**ORDINANCE NO. 10-2022**

**AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A PURCHASE ORDER IN EXCESS OF FIFTY THOUSAND DOLLARS FOR THE REFURBISHMENT OF THE RECREATION CENTER ROOF, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Fairfax, Ohio (“Village”) is engaged in a project (“Project”) to provide for the refurbishment of the roof of the R.G. Cribbet Recreation Center owned by the Village; and

**WHEREAS**, in connection with the Project, the Village needs to reach agreement for the refurbishing work (the “Refurbishment”); and

**WHEREAS**, the Village obtained an acceptable quote in the form of a purchase order for the Refurbishment from Weatherproofing Technologies, Inc. (“WTI”) attached hereto as Exhibit A; and

**WHEREAS,** such quote is in the amount of $159,852.62; 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 OMNIA Partners, Public Sector (“OMNIA”) via the contract specified in the attached purchase order; and

**WHEREAS**, OMNIA is a national public sector cooperative purchasing program formed under the laws of the State of Delaware, with its principal place of business in the State of Tennessee; and

**WHEREAS**, OMNIA allows local governments to contract or agree to make purchases or obtain purchasing services and other administrative functions established by another governmental entity serving as a Lead Public Agency in conformance with its competitive bidding requirements; and

**WHEREAS**, OMNIA 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 directly; and

**WHEREAS**, OMNIA contracted with WTI through such a competitive process to provide products and services, including the Refurbishment, and is allowing the Village to issue a purchase order to obtain the Refurbishment from WTI; 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 OMNIA, in which such political subdivision is eligible for membership; and

**WHEREAS**, the Village is eligible for membership in OMNIA, 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 OMNIA, 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**, OMNIA fulfilled all requirements of R.C. 9.48(C) in contracting with WTI, and the Village has not received any other bids for the Refurbishment 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, subject to the condition that any action brought in connection with the Refurbishment, the purchase order, or the WTI Terms and Conditions must be brought in Hamilton County, Ohio notwithstanding the venue provision in the Terms and Conditions.

**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 Refurbishment.

Passed this 18th day of April, 2022.

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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. 10-2022 adopted at a meeting of the Council of the Village of Fairfax on this 18th day of April, 2022.

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Fiscal Officer