

# CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 11 – 19 – 16

## AN ORDINANCE AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM

**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; and

**WHEREAS**, the ODOT purchasing representative has advised City staff enactment of this item as an Ordinance will dispense with the need to enact legislation every two years with respect to approval to participate in the ODOT purchasing program specified herein.

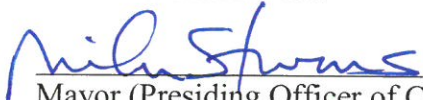
### **NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the City Manager hereby requests authority in the name of the City of Clayton to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies, or other articles which the Department has entered into pursuant to Ohio Revised 5513.01 (B).
2. That the City Manager is hereby authorized to agree in the name of the City of Clayton to be bound by all terms and conditions as the Director of Transportation prescribes.
3. That the City Manager is hereby authorized to agree in the name of the City of Clayton to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Clayton participates, for items it receives pursuant to the contract.
4. That the City Manager 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 Clayton agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Clayton 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.
5. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

6. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on November 7, 2019 and November 21, 2019.
7. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

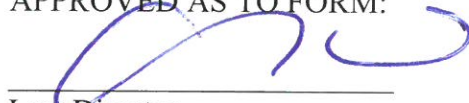
ADOPTED BY COUNCIL ON NOVEMBER 21, 2019.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor (Presiding Officer of Council)

  
\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper  
Brookville Star

Date of publication  
Dec. 11, 2019

  
\_\_\_\_\_  
CLERK