

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing Participation in ODOT Cooperative Purchasing Program for Road Salt For 2021/2022 Winter Season

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, during the State of Emergency, the Commission continued operations as Essential Infrastructure and Essential Governmental Functions under orders issued by the Director of Health, specifically the “Director’s Stay Safe Ohio Order,” dated April 30, 2020, and the “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020; and

WHEREAS, on April 5, 2021, the Director of Health rescinded several health orders, including those under which the Commission was continuing its operations, and issued a new order titled “Director’s Order for Social Distancing, Facial Coverings and Non-Congregating” which was amended on April 8, 2021 and contains requirements applicable to all Ohioans to prevent the spread of COVID-19, including requirements for wearing face coverings, social distancing, congregating, sanitation, large gatherings, signage (i.e., requiring masks), ventilation in buildings accessible to the public, procedures for confirmed cases, and more; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the purchases approved pursuant to this Resolution are necessary for the Commission to continue its operations and that all activities required to participate in the contract described herein shall comply with the requirements of the “Director’s Amended Order for Social Distancing, Facial Coverings and Non-Congregating,” as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission is authorized to participate in contracts awarded by the Ohio Department of Transportation (“ODOT”) for the purchase of machinery, materials, supplies, or other articles under Section 5513.01(B) of the Ohio Revised Code; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations recommends leveraging the volume pricing ODOT is able to obtain from salt suppliers for fulfilling the Commission’s requirements for road salt; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations has recommended the following estimated quantities for the 2021/2022 Winter season under ODOT Contract No. 018-22 (the “ODOT Salt Contract (018-22)”) for the counties where the following delivery sites are located:

<u>Delivery Locations</u>	<u>Estimated Winter Use</u>
Kunkle MB (Williams Cty.)	3,500 Tons
Swanton MB (Fulton Cty.)	2,700 Tons
TP 59 (Lucas Cty.)	500 Tons
Elmore MB (Ottawa Cty.)	2,700 Tons
River Road (Sandusky Cty.)	1,200 Tons
Castalia MB (Erie Cty.)	4,100 Tons
Humm Road (Erie Cty.)	3,200 Tons
Amherst MB (Lorain Cty.)	8,100 Tons
TP 161 (Cuyahoga Cty.)	5,400 Tons
Boston MB (Summit Cty.)	9,400 Tons
TP 187 (Portage Cty.)	3,000 Tons
Hiram MB (Portage Cty.)	4,600 Tons
TP 218 (Mahoning Cty.)	3,900 Tons
Canfield MB (Mahoning Cty.)	4,500 Tons
TOTAL	56,800 Tons

WHEREAS, the ODOT Salt Contract (018-22) will be structured such that the Commission must commit to order at least a minimum of 90% and no more than 110% of the estimated quantities for each delivery location; and

WHEREAS, at an estimated salt cost of \$65.00 per ton, the estimated expenditures for rock salt for the 2021/2022 Winter season will potentially exceed \$3,692,000.00 and the maximum purchase of 110% of the estimated quantities would result in a potential total estimated cost of \$4,061,200.00; and

WHEREAS, in accordance with Section 5513.01(B) of the Ohio Revised Code, the Commission must file a certified copy of a Commission resolution requesting authorization to participate in the ODOT Salt Contract (018-22) and agreeing to be bound by such terms and conditions as the Director of the Department of Transportation prescribes; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations and the Executive Director recommend that the Commission authorize participation in the ODOT Cooperative Purchasing Program, ODOT Contract No. 018-22 for sodium chloride in the counties specified for the above-referenced delivery locations during the 2021/2022 Winter season; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Ohio Turnpike and Infrastructure Commission hereby agrees to participate in the Ohio Department of Transportation Cooperative Purchasing Program, Annual Winter Road Salt Bid (Invitation No. 018-22) in accordance with Section 5513.01(B) of the Revised Code, and that the Executive Director is authorized to take any and all actions necessary in the name of the Ohio Turnpike and Infrastructure Commission concerning its participation in the ODOT Contract for Road Salt during the Winter of 2021/2022 (“ODOT Salt Contract (018-22)”) and

FURTHER RESOLVED, that the Commission hereby requests to participate in ODOT Salt Contract (018-22) in the total estimated amount of 56,800 tons of Sodium Chloride (Road Salt), which the Commission agrees to purchase from the awarded salt supplier(s) for each of the above-specified delivery locations in the subtotal quantities provided as the Estimated Winter Use at the bid price per ton awarded by the Director of Transportation, and the Commission agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier(s) during the term of ODOT Salt Contract (018-22); and

FURTHER RESOLVED, that the Commission hereby agrees to be bound by all terms and conditions established under the ODOT Salt Contract (018-22), and acknowledges that upon award of the Contract by the Director of Transportation the Commission shall be bound by all such terms and conditions included in the contract and that upon the signing of the ODOT Salt Contract (018-22) by the Director of Transportation, the agreement shall effectively form a contract between the awarded salt supplier(s) and the Commission; and

FURTHER RESOLVED, that the Commission hereby agrees to place orders under the ODOT Salt Contract (018-22) directly with the awarded salt supplier(s) and make payments directly to the awarded salt supplier(s) on a 30 day net basis for all road salt received under the ODOT Salt Contract (018-22), and the Commission agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT Salt Contract (018-22) and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Commission’s participation in the ODOT Salt Contract (018-22); and

FURTHER RESOLVED, that the Commission instructs the Deputy Chief Engineer/Director of Field Operations to issue a report back to the Commission indicating the results of the ODOT bidding process; and

FURTHER RESOLVED, that the Executive Director is authorized to submit a certified copy of this Resolution to the Director of Transportation providing the Commission’s

authorization and commitment to participate in the ODOT Salt Contract (018-22) for the purchase of road salt in the quantities and at the delivery sites referenced above; and

FURTHER RESOLVED, that the Commission must provide ODOT with a resolution setting for its estimated quantities of road salt for the 2021/2022 winter season on or before April 30, 2021; and

FURTHER RESOLVED, that the Commission finds and determines that all activities required to participate in the ODOT Salt Contract (018-22), as authorized above, shall comply with the requirements of the “Director’s Amended Order for Social Distancing, Facial Coverings and Non-Congregating,” as may be amended from time to time, unless or until such order is lifted entirely.

(Resolution No. 18-2021 adopted April 19, 2021)