

CHAPTER 206
Purchases and Sales

206.01	Purchasing.	206.03	Participation in Ohio
206.02	Sale of surplus property.	206.04	Department of Transportation (ODOT) contracts.

CROSS REFERENCES

Competitive bidding - see CHTR. §52
 Utility franchise - see CHTR. §§59, 60
 Right to purchase utilities - see CHTR. §62
 Continuance of Municipal contracts - see CHTR. §98
 Unlawful interest in contracts - see GEN. OFF. 608.10

206.01 PURCHASING.

(a) Procedures. The Village Manager shall act as Purchasing Agent for the Village, making all purchases required by the Village and selling unused, worn-out, surplus or obsolete equipment and materials.

Whenever it is deemed necessary or desirable that supplies, materials or equipment be purchased or secured, requisitions therefor shall be submitted to the Purchasing Agent, specifying the nature of the purchase desired, the quantity required and the performance requirements to be met. Upon receipt of any such requisition, the Purchasing Agent shall inquire of potential suppliers as to the cost of such purchase, in the form of informal offers to supply the items required.

If the probable cost thereof will be fifteen thousand dollars (\$15,000) or more, the Purchasing Agent shall resort to formal bidding, as hereinafter provided. If the probable cost will be less than fifteen thousand dollars (\$15,000), the Purchasing Agent may award the purchase to the supplier offering the lowest and best bid among the informal bidders, provided that if the cost will be five thousand dollars (\$5,000) or more, at least two informal bids, or a statement as to why two bids are not available, shall be secured in writing.

(b) Formal Bidding. Whenever formal bidding is necessary by reason of the probable amount involved, the Purchasing Agent shall prepare or cause to be prepared specifications for the article required and shall advertise the requirements of the Village at least once in a newspaper of general circulation in the Village and inviting the tender of bids in writing for the furnishing of such requirements, such bids to be publicly opened not less than thirty days following the date of the first advertisement, at a time and place specified in the published notice. The bids shall be opened and read publicly by the Purchasing Agent. An investigation of the responsibility of the bidders shall be made if the Village Manager deems it necessary.

The Manager shall report to Council the bids and the results of any investigation of the responsibility of the bidders and shall recommend to Council the selection of the lowest and best bid, or, if he or she determines that the interest of the Village would be better served, the rejection of all bids.

No contract for the purchase of articles at a cost of fifteen thousand dollars (\$15,000) or more shall be made unless Council has, by ordinance or resolution, authorized and directed the Village Manager to do so. Contracts for the purchase of articles costing fifteen thousand dollars (\$15,000) or more shall be approved as to form by the Village Solicitor and certified as to the availability of funds.

(c) Purchase Orders. Whenever informal bidding is followed pursuant to this section, the Purchasing Agent shall prepare a purchase order addressed to the successful bidder, directing him or her to supply the goods required in accordance with the terms agreed upon.

(d) Inspection. The Purchasing Agent shall inspect or supervise the inspection of all deliveries of supplies, materials or equipment to determine their conformance with the specifications set forth or referred to in the order or contract.

(e) Execution of Contracts. Unless otherwise specifically stated by a resolution or ordinance of Council, all contracts made by and on behalf of the Village shall be executed by the signature of the Village Manager.

(f) Exceptions. In the event of disaster or other emergency, if purchases of supplies, materials or equipment must be made immediately without an opportunity for following the procedures set forth herein or for Council approval, the Village Manager is authorized to make necessary purchases in excess of fifteen thousand dollars (\$15,000) to protect the public health, safety and welfare without complying with the procedures outlined in this section. In the event of such emergency purchases, the Village Manager shall report the details of the purchases to Council at the earliest possible regular meeting.

(1971 Code §133.01; Ord. 91-4. Passed 4-15-91; Ord. 99-12. Passed 12-20-99; Ord. 2000-6. Passed 4-17-00.)

206.02 SALE OF SURPLUS PROPERTY.

Following a declaration of property as surplus, the sale of such property shall be subject to the following terms and conditions:

- (a) Public notice of the sale, including the method of sale, shall be given in newspapers of general circulation within and beyond the Village at least once a week for three weeks and in other media as deemed appropriate.
- (b) No offer to purchase said property shall be formally accepted until a minimum of thirty days has passed from the first date of publication.
- (c) Subject to the above limitations, the Village Council shall elect to sell the property by means of:
 - (1) The services of an agent (realtor, broker or other) whose method of selection and terms of engagement shall be determined by Council;
 - (2) Sealed bids;
 - (3) Public auction;
 - (4) Land exchange; or
 - (5) Such other method adopted by the Council by ordinance.
- (d) Proceeds from the sale of such surplus property may be applied to the General Fund of the Village or such other fund or funds established for the purpose of receiving said proceeds.
- (e) The Village Council may elect to reject any and all such bids or offers received. Following said action, the Council may retain ownership of said property or may attempt a sale by a different method and, if so, shall re-advertise as provided for herein.
- (f) The Village shall require that the buyer of the subject property obtain a title examination at the buyer's expense prior to closing.
- (g) In addition to the procedures set forth in division (c) of this section, the Village Council may also elect, at its option, to sell surplus property directly to an existing tenant of such property. If the Village Council elects this method to sell surplus property, in addition to complying with the public notice requirements set forth in division (a) of this section, the Village Council shall obtain, from appraisers licensed in the State of Ohio, at least two written appraisals of the market value of the surplus property. The agreed sale price of any surplus property sold to an existing tenant shall be equal to or greater than the average of the appraised values of the surplus property as determined by the appraisals.

(Ord. 94-11. Passed 9-19-94; Ord. 2004-13. Passed 4-5-04.)

206.03 PARTICIPATION IN OHIO DEPARTMENT OF TRANSPORTATION (ODOT) CONTRACTS.

(a) The Village Manager is hereby authorized to act as the Village's agent and is directed to request authority on behalf of the Village to participate in Ohio Department of Transportation (ODOT) contracts pursuant to Ohio R.C. 5513.01 for purchases of machinery, materials, supplies and other articles.

(b) The Village agrees to be bound by all ODOT contract terms and conditions and assumes all responsibility for placing orders and paying vendors for items purchased under said contracts.

(c) The Village agrees to hold the Director of Transportation and ODOT harmless for any claim or dispute arising out of participation in a contract pursuant to Ohio R.C. 5513.01(B).

(Res. 97-18. Passed 6-16-97.)

2004 Replacement