

# **CITY OF OBERLIN, OHIO**

## **ORDINANCE No. 17-19 AC CMS**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER OF OBERLIN, OHIO TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY**

WHEREAS, Section 5513.01(B) of the Ohio Revised Code authorizes the Ohio Department of Transportation (“ODOT”) to permit any political subdivision to participate in contracts into which the Director has entered into for the purchase of machinery, material, supplies or other articles and that such purchases are exempt from competitive bidding otherwise required by law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, at least 5/7<sup>th</sup> of which of all members elected thereto concurring:

SECTION 1. That the Oberlin City Manager is designated as the agent for the City of Oberlin and does hereby request authority, in the name of the City of Oberlin, to participate in ODOT contracts for the purchase of machinery, materials, supplies or other articles which ODOT has entered into pursuant to Ohio Revised Code Section 5513.01(B).

SECTION 2: That the City Manager is hereby authorized on behalf of the City of Oberlin, to be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION 3: That the City Manager is hereby authorized to agree in the name of the City of Oberlin to directly pay vendors, under each such contract of the ODOT in which the City of Oberlin participates, for items it receives pursuant to the contract.

SECTION 4. That the City of Oberlin 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 City of Oberlin agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Oberlin 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. That the authority requested and provided herein is deemed to be permanent and semiannual renewals shall not be required.

SECTION 6. That upon final passage of this Ordinance, the Clerk of Council shall cause a certified copy to be filed with the Director of Transportation as is provided in Section 5513.01(B) of the Ohio Revised Code.

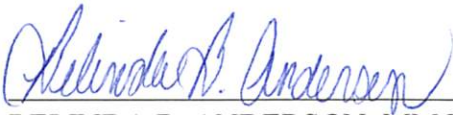
SECTION 7. It is found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in

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. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to authorize timely participation in ODOT’s Cooperative Purchasing Program” and shall take effect immediately upon passage.

PASSED: 1st Reading: April 17, 2017 (E)  
2nd Reading: \_\_\_\_\_  
3rd Reading: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
RONNIE J. RIMBERT  
PRESIDENT OF COUNCIL

POSTED: 04/18/2017

EFFECTIVE DATE: 04/17/2017