

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 125

Senators Seitz, Turner

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A B I L L

To enact sections 9.64 and 167.081 of the Revised Code to generally authorize political subdivisions to enter into agreements to perform services for one another and to authorize a regional council of governments to enter into unit price contracts related to buildings on behalf of member political subdivisions. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.64 and 167.081 of the Revised Code be enacted to read as follows: 8
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Sec. 9.64. (A) As used in this section, "political subdivision" has the meaning defined in section 2744.01 of the Revised Code. 10
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(B)(1) When authorized by their respective legislative authorities, any political subdivision may enter into an agreement with any other political subdivision whereby a contracting political subdivision agrees to exercise any power, perform any function, or render any service for another contracting recipient political subdivision that the contracting recipient political subdivision is otherwise legally authorized to exercise, perform, or render. 13
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(2) In the absence in the agreement of provisions determining 21
by what officer, office, department, agency, or other authority 22
the powers and duties of a contracting political subdivision shall 23
be exercised or performed, the legislative authority of the 24
political subdivision shall determine and assign the powers and 25
duties. 26

(3) An agreement authorized by this section shall not suspend 27
the possession by a contracting recipient political subdivision of 28
any power or function that is exercised or performed on its behalf 29
by another contracting political subdivision in pursuance of the 30
agreement. 31

(4) No agreement entered into under this section shall be 32
performed within a political subdivision by another political 33
subdivision without obtaining the written consent of the political 34
subdivision which is not a party to the agreement and in which the 35
agreement is to be performed prior to the performance of the 36
agreement. 37

(C) No political subdivision shall enter into any agreement 38
pursuant to division (B) of this section to levy any tax or to 39
exercise, with regard to public moneys, any investment powers, 40
perform any investment function, or render any investment service 41
on behalf of a contracting subdivision. 42

(D) Chapter 2744. of the Revised Code, insofar as it applies 43
to the operation of a political subdivision, applies to the 44
political subdivisions that are parties to an agreement authorized 45
by this section and to their employees when they are rendering a 46
service outside the boundaries of their employing political 47
subdivision under such an agreement. Employees acting outside the 48
boundaries of their employing political subdivision while 49
providing a service under an agreement authorized by this section 50
may participate in any pension or indemnity fund established by 51
the political subdivision to the same extent as while acting 52

within the boundaries of the political subdivision, and are 53
entitled to all the rights and benefits of Chapter 4123. of the 54
Revised Code, to the same extent as while they are performing a 55
service within the boundaries of the political subdivision. 56

Sec. 167.081. If sections 153.50, 153.51, and 153.52 of the 57
Revised Code do not apply, a regional council may enter into a 58
contract that establishes a unit price for, and provides upon a 59
per unit basis, materials, labor, services, overhead, profit, and 60
associated expenses for the repair, enlargement, improvement, or 61
demolition of a building or structure if the contract is awarded 62
pursuant to a competitive bidding procedure of a county, municipal 63
corporation, or township or a special district, school district, 64
or other political subdivision that is a council member; a 65
statewide consortium of which the council is a member; or a 66
multistate consortium of which the council is a member. 67

A public notice requirement pertaining to the contract shall 68
be considered as having been met if the public notice is given 69
once a week for at least two consecutive weeks in a newspaper of 70
general circulation within a county in this state in which the 71
council has members and if the notice is posted on the council's 72
internet web site for at least two consecutive weeks before the 73
date specified for receiving bids. 74

A county, municipal corporation, or township and a special 75
district, school district, or other political subdivision that is 76
a council member may participate in a contract entered into under 77
this section. Purchases under a contract entered into under this 78
section are exempt from any competitive selection or bidding 79
requirements otherwise required by law. A county, municipal 80
corporation, or township or a special district, school district, 81
or other political subdivision that is a member of the council is 82
not entitled to participate in a contract entered into under this 83

<u>section if it has received bids for the same work under another</u>	84
<u>contract, unless participation in a contract under this section</u>	85
<u>will enable the member to obtain the same work, upon the same</u>	86
<u>terms, conditions, and specifications, at a lower price.</u>	87