sodium chloride; and
- 2) A copy of the resolution, signed cooperative agreement or legislation from your legislative body committing to participate in the contract.

The updated cooperative agreement form can be found on the ODOT website at ->

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/Coop-Salt-ResolutionAgree.doc>

All agreements must be received by our office prior to May 27th, 2011. This will allow our office sufficient time to add your requirements to our bidding documents.

YOUR REQUEST WILL NOT BE PROCESSED UNTIL ALL OF THE ABOVE INFORMATION IS RECEIVED BY THE DEPARTMENT

If you have questions or concerns about this bidding opportunity, feel free to contact Tom Pannett, Administrator of ODOT's Office of Contracts at 614-728-2071.

Respectfully,

A handwritten signature in black ink, appearing to read "Tom Pannett", followed by a horizontal line.

Tom Pannett
Administrator, Office of Contracts

**OHIO DEPARTMENT OF TRANSPORTATION - Office of Contracts, Purchasing Services
Cooperative Purchasing Program - Sodium Chloride (Rock Salt)**

DATE SUBMITTED: _____

RESOLUTION/ORDINANCE as adopted for sodium chloride/rock salt requirements for purchase. Effective period: twelve months from date of award, inclusive, or on an effective date as determined by the Director at the time of bid.

Whereas, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Political Subdivisions including Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards and others 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 Eugene K. Roberts
(Agent)

Hereby Requests Authority in The Name of City of Kent
(Political Subdivision)

To participate in the Ohio Department of Transportation's Contract for Rock Salt and Agrees:

- 1) To purchase an estimated salt tonnage, indicated below, exclusively from the vendor awarded the rock salt contract for the county in which said political subdivision is located;

018 NOTE: By executing this agreement and providing an estimated tonnage the Political Subdivision recognizes that Contract 018 will contain a min/max tonnage provision, as determined by the Director at the time of bid but will not exceed 80/120% respectively, for which the Political Subdivision will be responsible.

318 NOTE: By executing this agreement and providing tonnage to purchase the Political Subdivision recognizes that Contract 318 will contain a 100% tonnage provision for which the Political Subdivision will be responsible.

- 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; and
- 4) To be responsible for resolving all disputes arising out of participation in the contract and agree to release the Director of Transportation and the Ohio Department of Transportation from liability for all loss or damage, and from any and every claim or damage resulting from or arising out of participation in the 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)
590 Plum St., Kent, OH	5,000 tons	4,500 tons
318 Summer Fill-Up – 100% Tonnage Provision		
STOCKPILE LOCATIONS	STOCKPILE CAPACITY	TONS REQUIRED (ESTIMATED)

OHIO DEPARTMENT OF TRANSPORTATION - Office of Contracts, Purchasing Services
Cooperative Purchasing Program - Sodium Chloride (Rock Salt)
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 upcoming 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 or comply with the terms of this contract may 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.

(Authorized Signature and Title) (Date)

Eugene K. Roberts, Service Director
(Print Exactly as Signed Above)

Portage
(County Location)

City of Kent
(Political Subdivision)

930 Overholt Road
(Street) (P.O. Box)

Kent Ohio 44240
(City) (State) (Zip plus 4)

Gerald Shanley, Arborist Supervisor 330-678-8105
(Contact Name Responsible for Ordering Salt) (Phone Number)

Shanley@kent-ohio.org
(E-Mail Address)

Note: This Participation Agreement must be received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services prior to the mailing of the Invitation to bid.

Upon receipt of the agreement each political subdivision will get added to a list that will be maintained on the Office of Contracts web site. This list will be updated daily on the Contracts web site located at ->

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/salt.doc>

Email the completed resolution to contracts.purchasing@dot.state.oh.us.