

RESOLUTION NO. 023-19

**A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT)
COOPERATIVE 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, state universities or colleges to participate in contracts of the Ohio Department of Transportation (ODOT) for the purchase of machinery, material, or other articles; and,

WHEREAS, the City of Napoleon Department of Public Works desires to purchase the necessary materials for its 2019 crack sealing program; and,

WHEREAS, the materials can be purchased utilizing the State Cooperative Purchasing Program; and,

WHEREAS, the Council believes it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, the City of Napoleon authorizes the City Manager on behalf of the City of Napoleon to participate in the Ohio Department of Transportation (ODOT) contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B).

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

Section 3. That, the City Manager is hereby authorized on behalf of the City of Napoleon to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Napoleon participates, for items it receives pursuant to the contract.

Section 4. That, the City of Napoleon 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 Napoleon agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Napoleon 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 City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 for the purchase of the necessary materials for its crack sealing program, utilizing the State Cooperative Purchasing Program. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 6. That, the City Manager is authorized to enter into a contract for said purchase.

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 9. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchase process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: March 18, 2019



Joseph D. Diakowski, Council President Pro-Tem

Approved: March 18, 2019

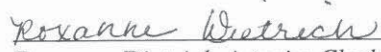

Jason P. Maassel, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:


Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 023-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 11th day of April, 2019; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Roxanne Dietrich, interim Clerk of Council