

**RESOLUTION NO. 2022-0412-05**

*Authorizing Increase in Micro-Purchase Threshold  
and Adopt Uniform Guidance Procurement Policy*

Mahoning County, Ohio

Be It Resolved by the Township Trustees of Smith Township

WHEREAS, this date, 4-12, 2022, Trustee Mr. Barnett  
moved the adoption of the following Resolution:

WHEREAS, the Township has received a distribution of monies (the "ARPA Funds")  
from the American Rescue Plan Act of 2021 ("ARPA" or the "Act"); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which,  
among other things, appropriated money to cities, nonentitlement units of local government, and  
counties to mitigate the fiscal effects stemming from the public health emergency with respect to  
the Coronavirus Disease (Covid-19); and

WHEREAS, expenditure of ARPA funds is subject to the federal Uniform Guidance  
requirements set forth in 2 C.F.R. 200; and

WHEREAS, the Township is a non-Federal entity under the definition set forth in 2 C.F.R.  
§ 200.1; and

WHEREAS, 2 C.F.R. 200.318 requires all recipients of federal funds to maintain  
documented procurement standards and policies; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award  
micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity  
considers the price to be reasonable based on research, experience, purchase history or other  
information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible  
for determining and documenting an appropriate micro-purchase threshold based on internal  
controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-  
certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain  
documentation to be made available to a Federal awarding agency and auditors in accordance with  
2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include  
(1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting  
documentation, which, for public institutions, may be a "higher threshold consistent with State  
law"; and

**WHEREAS**, under Ohio law, Townships are required to conduct competitive bidding purchases and contracts if such purchases and contracts exceed the following threshold:

1. Purchase of materials, machinery, and tools to be used in constructing, maintaining and repairing roads and culverts, where the amount involved exceeds \$50,000. R.C. 5549.21.
2. Contracts for the maintenance or repair of roads, where the amount involved exceeds \$45,000. The board must advertise once, not later than two weeks prior to the letting of the contract, in a newspaper of general circulation in the township. The award must be to the lowest responsible bidder. R.C. 5575.01.
3. Contracts for the construction and erection of a memorial building or monument when the amount involved exceeds \$50,000. R.C. 511.12(B).
4. Contracts for equipment for fire protection, mechanical resuscitation, underwater rescue and recovery, and communication estimated to exceed \$50,000. R.C. 505.37 and 505.376.
5. Contracts for street lighting systems where the cost exceeds \$50,000. R.C. 515.01.
6. Contracts for street lighting improvements where the cost exceeds \$50,000. The board shall accept the lowest and best bid, if the successful bidder meets the requirements of section 153.54 of the Revised Code. The board may reject all bids. R.C. 515.07.
7. Contracts for building modifications for energy savings pursuant to R.C. 505.264, where the estimated cost exceeds \$50,000 (with certain exceptions). Award must be to the lowest and best bidder in accordance with the provisions of R.C. 307.86 to 307.92.
8. Contracts for private sewage collection tiles where the cost exceeds \$50,000. R.C. 521.05. The successful bidder must meet the requirements of R.C. 153.54.

**WHEREAS**, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the Township desires to adopt higher micro-purchase thresholds than those identified in 2 C.F.R. §§200.67, 200.321(a), and 48 C.F.R. § 2.101.

**NOW THEREFORE**, it is hereby **RESOLVED** by the Board that:

1. In compliance with the Uniform Guidance, and specifically 2 C.F.R. 200.318, the Township adopts the attached Uniform Guidance Procurement Policy to be used for all expenditures of ARPA funds.
2. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of Ohio law, the Township hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. §200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:
  - A. \$50,000 for the purchase of materials, machinery and tools to be used in constructing, maintaining and repairing roads and culverts;
  - B. \$45,000 for contracts for the maintenance or repair of roads;

- C. \$50,000 for contracts for the construction and erection of a memorial building or monument;
- D. \$50,000 for contracts for equipment for fire protection, mechanical resuscitation, underwater rescue and recovery, and communication;
- E. \$50,000 for contracts for street lighting systems;
- F. \$50,000 for contracts for street lighting improvements;
- G. \$50,000 for contracts for building modifications for energy savings, subjects to the exceptions set forth in R.C. 307.86 to 307.92; and
- H. \$50,000 for contracts for private sewage collection tiles.

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until the [end of the current fiscal year] of the Township, but shall not be applicable to Federal financial assistance awards issued prior to [today's date], including ARPA funds.

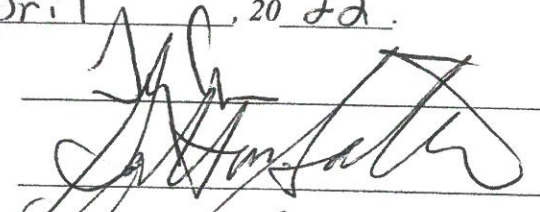
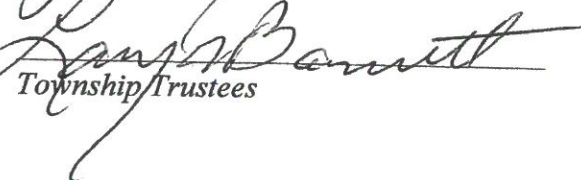
3. In the event that the Township receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Township shall comply with the more restrictive threshold when expending such funds.

4. The Township shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

Trustee Mr. Criss seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

**BE IT FURTHER RESOLVED:** that it is hereby found and determined that all formal actions of this Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 12 day of April, 2022.

  
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Township Trustees

Attest: Andrey Zap  
Township Fiscal Officer