

ORDINANCE NO. 36-18

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM, INCLUDING THE WINTER ROAD SALT CONTRACT, AUTHORIZING AND DIRECTING THE DIRECTOR OF SAFETY AND SERVICE TO EXECUTE ALL NECESSARY AND REQUIRED DOCUMENTS AND AGREEMENTS FOR PARTICIPATION IN THE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, Section 5513.01 (B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, GVState Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. The Director of Safety and Service hereby requests authority in the name of the City of Port Clinton to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies (including winter road salt contracts), or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01 (B).

Section 2. The Director of Safety and Service is hereby authorized and directed to agree in the name of the City of Port Clinton to be bound by all terms and conditions as the Director of Transportation prescribes, and to execute all necessary and required documents and agreements for participation in the program, including the purchase of winter road salt as provided in the agreement authorizing participation in the winter road salt contract attached as Exhibit A to this Ordinance.

Section 3. The Director of Safety and Service and the Auditor of the City are each authorized and directed to agree in the name of the City of Port Clinton to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City participates, for items it receives pursuant to the contract.

Section 4. The City 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 agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City 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 funds necessary for the City to complete the cooperative purchase contract for the purchase of road salt as prescribed in Exhibit A to this ordinance are hereby appropriated by the City of Port Clinton.

Section 6. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective for the City to confirm its purchase of road salt through the ODOT cooperative purchasing program on or before October 16, 2018; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2018

President of Council

Attest: _ Clerk of Council

Approved _____, 2018

Mayor