

OHIO TURNPIKE COMMISSION

Resolution Authorizing the Ohio Turnpike Commission to Participate in the Ohio Department of Transportation's Cooperative Purchasing Program

WHEREAS, the Ohio Department of Transportation ("ODOT") operates a Cooperative Purchasing Program under the provisions of Ohio Revised Code Section 5513.01(B); and

WHEREAS, the ODOT's Cooperative Purchasing Program provides the opportunity for Counties, Townships, 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; and

WHEREAS, the Ohio General Assembly has adopted an amendment to the provisions of Ohio Revised Code Section 5513.01, through the passage of Am. Sub. H.B. 567 of the 127th General Assembly, which will be effective on September 23, 2008, that authorizes the Commission to participate in ODOT's Cooperative Purchasing Program; and

WHEREAS, the Executive Director has requested that the Commission authorize him to participate in ODOT's Cooperative Purchasing Program when it is in the Commission's best interest to do so 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); and

WHEREAS, the Ohio Turnpike Commission is authorized pursuant to Ohio Revised Code Section 5537.04(A)(10) to enter into contracts or agreements necessary or incidental to the performance of its duties and the execution of its powers; and

WHEREAS, the Ohio Turnpike Commission desires to participate in ODOT's Cooperative Purchasing Program for the purchase of supplies, services, equipment and certain materials.

NOW, THEREFORE, BE IT

RESOLVED that the Executive Director shall be authorized to participate in ODOT's Cooperative Purchasing Program, when the Executive Director considers it to be in the Commission's best interest to do so for the purchase of supplies, services, equipment and other materials pursuant to Ohio Revised Code Section 5513.01(B); and

FURTHER RESOLVED that the Executive Director is authorized to agree, in the name of the Commission, to be bound by all contract terms and conditions as the Director of Transportation prescribes, subject to the limitations set forth in the Commission's Code of Bylaws; and

FURTHER RESOLVED, that the Executive Director is authorized to directly pay vendors, under each such contract of the ODOT Cooperative Purchasing Program that the Commission chooses to participate in for the purchase of machinery, materials, supplies or other articles, subject to the limitations set forth in the Commission's Code of Bylaws; and

FURTHER RESOLVED, that the Executive Director, General Counsel and Director of Contracts Administration are authorized to resolve all claims or disputes arising out of the Commission's participation in ODOT's Purchasing Program under Section 5513.01(B) of the Ohio Revised Code, and the Commission releases and forever discharges the Director of

Transportation and ODOT from all claims, actions, expenses, or other damages arising out of the Commission's participation in the Cooperative Purchasing Program which the Commission may have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

(Resolution No. 35-2008 adopted July 28, 2008)

I, L. George Distel, Assistant Secretary-Treasurer of the Ohio Turnpike Commission, do hereby certify that the above is a true copy of the aforesaid resolution which was duly adopted at a meeting of the Commission, duly called for and convened and held on July 28, 2008, at which a quorum was at all times present and voting.

WITNESS my hand and the seal of the Ohio Turnpike Commission on this ____ day of July 2008.

L. George Distel
Assistant Secretary-Treasurer