

AN ORDINANCE

BY: VICE MAYOR BYINGTON

NO. 4941

AMENDING SECTION 145.04, *FORMAL BIDDING PROCEDURES*, OF THE OAKWOOD ADMINISTRATIVE CODE TO CLARIFY THAT CERTAIN BROKERED PURCHASES AND CONTRACTS ARE EXEMPT FROM FORMAL BIDDING REQUIREMENTS.

WHEREAS, Chapter 145 of the Oakwood Administrative Code governs all city purchases and contracts, and is intended as an exercise of the City's power of local self-government pursuant to Section 1.02 of the City Charter and Section 3, Article XVIII of the Constitution of the State of Ohio; and

WHEREAS, Administrative Code Section 145.04(E) provides an exception to formal bidding requirements for certain kinds of purchases and contracts, where, because of the nature of such purchase or contract, there are inherent assurances to ensure fair and reasonable pricing and the prudent, responsible use of public resources; and

WHEREAS, the city has a long-standing practice of obtaining insurance and other employee benefits through the services of brokers who are familiar with the local market and who, by contract with the city, have a fiduciary duty to act in the best interests of the city; and

WHEREAS, these broker service contracts have always been exempt from competitive bidding as contracts for professional or personal services, but the Law Director has recommended a clarification to ensure that the underlying employee benefit contracts are also clearly exempted; and

WHEREAS, Council accepts the Law Director's recommendation and desires to amend Section 145.04(E) accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Section 145.04, *Formal Bidding Procedures*, of the Oakwood Administrative Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font:

145.04 FORMAL BIDDING PROCEDURES

A. Formal sealed bids shall be used to determine the lowest and best responsible Vendor for the awarding of any purchase or contract that is subject to formal bidding under Section 145.03(B).

B. Formal bids shall be solicited by publishing an advertisement once a week, for not less than two weeks, in a newspaper of general circulation in the City. The advertisement shall set forth the day, hour and place of the bid opening, and shall provide contact information for the person or department responsible for distributing specifications and/or bidding instructions. If, in the discretion of the Purchasing and Contracting Agent, publication in a professional or trade publication or internet website is more likely to attract bidders appropriate to the City's need or purpose, publication may be made in that forum instead, for a similar duration.

C. Each bid must conform to the following general requirements:

1. Each bid shall contain the full name of each person or company interested therein;
2. Each bid shall be accompanied by appropriate bid security; and
3. No bid may be altered or modified after it has been delivered to the City.

D. The City may establish prequalifications or prerequisites for bidders, including but not limited to references and a statement of similar work previously performed.

E. Formal bidding shall not be required in any of the following situations, which shall constitute exceptions to the general rule set forth above in subsection (A), regardless of the probable cost or obligation to be incurred:

1. Public emergency declared in a resolution by a four-fifths vote of Council;
2. Where proximity of the supplier and/or immediate availability of the product or service is a determinative factor;
3. Where special or unusual circumstances make it advisable that the City deal with a particular Vendor on a sole-source basis;
4. Where a contract has already been entered into and a change order is sought for additional items or services, so long as all such change orders on a particular contract do not exceed twenty five percent (25%) of the original contract amount;
5. Participation in state contracts arranged by the Office of State Purchasing (part of the Ohio Department of Administrative Services) pursuant to Ohio Revised Code Section 125.04, or any other governmental cooperative purchasing program;
6. Where a purchase or contract can be obtained locally at a price below the price offered under a governmental cooperative purchasing program;
7. Contracts for professional or personal services;
8. **Contracts for insurance, employee benefits, or other products or services where the purchase price or rates have been obtained through the services of a broker hired or contracted by the City;**
- 8.9. Any other situation in which Council declares, by resolution, that the best interests of the City would be served by dispensing with the requirement of formal bidding for a particular purchase or contract; and
- 9.10. Any other exception in this chapter or allowed by the Charter or Ohio law.

SECTION II.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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, if required, in compliance with all legal requirements including Ohio Revised Code, Sec. 121.22.

SECTION III.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 7<sup>th</sup> day of June, 2021.

  
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Mayor William D. Duncan

ATTEST:

  
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Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.

  
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City Attorney Robert E. Jacques

A RESOLUTION

BY: MAYOR DUNCAN

NO. 1882

A RESOLUTION TERMINATING THE COVID-19 STATE OF EMERGENCY FOR THE CITY OF OAKWOOD.

