



## Legislation Text

**File #: 2237-2019, Version: 1**

### 1. BACKGROUND

Section 5513.01 (B) of the Ohio Revised Code authorizes the Director of the Ohio Department of Transportation (ODOT) to allow political subdivisions to participate in ODOT contracts for the purchase of machinery, materials, supplies, services and other articles which the Department has entered into. It is the intent of ODOT to establish and operate the ODOT Cooperative Purchasing Program for that purpose. The City of Columbus, Department of Public Service, has the desire to utilize the service contracts established by ODOT for their own use as necessary. Having the ability to utilize ODOT service contracts as needed will make the Department of Public Service more effective and efficient.

This legislation will authorize the Director of Public Service to participate in contracts established by the Ohio Department of Transportation under section 5513.01(B) of the Ohio Revised Code for purchases up to \$50,000.00. Any purchases exceeding \$50,000.00 for a Public Service Division against a single ODOT contract will be subject to Council approval. The Director of Finance and Management will also be authorized to participate in contracts for machinery, materials, supplies, or other articles established by ODOT under Section 5513.01(B) of the Ohio Revised Code. The City of Columbus shall be bound by all term and conditions prescribed in the contracts established by the Director of of the Ohio Department of Transportation. The authorization to participate in these contracts is to be considered permanent.

Additionally, this ordinance waives the competitive bidding provisions of the Columbus City Codes for all purchases to be established from the ODOT cooperative purchasing program. Purchases made through the ODOT cooperative purchasing program will be made on a case by case basis when the purchase is deemed to be in the best interests of the City of Columbus and where the City cannot secure better terms and conditions compared to the established ODOT contract.

### 2. FISCAL IMPACT

An expenditure is not requested at this time. This legislation will authorize participation in ODOT established contracts up to \$50,000.00 per purchase against a single ODOT contract by a Public Service Division. Any contracts exceeding \$50,000.00 will be subject to Council approval.

### 3. EMERGENCY JUSTIFICATION

To allow access to the ODOT cooperative contracts as soon as possible.

To authorize the Directors of the Departments of Public Service and Finance and Management to participate in contracts established by the Ohio Department of Transportation (ODOT) under section 5513.01(B) of the Ohio Revised Code; to waive the competitive bidding provisions of the Columbus City Codes for purchases made under the ODOT Cooperative Purchasing Program; and to declare an emergency. (\$0.00)

**WHEREAS**, the Ohio Revised Code 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, along with 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 for the purchase of machinery, material, supplies, services or other articles; and

**WHEREAS**, the Director of Public Service and Director of Finance and Management hereby requests authority in the name of the City of Columbus to participate in the Ohio Department of Transportation contracts for the purchase of machinery, material, supplies, services or other articles, which ODOT has entered into pursuant to Ohio Revised Code Section 5513.01 (B); and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director of Public Service and Director of Finance and Management for any and all divisions of the Department of Public Service to utilize ODOT established service contracts as needed; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to utilize the ODOT contracts for the purchase of machinery, materials, supplies, services and other articles as soon as possible, thereby preserving the public health, peace, property, safety and welfare; **now, therefore,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Public Service is hereby authorized to participate in contracts for services established by the Ohio Department of Transportation under section 5513.01(B) of the Ohio Revised Code. The City of Columbus shall be bound by all term and conditions prescribed in the contracts established by the Director of Transportation. This authorization is to be considered permanent.

**SECTION 2.** That the Director of Finance and Management is hereby authorized to participate in contracts for machinery, materials, supplies, or other articles established by ODOT under Section 5513.01(B) of the Ohio Revised Code. The City of Columbus shall be bound by all term and conditions prescribed in the contracts established by the Director of Transportation. This authorization is to be considered permanent.

**SECTION 3.** That the Director of Public Service and Director of Finance and Management are hereby authorized to agree in the name of the City of Columbus to establish purchase orders and directly pay vendors under each such contract of the Ohio Department of Transportation in which the City of Columbus participates, for items it receives pursuant to the contract. The Director of Public Service and Director of Finance and Management are authorized to participate in ODOT established contracts up to \$50,000.00 per purchase by a Public Service Division. Any purchases exceeding \$50,000.00 against a single ODOT contract by a Public Service Division will be subject to Council approval.

**SECTION 4.** That the City of Columbus 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 Columbus agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Columbus 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 in authorizing any purchases pursuant to this cooperative purchasing program Columbus City Council deems it to be in the best interests of the City to waive the competitive bidding requirements to permit participation in said service contracts and hereby waives applicable provisions of Chapter 329 of the Columbus City Codes.

**SECTION 6.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

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