



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, MAY 6, 2015
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE APRIL 22, 2015 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2015-0083: A Resolution authorizing a revenue generating agreement with The MetroHealth System in the amount not-to-exceed \$3.00 for lease of space at William Patrick Day Services Center, located at 2421 Community College Avenue, Cleveland, for the Cuyahoga County Women, Infant and Children's Program for the period 7/1/2015 - 6/30/2018; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
 - b) Q2014-0037: An Ordinance amending the County's contracting procedures by 1) replacing Chapter 503 of the County Code to accept and adopt the County's 2014 Disparity Study and the Community Benefit and Opportunity Initiative Report and to establish the County's Equal Opportunity Programs and 2) amending Chapter 501 of the

County Code, and declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING

WEDNESDAY, APRIL 22, 2015

CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS

C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR

10:00 AM

1. CALL TO ORDER

Chairman Germana called the meeting order at 10:03 a.m.

2. ROLL CALL

Mr. Germana asked Deputy Clerk Carter to call the roll. Committee members Germana, Miller, Conwell, Greenspan and Simon were in attendance and a quorum was determined. Committee member Simon entered the meeting after the roll call was taken.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE APRIL 1, 2015 MEETING

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the April 1, 2015 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2015-0067: A Resolution making an award on RQ32725 to The C.A. Agresta Construction Co. in the amount not-to-exceed \$1,084,063.15 for resurfacing Biddulph Road from the Cleveland West Corporation

Line to Pearl Road in the City of Cleveland; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; authorizing the County Engineer, on behalf of the County Executive, to make an application for allocation from County Motor Vehicle \$7.50 License Tax Funds in said amount to fund said contract; and declaring the necessity that this Resolution become immediately effective.

Mr. Jamal Husani, Chief Transportation/Traffic Engineer; and Ms. Lenora Lockett, Director of the Office of Procurement & Diversity, addressed the Committee regarding Resolution No. R2015-0067. Discussion ensued.

Committee members asked questions of Mr. Husani and Ms. Lockett pertaining to the item, which they answered accordingly.

On a motion by Mr. Germana with a second by Ms. Conwell, Resolution No. R2015-0067 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- b) R2015-0068: A Resolution making an award on RQ33138 to DiGioia-Suburban Excavating, LLC in the amount not-to-exceed \$8,209,055.10 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; authorizing the County Engineer, on behalf of the County Executive, to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$1,641,811.02 to fund said contract; and declaring the necessity that this Resolution become immediately effective.

Mr. Husani addressed the Committee regarding Resolution No. R2015-0068. Discussion ensued.

Committee members asked questions of Mr. Husani pertaining to the item, which he answered accordingly.

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2015-0068 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- c) R2015-0069: A Resolution making an award on RQ33145 to Karvo Paving, Co. in the amount not-to-exceed \$1,811,511.18 for resurfacing Emery Road from Northfield Road to Merrygold Avenue in the City of

Warrensville Heights and Village of North Randall; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; authorizing the County Engineer, on behalf of the County Executive, to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$362,302.24 to fund said contract; and declaring the necessity that this Resolution become immediately effective.

Mr. Husani addressed the Committee regarding Resolution No. R2015-0069. Discussion ensued.

Committee members asked questions of Mr. Husani pertaining to the item, which he answered accordingly.

On a motion by Mr. Germana with a second by Ms. Conwell, Resolution No. R2015-0069 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- d) R2015-0071: A Resolution authorizing the County Executive to accept dedication of land for Schady Elm Lane in Schady Reserve Subdivision (Phase 1), located in Olmsted Township, as a public street (60 feet total) with established setback lines, rights-of-way and easements; authorizing the County Executive to accept dedication of land on the southerly side of Schady Road, plus 10 additional feet (35 feet total) to public use in Schady Reserve Subdivision (Phase 1); authorizing the County Executive to accept dedication of easements for construction, maintenance and operation of public facilities and appurtenances in Schady Reserve Subdivision (Phase 1) to public use granted to the County of Cuyahoga and its corporate successors; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring the necessity that this Resolution become immediately effective.

Mr. Glenn Coyne, Executive Director of the Cuyahoga County Planning Commission; and Ms. Anka Davis, Assistant Law Director, addressed the Committee regarding Resolution No. R2015-0071. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Coyne and Ms. Davis pertaining to the item, which they answered accordingly.