WHEREAS, for more than one year, the world has addressed a global pandemic due to the emergence of the COVID-19 coronavirus, a novel respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, as the pandemic began spreading throughout the United States in March 2020, states of emergency were declared at the federal, state, and local levels of government, including the city of Oakwood through Resolution No. 1871 adopted on April 6, 2020; and

WHEREAS, the pandemic remains ongoing, but new case counts and other key metrics have dropped significantly due to mitigation efforts and the development of an aggressive public vaccination program that has inoculated over 5 million Ohioans to date; and

WHEREAS, based on guidance from the federal Centers for Disease Control and the improved metrics noted above, the Ohio Department of Health has rescinded almost all health orders issued during the pandemic, including those mandating the wearing of masks, social distancing, and limiting capacities and gathering sizes, effective June 2, 2021; and

WHEREAS, as Ohio emerges from the pandemic, it is anticipated that Ohio Governor Mike DeWine will soon withdraw or rescind Executive Order 2020-01D, thereby terminating the State of Ohio's declared state of emergency; and

WHEREAS, Council desires to terminate the state of emergency originally declared for the city of Oakwood by Resolution No. 1871, adopted on April 6, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO, THAT:

SECTION I.

Council of the city of Oakwood hereby terminates the state of emergency declared by Resolution No. 1871.

SECTION II.

Council finds and determines that during the declared emergency, no action was taken during any Remote Meeting that requires subsequent ratification by a quorum of Council.

SECTION III.

In terminating the state of emergency, Council notes that for the foreseeable future, it will continue to use Zoom or similar technology for remote meeting operations, and to make the same available to the public where feasible, as permitted by and consistent with the provisions of Section 111.06 of the Administrative Code.

SECTION IV.

Resolution No. 1871 authorized and directed the City Manager to implement Emergency Paid Sick Leave and modified Family and Medical Leave (including any exemptions thereto that he may deem necessary or appropriate), and such other forms of leave as may be hereafter mandated by the federal or state governments in response to the state of emergency, including without limitation the federal Family First Coronavirus Response Act (FFCRA). Such authority shall continue and shall not be affected by this resolution.

SECTION V.

Council hereby finds and determines that all formal actions taken relative to the passage of this Resolution were taken in an open meeting of this legislative authority, and that all deliberations of

this legislative authority and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, included Section 121.22 of the Ohio Revised Code.

SECTION VI.

This resolution shall become effective immediately upon passage.

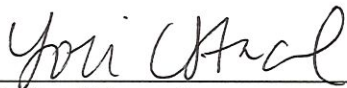
PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 7<sup>th</sup> day of June, 2021.



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Mayor William D. Duncan

ATTEST:



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Clerk of Council

TO THE CLERK:

No publication is required.



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City Attorney Robert F. Jacques

A RESOLUTION

BY: VICE MAYOR BYINGTON

NO. 1883

BY THE COUNCIL OF THE CITY OF OAKWOOD, OHIO, DECLARING THE NECESSITY OF A RENEWAL LEVY IN EXCESS OF THE TEN-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF OAKWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A SPECIFIC NUMBER OF MILLS.

WHEREAS, Council of the city of Oakwood, Ohio, hereby declares the necessity of a renewal levy in excess of the ten-mill limitation for the purpose of meeting current expenses for the general operation of the city's governmental services; and

WHEREAS, pursuant to Section 5705.03 of the Revised Code, Council is required to certify to the Montgomery County Auditor a resolution requesting the total current tax valuation of the city of Oakwood and the dollar amount of revenue that would be generated by a specified number of mills;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

That pursuant to the provisions of Section 5705.19 of the Revised Code, it is necessary that a renewal tax be levied in excess of the ten-mill limitation for the benefit of the city of Oakwood, for the purpose of meeting current expenses for the general operation of the city's governmental services, at a rate not exceeding 2.72 mills for each dollar of valuation, which amounts to 27.2 cents for each \$100.00 of valuation, for a period of five years.

SECTION II.

That pursuant to the provisions of Section 5705.03 of the Revised Code, the County Auditor is hereby requested to certify to the city of Oakwood the total current tax valuation of the city of Oakwood and the dollar amount of revenue that would be generated by the number of mills specified in Section I hereof, and the Clerk of Council is hereby directed to certify forthwith a copy of this resolution to the County Auditor upon its passage.

SECTION III.

That if, upon receipt of the County Auditor's certification, Council determines to proceed with said renewal levy, the question of the passage thereof shall be submitted to the electors of the city at an election to be held on November 2, 2021. If a majority of those electors voting on this renewal levy vote in favor thereof, the renewal levy will be first placed on the tax list and duplicate for tax year 2021, for collection in calendar year 2022.

SECTION IV.

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 of 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 V.

This resolution shall take effect and be in full force immediately upon its passage.

PASSED BY COUNCIL this 7<sup>th</sup> day of June, 2021.

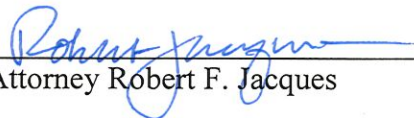
  
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Mayor William D. Duncan

ATTEST:

  
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Clerk of Council

TO THE CLERK:

Please certify and transmit a copy of this resolution to the office of the Montgomery County Auditor.

  
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City Attorney Robert F. Jacques