

AN ORDINANCE AMENDING SECTION 141.03 OF THE VILLAGE'S CODIFIED ORDINANCES TITLED, "CONTRACT AUTHORITY; BIDS" TO INCLUDE A NON-EMERGENCY WAIVER OF CONTRACTING REQUIREMENTS PROVISION, AND DECLARING AN EMERGENCY

WHEREAS, the Village is permitted pursuant to its Home Rule authority and Charter to enact contracting requirements that are different than the contracting requirements set forth in state law; and

WHEREAS, Section 141.03 of the Village's Codified Ordinances, titled "Contract Authority; Bids" sets for the applicable contract requirements for any public improvement, or the purchase or lease of equipment, materials, and supplies, or to obtain professional or personal services, or for any other lawful purpose; and

WHEREAS, Section 141.03 also imposes certain contract requirements for expenditures between \$15,000 and \$25,000; between \$25,000 and \$50,000; and \$50,000 and above; and

WHEREAS, in all cases of expenditures \$50,000 and above, Section 141.03(f) currently authorizes Council to waive the contracting requirements if the expenditure falls within one of the following categories: (1) purchases from the State under Ohio R.C. 125.04 or 5513.01; (2) purchases from a governmental body; (3) purchases of professional services; (4) emergency purchases; (5) purchases incapable of being competitively bid; (6) purchases from another supplier upon equivalent terms, conditions and specifications but at a lower price than is offered by the State under Ohio R.C. 125.04(c); and (7) any other exception to competitive bidding applicable to municipal corporations set forth in the Ohio Revised Code or other Ohio law; and

WHEREAS, the Mayor has recommended that Council amend Section 141.03 to include a non-emergency waiver of contracting requirements provision which would authorize the Council to waive any of the contracting requirements set forth in Section 141.03 and above when Council determines, by resolution, that it is in best interest of the Village to do so; and

WHEREAS, the Council has determined that that it would be in the best interest of the Village to amend Section 141.03 to include a non-emergency waiver of contracting requirements provision.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. Section 141.03 of the Village's Codified Ordinances titled "Contract Authority; Bids is hereby amended as follows:

"141.03 CONTRACT AUTHORITY; BIDS.

(f) In all cases of expenditures of fifty thousand dollars (\$50,000) and above, the above criteria may be waived by Council if the expenditure falls within one of the following categories:

- (1) Purchase from the State under Ohio R.C. 125.04 or 5513.01.
- (2) Purchase from a governmental body.
- (3) Purchase of professional services.
- (4) Emergency purchases.
- (5) Purchases incapable of being competitively bid.
- (6) Purchase from another supplier upon equivalent terms, conditions and specifications but at a lower price than is offered by the State under Ohio R.C. 125.04(c).
- (7) Any other exception to competitive bidding applicable to municipal corporations set forth in the Ohio Revised Code or other Ohio law.

(g) When Council determines by the affirmative vote of three-fourths (3/4) of the members elected or appointed to Council that is in the best interests of the Village, Council, by resolution, may waive the contracting requirements of this Chapter.”

SECTION 2. That all versions of Section 141.03 of the Village’s Codified Ordinances, titled Contracting Authority; Bids” in existence prior to the passage of this ordinance are hereby repealed.

SECTION 3. 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 all deliberations of this 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 Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public health, safety, and welfare and for the further reason that it is necessary to give the Village greater flexibility with the purchase of services and supplies; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 9-21-21



President of Council



Mayor

Date: 9/21/2021

ATTEST



Clerk of Council

