

**OHIO TURNPIKE COMMISSION**

**Resolution Authorizing Participation in the  
ODOT Cooperative Purchasing Program for Sodium Chloride**

WHEREAS, in the spring of each year, the Commission advertises in accordance with law its Invitation soliciting Bids for the furnishing of sodium chloride (rock salt) at fifteen different salt storage locations along the Turnpike; and

WHEREAS, the Invitation includes a request for quotations for rock salt and freight charges to the designated delivery locations delineated in the Bid Schedule; and

WHEREAS, over the past three years, Commission staff have observed that the pricing for rock salt at the seven delivery locations moving eastward from the Amherst Maintenance Building has been significantly higher than the pricing bid by these same salt providers to ODOT; and

WHEREAS, the Assistant Chief Engineer, Highway and Maintenance has recommended that the following estimated quantities of rock salt be submitted to ODOT for inclusion in that agency's bid invitation for the 2013/2014 snow and ice season under the ODOT Cooperative Purchasing Program for the counties where the following delivery sites are located:

Amherst MB (Lorain Cty.)	7,400 Tons
TP 161 (Cuyahoga Cty.)	4,600 Tons
Boston MB (Summit Cty.)	7,400 Tons
TP 187 (Portage Cty.)	3,000 Tons
Hiram MB (Portage Cty.)	3,700 Tons
TP 218 (Mahoning Cty.)	3,000 Tons
Canfield MB (Mahoning Cty.)	<u>6,400 Tons</u>
<b>TOTAL</b>	<b>35,500 Tons</b>

WHEREAS, the ODOT contract or contracts will require that a minimum of 80% of the estimated quantities set forth in the Bid Schedule be purchased and, because the severity of the snow and ice season is unpredictable, the Bidding Documents will also allow for the Commission to purchase up to 120% of the estimated quantities bid for each designated delivery location; and

WHEREAS, the General Counsel advises that, in accordance with Section 5513.01(B) of the Ohio Revised Code, the Commission is eligible to participate in contracts into which the Director of Transportation has entered for the purchase of machinery, materials, supplies, or other articles, provided that the Commission shall file with the Director a certified copy of bylaws or a resolution of the Board requesting authorization to participate in such contract(s) and agreeing to be bound by such terms and conditions as the Director prescribes; and

WHEREAS, expenditures under the ODOT Cooperative Purchasing contract(s) for sodium chloride at the seven aforementioned delivery locations are estimated to potentially exceed \$1,600,000.00 and, as they will exceed \$150,000.00, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary to authorize participation in said ODOT contract(s); and

WHEREAS, the Executive Director has reviewed the reports of both the Assistant Chief Engineer, Highway and Maintenance, and the General Counsel and, predicated upon such analysis, has made his recommendation that the Commission authorize participation in the ODOT Cooperative Purchasing contract(s) for sodium chloride in the counties where the aforementioned delivery sites are located; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Executive Director and the General Counsel, or either of them, are authorized to forward a certified copy of this Resolution to the Director of Transportation indicating the Commission's assent and commitment to participate in the ODOT Cooperative Purchasing contract(s) for

the purchase of sodium chloride in the counties where the following delivery sites are located, and in the following estimated quantities for the 2013/2014 snow and ice season:

Amherst MB (Lorain Cty.)	7,400 Tons
TP 161 (Cuyahoga Cty.)	4,600 Tons
Boston MB (Summit Cty.)	7,400 Tons
TP 187 (Portage Cty.)	3,000 Tons
Hiram MB (Portage Cty.)	3,700 Tons
TP 218 (Mahoning Cty.)	3,000 Tons
<u>Canfield MB (Mahoning Cty.)</u>	<u>6,400 Tons</u>
TOTAL	35,500 Tons

FURTHER RESOLVED, that the Executive Director and the General Counsel, or either of them, are authorized to agree, in the name of the Ohio Turnpike Commission, to purchase the minimum quantities prescribed by the Director of Transportation, to be responsible for direct payments to any selected vendor for the quantities purchased under the contract(s), and to otherwise agree to be bound by all terms and conditions of the contract(s) as prescribed by the Director of Transportation; and

FURTHER RESOLVED, that the Ohio Turnpike Commission agrees to be responsible for resolving all claims or disputes arising out of its participation in the ODOT Cooperative Purchasing Program under Section 5513.01(B) of the Ohio Revised Code, and agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the Cooperative Purchasing Program that the Ohio Turnpike Commission may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees; and

FURTHER RESOLVED, that the Commission's Assistant Chief Engineer, Highway and Maintenance shall issue a report back to the Commission indicating the results of the ODOT bidding process, including a summary of any cost savings realized.

**(Resolution No. 30-2013 adopted May 20, 2013)**