

**ORDINANCE 2021-49**

**AN ORDINANCE REQUESTING AUTHORIZATION FOR THE VILLAGE OF COMMERCIAL POINT TO PARTICIPATE IN COOPERATIVE PURCHASING PROGRAMS OF THE OHIO DEPARTMENT OF TRANSPORTATION PURSUANT TO OHIO REVISED CODE SECTION 5513.01(B), AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ACT AS THE VILLAGE'S AGENT UNDER SUCH PROGRAMS, AND CODIFYING SUCH REQUEST AND AUTHORIZATION PERMANENTLY AS SECTION 226.07 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT.**

**WHEREAS**, the Director of the Ohio Department of Transportation is authorized to permit municipal corporations such as the Village of Commercial Point to participate in state contract programs pursuant to Ohio Revised Code Section 5513.01 for the purchase of machinery, services, supplies, and other articles and be exempt from standard competitive bidding requirements; and

**WHEREAS**, the Village Council wishes to request authorization to participate in the cooperative purchasing programs of the Ohio Department of Transportation pursuant to Ohio Revised Code Section 5513.01(B), and codify such request as permanent legislation of the Village of Commercial Point.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:**

**Section 1. Authorization Request for Participation in ODOT Cooperative Purchasing Programs.** The Village Council hereby requests authorization from the Director of the Ohio Department of Transportation to participate in cooperative purchasing programs established by the Director pursuant to Ohio Revised Code Section 5513.01(B).

**Section 2. Designation of Village Administrator to Act as Village's Agent.** The Village Administrator is hereby designated as the agent of the Village of Commercial Point and is authorized to agree in the name of the Village to be bound by all terms and conditions as the Director of Transportation prescribes.

**Section 3. Authority of Village Administrator to Directly Pay Vendors.** The Village Administrator is hereby authorized to agree in the name of the Village of Commercial Point to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the Village of Commercial Point participates, for machinery, materials, supplies, or other articles it receives pursuant to the contract.

**Section 4. Resolution of Disputes.** The Village of Commercial Point hereby agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The Village of Commercial Point agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the Village of Commercial Point 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.

**Section 5. Permanency of Request for Authorization and Codification of Request for Authorization to Participate in ODOT Cooperative Purchasing Programs.** The Village Council hereby declares its request for authorization to participate in the ODOT cooperative purchasing programs described in Ohio Revised Code Section 5513.01(B) to be permanent in nature, obviating the need to renew the Village's request for authorization to participate in such programs during each contract renewal period. Accordingly, the Codified Ordinances of the Village of Commercial Point are hereby amended to include new Section 226.07, which shall read as follows:

**§ 226.07 PERMANENT AND CONTINUING REQUEST FOR AUTHORIZATION TO PARTICIPATE IN COOPERATIVE PURCHASING PROGRAMS OF THE OHIO DEPARTMENT OF TRANSPORTATION ESTABLISHED PURSUANT TO OHIO REVISED CODE § 5513.01(B) AND ITS SUCCESSORS.**

(a) From and after January 31, 2022, the Village of Commercial Point hereby permanently requests authorization to participate in the cooperative purchasing programs established by the Director of the Ohio Department of Transportation pursuant to Ohio R.C. 5513.01(B) and its

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successors. This request is permanent and continuing in nature and does not require renewal by the legislative authority of the Village of Commercial Point to be effective.

(b) The Village Administrator is directed and authorized to act as the Village's agent in all contracts entered into under the cooperative purchasing programs established by the Director of the Ohio Department of Transportation pursuant to Ohio R.C. 5513.01(B), and shall agree to be bound by the terms and conditions prescribed by the Director. The Village Administrator is hereby authorized to agree in the name of the Village of Commercial Point to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the Village of Commercial Point participates, for machinery, materials, supplies, or other articles it receives pursuant to the contract.

(c) The Village of Commercial Point is responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The Village of Commercial Point agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the Village of Commercial Point 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.

**Section 6. Notification to the Ohio Department of Transportation.** Upon certification of this Ordinance, the Fiscal Officer is hereby authorized and directed to send a certified copy of this Ordinance to the following: Ohio Department of Transportation, c/o Co-Op Purchasing Coordinator, Office of Contracts, Purchasing Services, 1980 W. Broad Street, 1<sup>st</sup> Floor, Columbus, Ohio 43223.

**Section 7. Open Meetings Certification.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 8. Effective Date.** This Ordinance shall take effect from and after the earliest date permitted by law.

Vote on Suspension of Readings:

Motion by: Laura Wolfe

2<sup>nd</sup>: Ryan Mitchem

Roll Call:

N/A Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Vote on Passage of the Ordinance:

Motion by: Laura Wolfe

2<sup>nd</sup>: Tracy Joiner

Roll Call:

N/A Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Adopted this 29<sup>th</sup> day of November, 2021

  
Allan D. Goldhardt, Mayor

  
Wendy L. Hastings, Fiscal Officer

Approved as to Form:

  
Joshua Cartee, Village Solicitor