

**Village of Mantua, Ohio
RESOLUTION 2024-21**

A RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM FOR THE PURPOSE OF CONDUCTING CHIP AND SEAL IMPROVEMENTS TO VARIOUS STREETS WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for political subdivisions of the State of Ohio to participate in contracts of the Ohio Department of Transportation (“ODOT”) for the purchase of machinery, material, supplies or other articles; and

WHEREAS, purchases made by a political subdivision under this program are exempt from any competitive bidding required by law for the purchase of machinery, materials, supplies, or other articles; and

WHEREAS, The Village of Mantua wishes to participate in this program in order to conduct chip and seal improvements to various streets within the Village.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Mantua, Portage County, Ohio, two-thirds or more of the members elected thereto concurring, that:

SECTION 1. The Village Administrator is hereby authorized to request authority in the name of the Village of Mantua to participate in the Ohio Department of Transportation’s 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) by way of correspondence attached hereto as “Exhibit A”.

SECTION 2. The Village Administrator is hereby authorized to agree in the name of the Village of Mantua to be bound by all ODOT contract terms and conditions and to assume all responsibility for placing orders and vendor payments.

SECTION 3. The Village Administrator is hereby authorized to agree in the name of the Village of Mantua to directly pay vendors, under each such contract of ODOT in which the Village of Mantua participates, for items it receives pursuant to the contract.

SECTION 4. The Village of Mantua 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 Village of Mantua releases and forever discharges the Director of Transportation and ODOT from all such claims or actions arising out of its participation in the cooperative purchasing program which the Village of Mantua 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. Participation in the program does not obligate the Village of Mantua to indemnify or hold harmless the State of Ohio or any department thereof with respect to any claim or demand asserted by third parties against the Village of Mantua or the State, or to provide or pay for any legal representation, attorney fees, or other litigation costs incurred by any party other than the Village in defending against any such claim or demand.

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SECTION 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that the deliberations of the Council and 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 Revised Code of the State of Ohio.

SECTION 7. This Resolution is hereby declared an emergency measure in order to permit application for participation in the ODOT cooperative purchasing program at the earliest time possible and to expedite the 2024 chip and seal street improvements within the Village, and therefore shall be effective immediately upon proper passage by the Council of the Village of Mantua.

PASSED IN COUNCIL this ____ day of _____, 2024.

ATTEST:

Tammy Meyer, Mayor

Maryann Fabian, Fiscal Officer

I hereby certify the above Resolution was duly posted as required pursuant to Mantua Village Codified Ordinances Section 123.01 for no less than two consecutive weeks, beginning on the ____ day of _____, 2024.

Maryann Fabian, Fiscal Officer

Approved as to legal form by:

Michele Stuck, Solicitor

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“Exhibit A”

April 17, 2024

Co-op Purchasing Coordinator
Ohio Department of Transportation
Office of Contracts, Purchasing and Services
1980 W. Broad Street, 1st Floor
Columbus, Ohio 43223

Attention: Mr. Robert Rounds, Sourcing Supervisor
Via email: robert.rounds@dot.ohio.gov

Dear Mr. Rounds,

The Village of Mantua has passed Resolution 2024-21, authorizing participation in the ODOT cooperative purchasing program (copy attached). As such the Village of Mantua requests the utilization of Specialized Construction, Inc. for the purchase and installation of bituminous products for various roads within the Village of Mantua.

Please accept this letter as our formal request to participate in the use of ODOT’s Cooperative Purchasing Program as defined on the 101-G contract.

Sincerely,

Ryan Klemm, Village Administrator
Village of Mantua