ACTION REQUESTED
The Board of Directors is asked to approve Resolution 2020-010, which approves renewal of agency authorization to participate in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program. Recommended by the Finance and Audit Committee at its February 2020 meeting.

BACKGROUND/JUSTIFICATION FOR CURRENT ACTION
The Ohio Department of Transportation (ODOT) permits political subdivisions, including NOACA as recognized under Ohio Revised Code Section 307.14, to purchase materials, supplies, equipment or other articles through contracts in which the Director of Transportation has entered. This program is referred to as the Cooperative Purchasing Program. Purchases made by NOACA under the Cooperative Purchasing Program are exempt from any additional competitive bidding requirements. The ability to participate in the program will further streamline the agency’s purchase of materials, supplies and equipment, including purchases to aid in the implementation of locally sponsored transportation projects.

To participate in the program, ODOT requires an authorizing resolution from the NOACA Board of Directors every two years (Last June 8th, 2018 Resolution # 2018-015), agreeable to the terms and conditions as the Director of Transportation prescribes. Those terms include that NOACA agrees to be responsible for resolving claims or disputes arising out of its participation; and NOACA agrees to waive any claims, actions, expenses, or other damages arising out of its participation which NOACA 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.

The resolution will also recognize the Executive Director as the authorized agent to execute agreements and directly pay vendors for items it receives pursuant to the contract.

FINANCIAL IMPACT
There is no direct financial impact at this time, but participation in this program offers an option for NOACA procurements that can produce savings on future actions.

CONCLUSION/NEXT STEPS
Pending Board approval, NOACA will renew participation in this program.

GG/sm/3114b
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, the City of Cleveland and the areawide water quality management agency for the same region; and

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for public agencies to participate in contracts of the Ohio Department of Transportation (ODOT) for the purchase of machinery, material, supplies or other articles; and

WHEREAS, the program is referred to as the ODOT Cooperative Purchasing Program; and

WHEREAS, NOACA is an eligible agency for participation in the ODOT Cooperative Purchasing Program; and

WHEREAS, renewal in the program requires a resolution by the NOACA Board of Director’s agreeable to the terms and conditions prescribed by the Director of Transportation as contained in the Sections below; and

WHEREAS, the ability to participate in the program will further streamline the agency’s purchase of materials, supplies and equipment, including purchases to aid in the implementation of local sponsored transportation projects; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 46 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, and The City of Cleveland, that:

Section 1. The Executive Director is hereby authorized to agree in the name of NOACA to be bound by all terms and conditions as the ODOT Director of Transportation prescribes pursuant to ORC 5513.01 (B).

Section 2. The Executive Director is hereby authorized to agree in the name of NOACA to directly pay vendors, under each such contract of the ODOT in which NOACA participates, for items it receives pursuant to the contract.

Section 3. NOACA agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Ohio Revised Code Section 5513.01 (B). NOACA agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which NOACA 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.

Section 4. The Executive Director is hereby authorized to transmit certified copies of this resolution to the appropriate federal, state, and local agencies.

Certified to be a true copy of a Resolution of the Governing Board of the Northeast Ohio Areawide Coordinating Agency adopted this 13th day of March 2020.

Secretary:

Date Signed: March 13, 2020