**ORDINANCE NO. 29-2021**

**AUTHORIZING THE VILLAGE ADMINISTRATOR TO ISSUE A PURCHASE ORDER IN EXCESS OF FIFTY THOUSAND DOLLARS FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND SURFACING, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Fairfax, Ohio (“Village”) is engaged in a project (“Project”) to provide for new playgrounds at Ziegler Park in the Village; and

**WHEREAS**, in connection with the Project, the Village needs to reach agreement for the purchase and installation of synthetic playground surfacing (the “Playground Surfacing”); and

**WHEREAS**, the Village obtained an acceptable quote in the form of a purchase order for the Playground Surfacing from ForeverLawn of Ohio, Inc. (“ForeverLawn”) attached hereto as Exhibit A; and

**WHEREAS,** such quote is in the amount of $102,012.28; and

**WHEREAS,** under R.C. 731.14 and 731.141, when such an expenditure exceeds $50,000, the expenditure shall first be authorized and directed by ordinance of this Council after satisfying any applicable bid requirements; and

**WHEREAS**, the Village obtained the foregoing quote through the Houston-Galveston Area Council (“H-GAC”), and H-GAC’s program known as HGACBuy; and

**WHEREAS**, H-GAC is a Council of Government formed as a political subdivision of the State of Texas; and

**WHEREAS**, H-GAC established its Cooperative Purchasing Program, known as HGACBuy, pursuant to Texas Local Government Code, Title 7, Chapter 791, allowing local governments to contract or agree to make purchases or provide purchasing services and other administrative functions appropriately established by another governmental entity; and

**WHEREAS**, HGACBuy has a program under which it contracts for products and services under a competitive bid or competitive proposal process, and allows other end users, such as the Village, to issue purchase orders for such products and services and pay the contractor, retained by HGACBuy, directly; and

**WHEREAS**, HGACBuy contracted with ForeverLawn through such a competitive process to provide products and services, including the Playground Surfacing, and is allowing the Village to issue a purchase order to obtain the Playground Surfacing from ForeverLawn; and

**WHEREAS**, R.C. 9.48(B)(2) allows an Ohio political subdivision, such as the Village, to participate in a joint purchasing program operated by or through a national or state association of political subdivisions, such HGACBuy, in which such political subdivision is eligible for membership; and

**WHEREAS**, the Village is eligible for membership in HGACBuy, and did join as a member; and

**WHEREAS**, under R.C. 9.48(C), an Ohio political subdivision, such as the Village, may acquire equipment, material, supplies, or services through its participation in an association such as HGACBuy, exempt from any competitive selection requirements otherwise required by Ohio law, including R.C. 731.14, if the contract for same was awarded pursuant to a publicly solicited request for proposal or a competitive selection procedure of another political subdivision within or outside Ohio, provided that the purchasing political subdivision, such as the Village, has not received bids for such acquisition at an equivalent or lower price; and

**WHEREAS**, HGACBuy fulfilled all requirements of R.C. 9.48(C) in contracting with ForeverLawn, and the Village has not received any other bids for the Playground Surfacing at an equivalent or lower price; and

**WHEREAS**, the Village Administrator, therefore, recommends entering into the purchase order attached hereto as Exhibit A, and this Council concurs, having satisfied all requirements in R.C. 9.48 for said purchase;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio, that:

**SECTION I:** The Village Administrator is hereby authorized to enter into the purchase order attached hereto as Exhibit A.

**SECTION II:** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to secure favorable pricing under the terms of the subject purchase order, and to facilitate the timely completion of the Project and related Playground Surfacing.

Passed this 15th day of November, 2021.

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Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 29-2021 adopted at a meeting of the Council of the Village of Fairfax on this 15th day of November, 2021.

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Fiscal Officer