

CITY OF BEDFORD, OHIO

ORDINANCE NO. 084-23

AN ORDINANCE AMENDING SECTION 104.01 “CONTRACT PROCEDURES”, SUBSECTIONS (c) THROUGH (g) TO THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AND DECLARING AN EMERGENCY

WHEREAS, the City of Bedford hereby desires to amend Codified Ordinance 104.01 (c) through (g),

WHEREAS, the City of Bedford hereby desires to mirror Ohio Revised Code section 9.17 in regards to the public bidding threshold,

WHEREAS, the City of Bedford hereby desires to raise the City Manager’s discretionary spending authority up to \$15,000,

WHEREAS, the City of Bedford hereby desires to raise the City Manager’s conditional spending authority to \$15,000 and raise the bid threshold to the amount specified in section 9.17 of the Ohio Revised Code due to increasing costs.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bedford, County of Cuyahoga, and the State of Ohio:

Section 1. That Section 104.01 “CONTRACT PROCEDURES”, subsections (a) through (g) of the City’s Codified Ordinances be amended to read:

(c) Authorization for Design and/or Specifications. In the event the investigation or a good faith estimate by the City Manager indicates that the cost of a proposed project, purchase, lease or provision of services will the amount specified in section 9.17 of the Ohio Revised Code (ORC) (starting at \$75,000 on October 3, 2023 through December 31, 2024 thereafter subject to any increases specified by section 9.17 ORC)~~fifty thousand dollars (\$50,000)~~, the approval of Council by a motion and majority vote is necessary to authorize the expenditure of funds for the design and/or specifications thereof.

(d) Public Bidding. Except as provided in subsection (e), any contract which: (i) provides for an expenditure in excess of the amount specified in section 9.17 ORC (starting at \$75,000 on October 3, 2023 through December 31, 2024 thereafter subject to any increases specified by section 9.17 ORC)~~fifty thousand dollars (\$50,000)~~; and, (ii) is for the construction of a public improvement or the purchase or lease of equipment, supplies or materials, or the provision of a service to the City, shall be authorized only upon a motion, adopted by a majority vote of the members of Council, to award the contract to the lowest and best bidder after advertising for a time and in a manner that the City determines shall be effective in notifying a sufficient number of bidders as determined by the City in its discretion. By way of example, and not as a limitation, the advertisement may be in a newspaper of general circulation in the City, or publication on the City's website, or both.

(e) Exceptions to Public Bidding. Contracts whose costs are estimated to exceed the amount specified in section 9.17 ORC (starting at \$75,000 on October 3, 2023 through December 31, 2024 thereafter subject to any increases specified by section 9.17 ORC)~~fifty thousand dollars~~

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~~(\$50,000)~~ and that meet the following conditions are not subject to competitive bidding and may be approved by Council, in its discretion, by motion and a majority vote of its members:

(f) City Manager's Discretionary Spending Authority. The City Manager may expend up to ~~ten~~ fifteen thousand dollars (~~\$10,000~~\$15,000), in accordance with the City's current appropriations, 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. The City Manager shall notify Council of such expenditure at the next meeting of Council.

(g) City Manager's Conditional Spending Authority. The City Manager may make an expenditure which is between ~~ten~~ fifteen thousand dollars (~~\$10,000~~\$15,000) and the amount specified in section 9.17 ORC (starting at \$75,000 on October 3, 2023 through December 31, 202 thereafter subject to any increases specified by section 9.17 ORC) ~~fifty thousand dollars (\$50,000)~~, upon the prior approval of four members of Council, which approval may be made in writing or by a motion and vote at any regular or special meeting of Council. Authorization provided by Council in writing shall only be effective if all members of Council are sent a written explanation of the amount and purpose of the proposed expenditure, and the reason for the necessity of action prior to the next meeting of Council. Further, all written authorizations for such expenditures shall be announced at the next regular or special meeting of Council by the City Manager, and such announcement shall include a report of how the members of Council were notified in writing and the reason why immediate action was necessary.

Section 2. Section 104.01 is hereby amended accordingly, and any section not modified herein shall remain in full effect. All prior ordinances and policies in conflict with the provisions contained herein are hereby repealed **and/or amended accordingly**.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such 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 the City's Charter and Codified Ordinances and Section §121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that it is immediately necessary to conform to Ohio law and clarify procedures.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

CITY OF BEDFORD, OHIO

ORDINANCE NO. 084-23

Stanley C. Koci, Mayor-President of Council

Tracy M. Simons, Clerk of Council

Prepared and approved as to legal content by: _____
John J. Montello, Law Director

PASSED: November 6, 2023