

## RESOLUTION 2023-14

### AUTHORIZING THE VILLAGE ADMINISTRATOR TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) ROAD SALT CONTRACT FOR THE 2023-2024 WINTER SEASON

WHEREAS, the Council of the Village of Swanton desires to purchase 50 tons of sodium chloride for the 2023-2024 winter road salting season; and;

WHEREAS, the Ohio Department of Transportation (ODOT) has a contract for road salt; and;

WHEREAS, the Village of Swanton desires to participate in the ODOT Road Salt Contract for the 2023-2024 Winter Season; and

WHEREAS, the Village of Swanton desires to have the sodium chloride delivered to the Village of Swanton Public Service Division building located at 204 Bassett Avenue in Swanton;

WHEREAS, the Village of Swanton, Fulton 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 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 road salt contract; 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 Friday, April 28 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](mailto: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 Swanton, two-thirds (2/3) of the members elected thereto concurring and as follows:

Section One. That the Village Administrator is hereby authorized to participate in the ODOT Road Salt Contract, funding has been authorized, and the Village of Swanton agrees to the above terms and conditions regarding participation on the OD salt contract

Section Two. That the quantity needed is 50 tons of sodium chloride road salt from the Fulton County Engineer for the 2023-2024 winter road salting season.

Section Three. That the deliveries of the sodium chloride be made to the Village of Swanton Public Service Division building located at 204 Bassett Avenue.

Section Four. That it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Village Council, and that all deliberations of this Village 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 including Section 121.22 of the Ohio Revised Code.

Section Five. That this resolution shall be declared immediate for the preservation of public health, safety and welfare of the Village of Swanton; wherefore this resolution shall be in full force and effective immediately upon passage.

Vote on Passage

Moved: Kania

Second: Pilliod

YEAS: 6

NAYS: 0

Date of Passage: April 10, 2023



Neil Toeppe, Mayor

Attest:

I, Holden Benfield, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Resolution 2023-114, passed on April 10, 2023



Holden Benfield, Fiscal Officer