

TOWNSHIP OF SOUTH BEAVER

ORDINANCE NO. 64

AN ORDINANCE OF SOUTH BEAVER TOWNSHIP OF BEAVER COUNTY, PENNSYLVANIA, AUTHORIZING INTERGOVERNMENTAL COOPERATION AND AGREEMENTS BY AND BETWEEN SOUTH BEAVER TOWNSHIP AND CHIPPEWA TOWNSHIP FROM TIME TO TIME FOR AND IN THE PURPOSE OF THE EXERCISE OR PERFORMANCE OF RESPECTIVE GOVERNMENTAL FUNCTIONS, POWERS AND RESPONSIBILITIES, INCLUDING BUT NOT LIMITED TO: STREET/ROAD MAINTENANCE OR REPAVING PROJECTS OF STREETS OR ROADS THAT ARE COMMON TO SAID TOWNSHIPS, AND/OR THE PURCHASE OF SERVICES, MATERIALS, SUPPLIES OR EQUIPMENT GENERALLY OR OTHERWISE, PURSUANT TO ANY APPLICABLE BIDDING REQUIREMENTS.

WHEREAS, the provisions of Subchapter A of Chapter 23, Subpart D of Part III of the General Government Code, Act No. 177 of 1996, provides for and authorizes two or more local governments in this Commonwealth to be able to jointly cooperate and arrange activities in the exercise or performance of their respective governmental functions, powers and responsibilities, requiring that such local governments pursuant to Ordinance adopted shall enter into joint agreements as may be deemed appropriate for such purposes;

WHEREAS, the provisions of Chapter 19 of the Commonwealth Procurement Code, Act No. 57 of 1998, also provides for and authorizes two or more local government units to participate, sponsor, conduct or administer cooperative purchasing agreements for the procurement of supplies, services or construction projects in accordance with agreements entered into between such local government units as public procurement units; and

WHEREAS, due to the existence of locally maintained streets or roads that transverse or otherwise are in common by and between South Beaver Township and Chippewa Township, the arranging of repaving or other maintenance thereof, or the purchase from time to time the same items of services, material, supplies or equipment, such activities may at times be achieved more efficiently and economically under and pursuant to joint cooperation by South Beaver Township and Chippewa Township.

NOW THEREFORE be it enacted and ordained by the Board of Supervisors of South Beaver Township and it is hereby enacted under the authority of the Second Class Township Code, the General Government Code, and the Commonwealth Procurement Code, the following:

Section 1. The Board of Supervisors of South Beaver Township is hereby authorized and empowered to arrange, enter and execute from time to time cooperative agreements with, by and between, South Beaver Township and Chippewa Township for the purpose of accomplishing the maintenance or repaving of streets or roads that are common to Chippewa Township and South Beaver Township; and also to accomplish the purchase of materials, supplies, equipment and/or services generally, or specifically as to any particular project, all in accordance with any and all applicable procurement bidding and contractual requirements applicable to either or both South Beaver Township and Chippewa Township.

A. Cooperative Agreements may be executed by and between Chippewa Township and South Beaver Township for a contractual term or duration of five years or less.

B. The execution of any Cooperation Agreement by the Board of Supervisors of South Beaver Township pursuant to this Ordinance shall be in accordance to a Resolution adopted by said Board of Supervisors at a public meeting of said Board, and such Resolution shall set forth and specify:

1. The conditions of the Cooperative Agreement applicable for regulating the cooperative effort or activity to be undertaken, the manner of accomplishment of the activity cooperatively undertaken, and if any governmental functions, powers or responsibilities of either South Beaver Township or Chippewa Township are being delegated to other, the exact functions, powers or responsibilities being so delegated and assumed to be performed by the other;

2. The exact duration of the term of the Cooperative Agreement relative to the activity or project being undertaken cooperatively;

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3. The purpose or objectives of the Cooperative Agreement, including the powers and scope of authority, if any, delegated in the Cooperative Agreement;

4. The manner and extend of the financing of the activity or project provided for by the Cooperative Agreement, together with the arrangement for either payment direct to any supplier of services, materials, supplies or equipment, or reimbursement by and between the Townships in the event one or the other advances funds relative to administrative procedures and/or unto any supplier of services, materials, supplies or equipment; and

5. The manner and method established for implementing, administering, and achieving accomplishment of the activity or project to be undertaken pursuant to the Cooperative Agreement, including but not limited to:

a. arranging compliance with obtaining price or bids, bonding of bid and/or performance, as may be required per the Second Class Township Code, the provisions of Subchapter A of Chapter 23, Subpart D of Part III of the General Government Code, Act No. 177 of 1996, as same now exists or as same may be hereafter amended, and/or to any other applicable law and regulations applicable to the nature of the funds to be expended by either South Beaver Township and Chippewa Township as to the involved activity or project, including but not limited to all applicable procedures or requirements for the use, expenditure or application of Liquid Fuel Tax funds to the project undertaken or accomplished by joint cooperation;

b. the execution of contracts with third parties as to the cooperative activity pr project undertaken; and

c. the inspection, acceptance, approval and/or rejection of:
(i) contractual services procured for the purpose of

accomplishing the maintenance or repaving of streets or roads, subject to the requirement that each Township shall have its designated Township engineer inspect, approve or reject the contractual services provided as to such portion of the streets or roads within its own territory; and

(ii) materials, supplies and/or equipment to be procured generally, or specifically as to any particular project.

Section 2. The provisions of this Ordinance are severable and if any section, clause, sentence, word or part hereof shall be deemed illegal, invalid, or unconstitutional the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, words or parts of this Ordinance. It is hereby declared that it is the intent of the Board of Supervisors of South Beaver Township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional portion had not been included herein.

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ENACTED this 10th day of July, 2001.

ATTEST:

SOUTH BEAVER TOWNSHIP

Carol Miller
Secretary

Matthew P. Balib
Supervisor

Davis L. Shanon
Supervisor

Supervisor