

**ORDINANCE NO. 94-2018**

**TITLE: ODOT COOPERATIVE PURCHASING PROGRAM**

**AN ORDINANCE AUTHORIZING THE PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S (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 for the purchase of machinery, material, supplies or other articles.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That the Director of Public Service hereby requests authority in the name of the City of Barberton to participate in the Ohio Department of Transportation's (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 Director of Public Service is hereby authorized to agree in the name of the City of Barberton to be bound by all terms and conditions as the Director of Transportation prescribes.

**SECTION 3.** That the Director of Public Service is hereby authorized to agree in the name of the City of Barberton to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Barberton participates for items it receives pursuant to the contract.

**SECTION 4.** That the City of Barberton agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchase program under Section 5513.01(B) of the Ohio Revised Code. The City of Barberton agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchase program which the City of Barberton 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 it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 meetings open to the public in compliance with the law.

**SECTION 3.** This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that it is necessary to forward this ordinance to ODOT within the next 30 days, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2018

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Clerk of Council

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President of Council

Approved \_\_\_\_\_ 2018

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Mayor