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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11082-2019

INTRODUCED BY: MAYOR GAMMELLA *chw*

AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM, FOR THE PURCHASE OF A 2019 FORD E450 PASSENGER/WHEELCHAIR BUS WITH TRADE-IN OF 2004 E350 BUS FROM WHITWORTH BUS SALES, INC., AND DECLARING AN EMERGENCY

WHEREAS, Section 5513.01(B) of the Ohio Revised Code 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, materials, supplies or other articles; and

WHEREAS, the City desires to participate in the Ohio Department of Transportation Cooperative Purchasing Program and enter into a contract with Whitworth Bus Sales, Inc., for the purchase of one Ford E450 Passenger/wheelchair Senior Bus; and

WHEREAS, the City passed Resolution 25-2018 on July 24, 2018, authorizing the application for a grant for one Senior Bus through Northeast Ohio Areawide Coordinating Agency (NOACA); AND

WHEREAS, the City has been awarded \$49,103.00 from NOACA for the purchase of one Ford E450 Passenger/wheelchair Senior Bus through ODOT Cooperative Purchasing Program; and

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Mayor hereby requests authority, in the name of the City of Brook Park to participate in the Ohio Department of Transportation contract through Whitworth Bus Sales, Inc., for the purchase of machinery, materials, supplies or other articles, which the Department has entered into pursuant to the Ohio Revised Code Section 5513.01(B). Specifically, the City of Brook Park requests authority to purchase a 2019 Ford E450 passenger/wheelchair bus.

SECTION 2: The Mayor of the City of Brook Park is hereby authorized to be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION 3: The Mayor of the City of Brook Park is hereby authorized to directly pay Whitworth Bus Sales, Inc., under each such contract of the Ohio Department of Transportation in which the City of Brook Park participates, in the amount of \$69,048.00 for items it receives pursuant to the contract, from the Capital Fund No. 401 and 641.

SECTION 4: That the City of Brook Park 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 Brook Park releases and forever discharges the Director of Transportation and the Ohio Department of Transportation from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Brook Park 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: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to allow the City to participate in the Ohio Department of Transportation's Cooperative Purchasing Program with Whitworth Bus Sales, Inc.; therefore provided (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 7, 2019
 ATTEST: Michelle Blazak Clerk of Council
 APPROVED: [Signature] MAYOR

[Signature]
 PRESIDENT OF COUNCIL

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS
 DIRECTOR OF LAW

	May	June	July	Aug	Sept	Oct	Nov	Dec
Stemm								
Mencini								
Orcutt								
Scott								
Burgio								
Poindexter								
Salvatore								

CERTIFICATE
 Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11082-2019 passed on the 7th day of May 2019 by said council.
Michelle Blazak
 Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinance/resolutions was made by pasting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location: City Hall, 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station, 9590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
 commencing May 9, 2019
Michelle Blazak
 2 MICHELLE BLAZAK
 Clerk of Council