

RESOLUTION NUMBER: 101 -2007
INTRODUCED BY: O'Toole

A RESOLUTION AUTHORIZING THE CITY OF RICHMOND HEIGHTS, AS A MEMBER OF THE JOINT MUNICIPAL IMPROVEMENT CONSORTIUM, TO PARTICIPATE IN THE NORTHEAST OHIO SOURCING OFFICE'S ("NEOISO'S") BULK ROAD SALT PROGRAM, TO PURCHASE SALT THROUGH NEOISO'S BULK ROAD SALT PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Maple Heights and several other municipalities, including the City of Richmond Heights, previously formed the Joint Municipal Improvement Consortium (the "JMIC") in order to more economically bid on and purchase various needs of the member municipalities with the City of Maple Heights as the JMIC spokesperson; and

WHEREAS, the City of Maple Heights and the JMIC asked NEOISO, an Ohio nonprofit corporation organized as a regional council of governments under Chapter 167 of the Ohio Revised Code, to develop, research, advertise, bid, contract for, and manage a bulk road salt program in order to expand the number of participants in the bulk road salt program based upon NEOISO's members, which program would be available to NEOISO members and to JMIC Members for the winter of 2007-2008 and in the future; and

WHEREAS, NEOISO has established a bulk road salt program through and with North American Salt Company ("North American"), which NEOISO has determined to be the as the best and lowest bidder pursuant to a competitive bidding process (the "NEOISO Bulk Road Salt Program"); and

WHEREAS, the City of Richmond Heights, a JMIC Member, committed to participate in the NEOISO Bulk Road Salt Program in the amount of 4,000 tons of road salt for the 2007-2008 winter; and

WHEREAS, the City of Maple Heights (for and on behalf of the JMIC and its Members) has delegated to NEOISO the rights and responsibilities for engaging competitive bidding on behalf of the City and all other member communities of JMIC for the period August 1, 2007 through and including July 31, 2008 (the "NEOISO Bulk Road Salt Program Period"); and

WHEREAS, the bid price for bulk road salt for the City of Richmond Heights as part of the NEOISO Bulk Road Salt Program is \$36.69 per ton dumped and \$39.26 per ton piled (which NEOISO determined to be the best and lowest bid price), which prices are applicable to the City of Richmond Heights's purchases of bulk road salt during the NEOISO Bulk Road Salt Program Period; and

WHEREAS, NEOISO has entered into a Master Agreement for Bulk Road Salt with North American effective August 1, 2007, a copy of which is attached hereto as Exhibit A (along with a Summary of Key Terms and Services) and the terms of which are incorporated herein; and

WHEREAS, NEOISO's Master Agreement with North American with respect to the NEOISO Bulk Road Salt Program requires the participating entities to purchase a minimum of sixty-five (65%) of its road salt commitment through this Program and limits each participating entity to purchasing a maximum of one hundred thirty-five percent (135%) of its road salt commitment through this Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: This Council authorizes the City to participate in the NEOISO Bulk Road Salt Program for the winter of 2007-2008, which includes purchases of bulk road salt during the NEOISO Bulk Road Salt Program Period.

Section 2: This Council authorizes the City to purchase bulk road salt as required during the NEOISO Bulk Road Salt Program Period based upon a commitment of 4,000 tons, with a minimum required purchase during this period of 2,600 tons and a maximum allowable purchase during this period of 5,400 tons.

Section 3: The Director of Finance is authorized and directed to appropriate to a proper account a sum sufficient to cover all amounts incurred and paid by the City with respect to the NEOISO Bulk Road Salt Program as authorized herein.

Section 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Richmond Heights, and for the further reason that it is immediately necessary in order for the City of Richmond Heights, as a member of the Joint Municipal Improvement Consortium, to participate in the NEOISO's Bulk Road Salt Program and to purchase salt through NEOISO's Bulk Road Salt Program for the daily operations of a vital municipal department; therefore, provided this Resolution receives affirmative vote of five members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

Section 5: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council