

RESOLUTION NO. 15-003

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM FOR SODIUM CHLORIDE/ROCK SALT FOR THE 2015-2016 SEASON AND DECLARING AN EMERGENCY

WHEREAS, R.C. 5513.01(B) provides the opportunity for political subdivisions of the state, including municipalities, to participate in contracts of the Ohio Department of Transportation ("ODOT") for the purchase of machinery, material, supplies or other articles, which includes sodium chloride (rock salt); and

WHEREAS, the Village Administrator has recommended participation in the ODOT contract for the winter season of 2015–2016 for the purchase of rock salt for Village roadways and sidewalks as a cost savings to the Village.

NOW, **THEREFORE, BE IT RESOLVED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: The Village of Thornville, through its Village Administrator Beth Patrick, hereby requests authority to participate in the Ohio Department of Transportation's Contract for Rock Salt and agrees:

- 1) To be bound by the terms and conditions of contracts 018-16 (Winter use);
- 2) To be responsible for placing all orders for salt directly with the awarded vendor;
- 3) To be responsible for purchasing at minimum 90% of the total tonnage requested for the Village;
- 4) To be responsible for prompt payment directly to the vendor for quantities delivered under the contract(s);
- 5) To be responsible for resolving all disputes arising out of participation in the contract(s) 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(s) pursuant to Ohio Revised Code Section 5513.01(b).

SECTION 2: The Village of Thornville understands and acknowledges that 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 approving this Resolution and signing and returning this incorporated agreement, the Village of Thornville acknowledges it will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. The Village of Thornville also understands a participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Finally, the Village of Thornville acknowledges that its failure to purchase its requirements from the awarded vendor or comply with the terms of this contract may invalidate participation for the following summer or winter season.

SECTION 3: The Village of Thornville understands it will be required to submit a new participation agreement form every year, indicating storage capacity and stating salt needs for the contract period.

SECTION 4: For purposes of this cooperative purchasing program for sodium chloride/rock salt, Council for the Village of Thornville authorizes and directs Village Administrator Beth Patrick, or her designee, to complete and execute all necessary paperwork, including a participation agreement with the Ohio

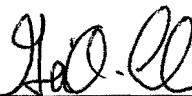
Department of Transportation, to participate in this cooperative purchasing program.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Thornville which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 6: All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

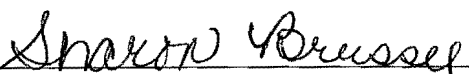
SECTION 7: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that Village Council needs to execute this Agreement by May 18, 2015, in order to take advantage of this pricing. Wherefore, provided this Resolution receives the required affirmative votes of Council, this Resolution shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

Passed in Council this 11th day of May, 2015.



Gavin Renner, Mayor

ATTEST:



Sharon Brussee, Clerk of Council

APPROVED:

Approved as to form this 5th day of May 2015:



Brian M. Zets, Esq.
Village Solicitor