

Ohio Department of Transportation
Office of Contracts
Purchasing Services
Cooperative Purchasing Program

The Director of Transportation may permit any political subdivision to participate in contracts into which the Director has entered for the purchase of machinery, materials, supplies or other articles. Any Political Subdivision desiring to participate in such purchase contracts will file with the Co-op Purchasing Coordinator a certified copy of the ordinance or resolution of the Legislative Authority, Board of Trustees or Governing Board of the Political Subdivision requesting authority to participate in such contracts and agreeing that it will be bound by such terms and conditions as the Director prescribes. Purchases made by Political Subdivisions under this division are exempt from any competitive bidding required by law for the purchase of machinery, materials, supplies or other articles.

Defined in Section 5513.01 (B) of the Ohio Revised Code and as used in this section, "Political Subdivision" means any County, Township, Municipal Corporation, Conservancy District, Township Park District, Park Districts created under Chapter 1545 of the Revised Code, Port Authority, Regional Transit Authority, Regional Airport Authority, Regional Water and Sewer District, County Transit Board and State University or College as in Division (A)(1) of Section 3345.32 of the Revised Code.

Kerry Yoakum, Esq.
Administrator
Office of Contracts
Co-op Purchasing Coordinator
Office of Contracts
Purchasing Services
1980 W. Broad St., 1st Floor
Columbus, Ohio 43223
800-459-3778 or Fax 614-728-2078

I. Authority

Ohio Revised Code, Section 5513.01 (B)

II. Description

Section 5513.01 (B) allows political subdivisions to purchase machinery, materials, supplies or other articles from the Ohio Department of Transportation (ODOT) purchasing contracts (Exception: ODOT contracts for services). It is the intent of ODOT to establish and operate the ODOT Cooperative Purchasing Program for that purpose. A similar but **separate** program has been implemented by the Ohio Department of Administrative Services, Office of State Purchasing. Contact the DAS Cooperative Purchasing Coordinator at (614) 466-6530.

ODOT purchasing contracts are of the following two types:

A. ONE TIME

One Time Bid Contracts are competitively bid purchases of supplies, materials or services that are bought infrequently throughout the year. A One Time Bid must set forth a known quantity and establish a specified delivery time and location. The contract expires when delivery, acceptance and payment have been completed. Single purchase contracts are available for cooperative participants use for twelve (12) months from date of award.

B. TERM CONTRACTS

Term Contracts are competitively bid purchases of supplies, materials or services that are bought frequently throughout the year by numerous districts and/or offices. Quantities for purchases on Term Contracts cannot usually be established but the vendor is provided with estimated quantities to assist them in determining their pricing. Generally, Term Contracts are in effect for a minimum of one year, with many covering two years. Some contracts may specify quantities while others are considered requirement contracts for which the Department does not guarantee the purchase of a specific quantity.

Vendors will be given notice within the bidding document of their rights and responsibilities under the terms of the contract and that they may be contacted directly by political subdivisions regarding contract items. Vendor participation is required for all ODOT contracts. Note, refer to section IV for the Department's salt contract procedure.

III: Procedures for Political Subdivision Participation

Step 1: Contracts Available for Use

A contract listing and or information on specific One Time and Term Contracts are available through this program and can be obtained from the following address, telephone numbers or website:

Ohio Department of Transportation
Co-op Purchasing Coordinator
800-459-3778 or 614-644-7870
Office of Contracts, Purchasing Services
1980 W. Broad St., 1st Floor
Columbus, Ohio 43223

Website: <http://www.dot.state.oh.us> NOTE: Please refresh each page visited

Step 2: Adopt and Submit Resolution (Attachment A contains a sample resolution)

The political subdivision shall pass a resolution or ordinance requesting that it be authorized to participate in contracts awarded by the Ohio Department of Transportation.

The resolution or ordinance shall designate an agent and shall authorize that agent to agree to and be bound by all Ohio Department of Transportation contract terms and conditions and to assume all responsibility for placing orders and vendor payments.

A certified copy of the resolution shall be filed with the Ohio Department of Transportation every two years. (Ordinances need not be renewed if they are considered, by the political subdivision, to be permanent legislation.)

Step 3: Submit Specific Request to Purchase

A written request must be submitted by the authorized agent to the Office of Contracts, Purchasing Services in order to participate in any specific contract (reference step 1 for address).

