



Legislation Text

File #: 0916-2019, **Version:** 1

1. BACKGROUND

The Department of Public Service and the Department of Public Utilities are responsible for snow and ice control and removal on the city's roadway system. In removing snow and ice, the departments use rock salt extensively in these operations. It is necessary for the Department of Public Service and the Department of Public Utilities to have the ability to purchase rock salt for the 2019 - 2020 winter season.

The Ohio Department of Transportation (ODOT) is in the process of establishing its annual cooperative purchasing contracts, which allows participating government agencies to purchase rock salt from selected vendors. ODOT will determine the vendors for these contracts. ODOT will bid the cooperative purchasing contract as a cooperative contract for use by other governmental agencies, in accordance with Chapter 5513.01 (B) of the Ohio Revised Code.

In an effort to clarify the rules for participation in the joint purchasing agreement, the Ohio Department of Transportation now requires additional language be approved. That language is included in this ordinance in order to ensure the Department of Public Service and the Department of Public Utilities are compliant with all Ohio Department of Transportation purchasing rules and regulations for participating in the joint purchasing effort.

The purpose of this legislation is to authorize the Director of the Department of Finance and Management to enter into a contract with ODOT to participate in the winter cooperative purchasing contract and enter into a contract with ODOT's selected vendors (to be determined at a later date) for the purchase of rock salt, per the guidelines of the cooperative purchasing contracts.

This legislation also authorizes the Director of the Department of Finance and Management to establish purchase orders with ODOT's selected vendors for the Department of Public Service and the Department of Public Utilities. The funding authorized by this ordinance is for expenses that will occur during the winter months of 2019-2020.

The Director of Finance and Management is hereby authorized to associate all General Budget Reservations resulting from this ordinance with the appropriate Contract Purchase Agreements for rock salt for the Department of Public Service and the Department of Public Utilities from established, pending and future universal term and state contracts.

The following Purchase Agreement associations require approval by City Council in order for the division to expend more than \$100,000.00, per 329.19(g): Treatment Chemicals (CMH), Rock Salt.

2. FISCAL IMPACT

\$1,936,000.00 is budgeted and available in the Department of Public Service Municipal Motor Vehicle License Tax Fund. \$55,350.00 is budgeted and available in the Sewerage System, Water Systems and Electricity Systems Operating Funds.

3. EMERGENCY DESIGNATION

The departments request emergency designation due to the unusually short period of time the Ohio Department of Transportation is allowing for municipalities to submit agreements and legislation authorizing participation.

To authorize the Director of the Department of Finance and Management to enter into a contract with the Ohio Department of Transportation (ODOT) and yet to be named vendors, for the purchase of rock salt, based on the terms of a cooperative purchase contract to be established by ODOT; to authorize the Director of Finance and Management to establish purchase orders for rock salt; to authorize the expenditure of \$1,936,000.00 from the Municipal Motor Vehicle License Tax Fund, \$10,500.00 from the Sewerage Systems Operating Fund, \$41,250.00 from the Water Systems

Operating Fund; \$3,600.00 from the Electricity Systems Operating Fund; to authorize the Director of Finance and Management to associate all General Budget reservations resulting from this ordinance with the appropriate Contract Purchase Agreement for rock salt; and to declare an emergency. (\$1,991,350.00)

WHEREAS, the Department of Public Service and the Department of Public Utilities are responsible for snow and ice control and removal on the city's roadway system; and

WHEREAS, rock salt is used in this operation; and

WHEREAS, winter and summer Cooperative Purchasing Contracts will be established by the Ohio Department of Transportation (ODOT), for use by the state's public entities, for the option to purchase rock salt for the 2019-2020 winter season; and

WHEREAS, in an effort to clarify the rules for participation in the joint purchasing agreement the Ohio Department of Transportation is now requiring additional language be approved;

WHEREAS, that language is included in this ordinance in order to ensure the Department of Public Service and the Department of Public Utilities are compliant with all Ohio Department of Transportation purchasing rules and regulations for participating in the joint purchasing effort;

WHEREAS, the City of Columbus (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid 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;

WHEREAS, the Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the 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 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 road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and

WHEREAS, the Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount 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; 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 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, April 19 by 12:00 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 <<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.

WHEREAS, it is necessary to authorize the Director of Finance and Management to enter into a contract with ODOT, to participate in the cooperative purchasing contract for the purchase of rock salt; and

WHEREAS, it is necessary to authorize the Director of Finance and Management to enter into a contract with ODOT's selected vendors, once said vendors are determined, for the purchase of rock salt; and

WHEREAS, it is necessary to authorize the Director of Finance and Management to establish purchase orders for the purchase of rock salt;

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Service and the Department of Public Utilities, to authorize the Director of Finance and Management to associate all General Budget Reservations resulting from this ordinance with the appropriate Contract Purchase Agreements for Rock Salt for the preservation of public health, peace, property, safety; now, therefore

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service and the Department of Public Utilities in that it is immediately necessary to authorize the Director of Finance and Management to participate in the cooperative purchasing contract for rock salt due to the unusually short period of time the Ohio Department of Transportation allows for municipalities to submit agreements and legislation authorizing participation; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Finance and Management is authorized, in the name of the City of Columbus, to participate in the Ohio Department of Transportation cooperative purchasing contracts for the purchase of road salt, machinery, material, supplies, or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01 (B).

SECTION 2. That the Director of Finance and Management is hereby authorized to agree, in the name of the City of Columbus, to be bound by all terms and conditions as the Director of the Ohio Department of Transportation prescribes.

SECTION 3. That the Director of Finance and Management is hereby authorized to agree, in the name of the City of Columbus, to directly pay vendors, under each such cooperative purchasing contract of the Ohio Department of Transportation in which the City of Columbus participates, for items it receives pursuant to the contract.

SECTION 4. That the expenditure of \$1,991,350.00 or so much thereof as may be needed, be and hereby is authorized to be expended per the accounting codes in the attachment to the ordinance.

SECTION 5. That the Director of Finance and Management be and is hereby authorized to associate all General Budget Reservations resulting from this ordinance with the appropriate Contract Purchase Agreements for the purchase of Rock Salt from established, pending and future universal term and state contracts.

SECTION 6. That the City of Columbus (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid 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 road salt contract:

a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the 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

- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount 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
- e. 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; and
- f. 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 salt contract; and
- g. 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, April 19 by 12:00 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 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.

SECTION 7. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 8. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 9. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

SECTION 10. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.