

**A RESOLUTION AUTHORIZING THE CITY OF CORTLAND TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT**

**WHEREAS**, the City of Cortland, located in Trumbull 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 **(018-19)** in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation in the ODOT winter road salt contract:

**WHEREAS**, 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,

**WHEREAS**, 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,

**WHEREAS**, 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 from any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and,

**WHEREAS**, the Political Subdivision hereby requests through this participation agreement a total of **650 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,

**WHEREAS**, 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, 2018 through April 30, 2019**; and,

**WHEREAS**, 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,

**WHEREAS**, 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, June 1, 2018**. 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 CITY OF CORTLAND, OHIO:**

**R-17-18**

**MAY 7, 2018**

**Section 1.** That the City of Cortland authorizes the participation agreement for the ODOT winter road salt contract which terms are hereby approved, and that funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation in the ODOT winter salt contract.

**Section 2.** This Resolution shall take effect and be in full force as early as allowed by law.

**PASSED IN COUNCIL THIS 7<sup>TH</sup> DAY OF MAY, 2018.**

**ATTEST:** \_\_\_\_\_  
**CLERK OF COUNCIL**

\_\_\_\_\_  
**VICE PRESIDENT OF COUNCIL**

**FILED/ MAYOR** \_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**MAYOR**

**DATE APPROVED** \_\_\_\_\_

**ROLL CALL**

**Edwards, aye**

**Fleischer, aye**

**Keller, aye**

**Moore, aye**

**Petrosky, absent**

**Piros, aye**

**Rowley, aye**

**OFFICIAL SEAL**