

**RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT WINTER CONTRACT (018-20) FOR ROAD SALT**

WHEREAS, the Village of Plain City, Madison/Union County, (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 (018-20) 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 Five Hundred (500) 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 September 1, 2019 through April 30, 2020; 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, 2019. 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.

WHEREAS, this resolution is declared to be an emergency measure, effective immediately upon passage, and necessary for the preservation of the public health, safety and welfare. The invitation to participate in the road salt agreement was provided to the Village Administrator on March 19, 2019 and must be returned, per the direction of ODOT, by April 19, 2019. An emergency exists as insufficient time remains to afford the legislative readings and referendum period in order to pass this legislation in order to guarantee sufficient volumes of road salt to protect the health, safety and welfare of the Village for next winter season.

NOW, THEREFORE, be it resolved by the Council of the Village of Plain City, Ohio, as follows:

- Section 1.** The 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.
- Section 2.** The Village Administrator is hereby directed to enter into, on behalf of the Village of Plain City, the participation agreement with ODOT for the purchase of road salt consistent with this Resolution.
- Section 3.** This resolution is declared to be an emergency measure, effective immediately upon passage, and necessary for the preservation of the public health, safety and welfare. Such emergency exists in the need to guarantee the volumes of road salt necessary for the Village's health, safety and welfare in advance of the next winter season.

Passed this 25th day of March, 2019.

Attest: Renee Sonnett
Village Fiscal Officer

Darrin Lane
Mayor

Vote: Suspend 3 reading rule; 6 yea ___ nay ___ abstain

Adopt as emergency; 6 yea ___ nay ___ abstain

Certificate of Publication

The undersigned, being Village Fiscal Officer of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 123.01 of the Codified Ordinances. The posting was done from 4-10, 2019 to 12-31, 2019 at the Office of the Fiscal Officer located at 213 South Chillicothe Street; the Plain City Public Library located at 305 W. Main Street; the Security National Bank located at 105 W. Main Street; the Richwood Banking Co. located at 601 W. Main Street; all being in the Village of Plain City, Ohio and the Village of Plain City Website at www.plain-city.com.

Date: April 9, 2019

Renee Sonnett
Village Fiscal Officer