Upon receipt of a written request, the Director of Transportation will review the file for a current resolution/ordinance and give written authorization to purchase from ODOT'S contract. A copy of the authorization letter will also be sent to the awarded vendor.

Once permission to participate in a specific contract is granted, ODOT will have no further involvement in the purchasing process of the political subdivision.

Step 4: Place Orders Directly with Vendor

All purchase orders shall be placed directly with the vendor by the authorized agent for the political subdivision. Political subdivisions are to be invoiced directly by the vendor.

IV: Procedure for Participation in the Department's Salt Contract

Political Subdivisions may participate in the Department's annual term contract for Sodium Chloride (rock salt). However, the procedure for participation is different for this contract. Political Subdivisions which have decided to participate in this contract shall file binding agreements with the Ohio Department of Transportation, Office of Contracts, Purchasing Services section (see Attachment B for sample language). The agreement shall indicate the Political Subdivision's salt requirements which will be included in the Department's bidding document. This agreement must be received by the Department prior to the mailing of the Invitation to bid so that your requirements can be included in the Department's bidding document for that winter season.

ATTACHMENT A

**SAMPLE RESOLUTION AUTHORIZING PARTICIPATION
IN ODOT COOPERATIVE PURCHASING PROGRAM**

WHEREAS, Section 5513.01 (B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

NOW, THEREFORE,

Be it ordained by (the Political Subdivision):

SECTION 1.

That the (Agent) hereby requests authority in the name of (the Political Subdivision) to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01 (B).

SECTION 2.

That the (Agent) is hereby authorized to agree in the name of (the Political Subdivision) to be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION 3.

That the (Agent) is hereby authorized to agree in the name of (the Political Subdivision) to directly pay vendors, under each such contract of the Ohio Department of Transportation in which (the Political Subdivision) participates, for items it receives pursuant to the contract.

SECTION 4.

That (the Political Subdivision) agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The (Political Subdivision) releases and forever discharges the Director of Transportation and the Ohio Department of Transportation from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the (Political Subdivision) may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

ATTACHMENT B

OHIO DEPARTMENT OF TRANSPORTATION

Office of Contracts
Purchasing Services
Sodium Chloride (Rock Salt)
Contract 18

DATE SUBMITTED:

RESOLUTION / ORDINANCE as adopted for sodium chloride requirements for purchase. Effective period: twelve months from date of award, inclusive.

Whereas, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles;

Now Therefore, Be it Ordained, Intending to Be Legally Bound That _____
(Agent)

Hereby Requests Authority in The Name of _____
(Political Subdivision)

To Participate in the Ohio Department of Transportation's Contract for Sodium Chloride and Agrees:

- 1) To purchase a minimum of 50 percent up to 150 percent of the estimated salt tonnage requirements indicated below, exclusively from the vendor awarded the sodium chloride contract for the county in which said political subdivision is located.
- 2) To be bound by the terms and conditions of the contract.
- 3) To be responsible for payment directly to the vendor for the quantities purchased under the contract.
- 4) To be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The (Political Subdivision) releases and forever discharges the Director of Transportation and the Ohio Department of Transportation from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the (Political Subdivision) may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

MINIMUM ORDER = 1 TRUCKLOAD / 22 TONS WITHOUT PILER OR 200 TONS WITH PILER

STOCKPILE LOCATIONS	STOCKPILE CAPACITY	TONS REQUIRED (Estimated)

Continued

Participating Political Subdivisions are intended beneficiaries under this contract and are real parties in interest with the capacity to sue and be sued in their own name without joining the state of Ohio,

Ohio Department of Transportation. By signing and returning this agreement, you will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor shall invalidate participation for the following winter season.

Political subdivisions will be required to submit a new participation agreement form every year, indicating storage capacity and stating salt needs for the contract period.

(Authorized Signature and Title) *(Date)*

(Print Exactly as Signed Above)

(County Location) *(County Number)*

(Political Subdivision)

(Street) *(P.O. Box)*

(City) *(State)* *(Zip plus 4)*

(Contact Name Responsible for Ordering Salt) *(Phone Number)*

Note: This Participation Agreement must Be Received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services prior to the mailing of Invitation 018 each year.

Fax copy to 614-887-4022

Mail original to:

The Ohio Department of Transportation
Office of Contracts, Purchasing Services
Attention, Jim Schurch, Purchasing Coordinator
1980 West Broad Street, 1st floor
Columbus, Ohio 43223