Mr. Husani addressed the Committee regarding Resolution No. R2015-0068. Discussion ensued.

Committee members asked questions of Mr. Husani pertaining to the item, which he answered accordingly.

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2015-0071 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- e) R2015-0072: A Resolution authorizing a revenue generating agreement with The Arc of Greater Cleveland in the amount not-to-exceed \$3.00 for lease of space at William Patrick Day Services Center, located at 2421 Community College Avenue, Cleveland, for the period 7/1/2015 - 6/30/2018; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Mr. Charles Correa, in-house counsel for the Cuyahoga County Board of Developmental Disabilities, addressed the Committee regarding Resolution No. R2015-0072. Discussion ensued.

Committee members asked questions of Mr. Correa pertaining to the item, which he answered accordingly.

On a motion by Mr. Germana with a second by Ms. Simon, Resolution No. R2015-0072 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

- f) R2015-0073: A Resolution authorizing amendments to various revenue generating agreements with Educational Service Center of Cuyahoga County for lease of space at various Cuyahoga County Board of Developmental Disabilities Centers for operation of Help Me Grow Programs for the period 9/15/2013 - 9/14/2015 to extend the time period to 9/14/2016 and for additional funds in the total amount not-to-exceed \$2.00; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:
 - 1) Green Road Services Center, located at 4329 Green Road, Highland Hills.
 - 2) William Patrick Day Services Center, located at 2421 Community College Avenue, Cleveland.

Mr. Correa addressed the Committee regarding Resolution No. R2015-0073. Discussion ensued.

Committee members asked questions of Mr. Correa pertaining to the item, which he answered accordingly.

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2015-0073 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss, Chairman Germana adjourned the meeting at 10:47 a.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2015-0083

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| <p>Sponsored by: County Executive Budish on behalf of Cuyahoga County Board of Developmental Disabilities</p> | <p>A Resolution authorizing a revenue generating agreement with The MetroHealth System in the amount not-to-exceed \$3.00 for lease of space at William Patrick Day Services Center, located at 2421 Community College Avenue, Cleveland, for the Cuyahoga County Women, Infant and Children's Program for the period 7/1/2015 - 6/30/2018; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p> |
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WHEREAS, the County Executive on behalf of Cuyahoga County Board of Developmental Disabilities recommends approval of a revenue generating agreement with The MetroHealth System in the amount not-to-exceed \$3.00 for lease of space at William Patrick Day Services Center, located at 2421 Community College Avenue, Cleveland, for the Cuyahoga County Women, Infant and Children's Program for the period 7/1/2015 – 6/30/2018; and

WHEREAS, the primary goal of this lease is for the Cuyahoga County Board of Developmental Disabilities to assist the Women, Infant and Children (WIC) Program in providing services to women, infants and children residing in the central area of the City of Cleveland; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby authorizes the revenue generating agreement with The MetroHealth System in the amount not-to-exceed \$3.00 for lease of space at William Patrick Day Services Center, located at 2421 Community College Avenue, Cleveland, for the Cuyahoga County Women, Infant and Children's Program for the period 7/1/2015 – 6/30/2018.

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0037

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| <p>Sponsored by: County Executive FitzGerald and Councilmember Jones</p> <p>Co-sponsored by: Councilmembers Miller, Conwell, Connally, Germana and Hairston</p> | <p>An Ordinance amending the County’s contracting procedures by 1) replacing Chapter 503 of the County Code to accept and adopt the County’s 2014 Disparity Study and the Community Benefit and Opportunity Initiative Report and to establish the County’s Equal Opportunity Programs and 2) amending Chapter 501 of the County Code, and declaring the necessity that this Ordinance become immediately effective.</p> |
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WHEREAS, the Charter of Cuyahoga County makes economic growth a fundamental government purpose, articulates a desire for an improved focus on equity for all our citizens, and envisions long-term regional and global competitiveness for the County;

WHEREAS, Section 7.01 of the Charter of Cuyahoga County declares the County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all its residents;

WHEREAS, Section 3.09(4) of the County Charter provides that the Council may establish the “procedures governing the making of County contracts and the purchasing of County supplies and equipment pursuant to competitive bidding;”

