

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

**RESOLUTION NO. 5-11-2**

A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE VILLAGE OF NEW CONCORD PARTICIPATION IN THE CONTRACT AND AGREEING TO BE BOUND BY THE INVITATIONS TERMS AND CONDITIONS AS ADOPTED FOR ROCK SALT REQUIREMENTS FOR PURCHASE EFFECTIVE PERIOD: TWELVE MONTHS FORM THE DATE OF AWARD, INCLUSIVE, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5513.01 (B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles; and

NOW, THEREFORE, be it ordained by the Council of the Village of New Concord that:  
John Huey, Village Administrator hereby requests authority in the name of The Village of New Concord.

Section 1. To participate in the Ohio Department of Transportation's Contract for rock salt and agrees:

- 1) To purchase an estimated salt tonnage indicated below, exclusively from the vendor awarded the rock salt contract for the county in which said political subdivision is located; 018 NOTE: By executing this agreement and providing an estimated tonnage the Political Subdivision recognized that Contract 018 will contain a min/max tonnage provision, as determined by the Director at the time of bid but will not exceed 80/120% respectively, for which the Political Subdivision will be responsible. 318 NOTE: By executing this agreement and providing tonnage to purchase the Political Subdivision recognized that Contract 318 will contain a 100% tonnage provision for which the Political Subdivision will be responsible.
- 2) To be bound by the terms and conditions of the contract.
- 3) To be responsible for payment directly to the vendor for the quantities purchased under the contract.
- 4) To be responsible for resolving all disputes arising out of participation in the contract 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 pursuant to Ohio Revised Code Section 5513.01(b).

MINIMUM ORDER = 1 TRUCKLOAD/22 TONS WITHOUT PILER OR 200 TONS WITH PILER  
018 Salt Winter Use Contract – 80/120% (Min/Max Tonnage)

<b>Stockpile Locations</b>	<b>Stockpile Capacity</b>	<b>Tons Required (Estimated)</b>
220 West Main Street	250 Tons	400

Section 2. 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 signing and returning this agreement you will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor shall invalidate participation for the following winter season.

John W. Huey, Village Administrator 5/9/11  
(Authorized Signature and Title) (Date)

John Huey, Village Administrator

(Print Exactly as Signed Above)

Muskingum

(County Location)

(County Number)

Village of New Concord

(Political Subdivision)

220 West Main Street

(Street)

P. O. Box 10

(P. O. Box)

New Concord

(City)

Ohio

(State)

43762

(Zip plus 4)

John Huey

(Contact Name Responsible for Ordering Salt)

740/826-7671

(Phone Number)

Section 3. That this Resolution shall be in full force and effect at the earliest date permitted by law.

PASSED: May 9, 2011

Al Chaffee

Al Chaffee, President of Council

APPROVED: May 9, 2011

R. Gregory Adams

R. Gregory Adams, Mayor

ATTEST:

Sue Wilson

Sue Wilson, Village Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

Sue Wilson  
Sue Wilson, Fiscal Officer