

ORDINANCE NO. 04-23-02

**AN ORDINANCE
AUTHORIZING THE VILLAGE TO PARTICIPATE IN THE
OHIO DEPARTMENT OF TRANSPORTATION WINTER
CONTRACT (018-24) FOR ROAD SALT AND TO TAKE ANY
OTHER ACTION NECESSARY TO PARTICIPATE IN THE
BULK PURCHASING OF ROAD SALT FOR THE 2023-2024
WINTER SEASON, AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Kirtland Hills (hereinafter referred to as the "Village") hereby submits this written agreement to participate in the Ohio Department of Transportation's ("ODOT") annual winter road salt bid (2023-2024) 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.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KIRTLAND HILLS, LAKE COUNTY, STATE OF OHIO:

SECTION 1. The Village hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract; and

SECTION 2. The Village 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 Village; and

SECTION 3. The Village agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract; and

SECTION 4. The Village's electronic order for Sodium Chloride (Road Salt) will be in the quantity of eight hundred (800) tons, the total of which the Village agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

SECTION 5. The Village 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, 2023 through April 30, 2024; and

SECTION 6. The Village 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

SECTION 7. The Village acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request no later than Monday, May 1, 2023 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 by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Village's participation request. Furthermore, it is the sole responsibility of the Village 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 Village's participation agreement and/or the Village's request to rescind its participation agreement.

SECTION 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance 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, including Section 121.22 of the Ohio Revised Code.

SECTION 9. That this Ordinance constitutes an emergency in that the same provides for the immediate preservation of the public peace, health, safety, and welfare of the residents of the Village of Kirtland Hills and its immediate enactment is necessary so that the contract provisions identified in this chapter will be in effect for the next contract into which the Village enters; therefore, this ordinance shall be in full force and effect immediately upon its passage.

PASSED April 17 2023

Burkhab
CLERK/TREASURER

John E. Tucker
MAYOR