

**MODIFYING** Chapter 321, “Procurement and Disposal of Supplies, Services and Construction,” of the Cincinnati Municipal Code by **AMENDING** Section 321-7, “Procurement Statutes Declared Inoperative.”

WHEREAS, the City of Cincinnati has enacted a comprehensive competitive procurement process in Cincinnati Municipal Code Chapter 321 pursuant to its powers of local self-government; and

WHEREAS, the City now wishes to amend Section 321-7 to declare an additional procurement-related provision of the Ohio Revised Code (“R.C.”) prospectively inoperative for City procurement; and

WHEREAS, R.C. Section 153.81 regulates indemnification provisions in public improvement contracts between professional design firms and public authorities, including municipalities; and

WHEREAS, the City has local self-government power to set contract terms and processes, including indemnity terms that protect the City from damages caused by contractors; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That existing Section 321-7, “Procurement Statutes Declared Inoperative,” is hereby amended to read as follows:

**Section 321-7. - Procurement Statutes Declared Inoperative.**

Ohio Revised Code Sections 9.31, 9.331, 9.332, 9.333, 9.334, 153.12, 153.13, 153.14, 153.44, 153.49, 153.50, 153.501, 153.502, 153.51, 153.52, 153.53, 153.54, 153.57, 153.571, 153.63, 153.66, 153.67, 153.68, 153.69, 153.691, 153.70, 153.71, 153.81, 721.03, 721.15, 733.21, 733.22, 735.01, 735.02, 735.03, 735.05, 735.051, 735.06, 735.07, 735.074, 735.09, 3375.41, 4115.31, 4115.32, 4115.33, 4115.34, 4115.35 and 5555.66 are declared inoperative with respect to contracts of the City of Cincinnati.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Deletions are indicated by strikethrough; additions are indicated by underline.