

ORDINANCE NO. 2017- 3850

**AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO SUBMIT A WRITTEN AGREEMENT TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S ANNUAL WINTER ROAD SALT CONTRACT (018-18) IN ACCORDANCE WITH REVISED CODE SECTION 5513.01(B) AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Fremont hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-18) in accordance with Revised 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; and

**WHEREAS**, the City of Fremont hereby 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

**WHEREAS**, the City of Fremont 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 City of Fremont; and

**WHEREAS**, the City of Fremont 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 City of Fremont's participation in the winter road salt contract; and

**WHEREAS**, the City of Fremont hereby requests through this participation agreement a total of 2,000 tons of Sodium Chloride (Road Salt) of which the City of Fremont agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

**WHEREAS**, the City of Fremont 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 October 1, 2017 through April 30, 2018; and

**WHEREAS**, the City of Fremont 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

**WHEREAS**, the City of Fremont acknowledges if it wishes to rescind this participation agreement it will do so by written, emailed request by no later than Thursday, June 1, 2017. The request must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon request, will respond that it has received the request and that it has effectively removed the City's participation request. Furthermore, it is the sole responsibility of the City 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 the City's participation agreement and/or the City's request to rescind its participation agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL, CITY OF FREMONT, STATE OF OHIO:**

**SECTION 1.** Based upon the recommendation of Council, this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized and the City agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

**SECTION 2.** The Safety Service Director is hereby authorized to agree to the terms and conditions of the ODOT contract and to be responsible for payment directly to the vendor for the quantities purchased under the contract.

**SECTION 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and 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 Revised Code of Ohio.

**SECTION 4.** The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to submit the agreement by May 10, 2017.

This ordinance, provided it receives a two-thirds ye or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

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Jamie Hafford  
President of Council

*Angei Ruiz*  
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PASSED: 4-23-17

Effective date: 4-23-17

YEAS: 7 NAYS: 0

*Stephanie L. Martin*  
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Stephanie L. Martin, City Council Clerk

*Daniel R. Sanchez*  
\_\_\_\_\_  
Daniel R. Sanchez, Mayor

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Approved as to form:

*James F. Melle*  
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James F. Melle, Director of Law  
City of Fremont, Ohio