WHEREAS, the County Executive and the Council of Cuyahoga County have determined that ensuring maximum community benefits from the expenditure of County taxpayer dollars furthers the economic well-being and prosperity of the County and all its residents;

WHEREAS, Section 509.01 of the County Code requires the County to conduct a Disparity Study every five years;

WHEREAS, the County conducted a Disparity Study, a copy of which is attached as Exhibit A hereto;

WHEREAS, the County Council wishes to accept the findings and recommendations of the Disparity Study;

WHEREAS, the County Executive and the Council of Cuyahoga County have also determined that the adoption of a community benefits policy will help maximize value to the community of County taxpayer dollars and promote efficient administration of government;

WHEREAS, the County Executive and the Council of Cuyahoga County have determined that the adoption of a community benefits policy for County-funded public works, service contracts, and subsidized development projects encourages the use of well-trained workers earning decent wages and benefits, reflecting the diversity of the community, and producing quality work that enhances the environment and contributes to the economic well-being and prosperity of the County;

WHEREAS, Cuyahoga County government wishes to create a national model for a comprehensive community benefits policy, creating good jobs for residents and career pathways for low-income people, people of color, women, veterans, and other historically underrepresented groups, while also saving energy, reducing emissions, improving public health and contributing positively to the environment;

WHEREAS, the County retained local and national experts to assist a diverse group of local labor, community and environmental stakeholders to meet and develop the set of standards set forth in the attached Cuyahoga County Community Benefit and Opportunity Initiative;

WHEREAS, the County received the recommendations of Policy Matters Ohio for a Community Benefits and Opportunity Initiative program, attached hereto as Exhibit B;

WHEREAS, the County Council wishes to accept and adopt the recommendations for the Community Benefits and Opportunity Initiatives program;

WHEREAS, the adoption of the attached Cuyahoga County Community Benefit and Opportunity Initiative will make Cuyahoga County a national leader in maximizing local impact of economic and community development dollars through the contracting and procurement process;

WHEREAS, it is necessary to make other changes to the County's contracting laws to bring them up-to-date and meet the County's needs; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of the County departments.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. County Council hereby accepts and adopts all the findings and recommendations contained in the County’s 2014 Disparity Study attached hereto as Exhibit A, which is incorporated herein by reference.

SECTION 2. County Council hereby accepts and adopts the Community Benefit and Opportunity Initiative Report attached hereto as Exhibit B, which is incorporated herein by reference.

SECTION 3. Chapter 503 of the Cuyahoga County Code is hereby amended and replaced in its entirety to read as follows:

CHAPTER 503: Equal Business Opportunity Programs

Section 503.01 Economic Inclusion Program

A. Program Established

There is hereby established the Cuyahoga County Economic Inclusion Program, which shall include the following components:

1. Minority and women business aspirational goals based on the availability tables established in the County’s most recent disparity study; and
2. Race and gender-neutral small business enterprise set asides.

B. Implementation

The County Executive and the Office of Procurement and Diversity are hereby directed to promulgate the regulations for the implementation of the Economic Inclusion program and to implement it. The regulations shall be adopted in accordance with Chapter 113 of the Cuyahoga County Code and shall include the rules for the certification of small, minority, and women businesses. The County’s small business enterprise program in effect on December 1, 2014, shall continue in place until the regulations promulgated pursuant to this section are approved by the Administrative Rules Approval Board.

Section 503.02 Community Benefit and Opportunity Program

A. Program Established

There is hereby established the Cuyahoga County Community Benefit and Opportunity Program. The program, which shall be based on the 2014 Community Benefit and Opportunity Initiative recommendations received by the County from Policy Matters Ohio, shall have the following components:

1. Health Impact Assessment, Mitigation, and Design Requirements;

2. Construction careers program;
3. Responsible contracting requirements;
4. Non-construction employer requirements;
5. Developer requirements;
6. Buy-local program;
7. Contracting equity;
8. Community benefits fund; and
9. Continuing public input and oversight.

B. Implementation

The County Executive, Public Works Department, and the Office of Procurement and Diversity are hereby directed to promulgate the regulations for the implementation of this Community Benefit and Opportunity Program and to implement it. The regulations shall be adopted in accordance with Chapter 113 of the Cuyahoga County Code.

SECTION 4. Chapter 501 of the Cuyahoga County Code is hereby amended as follows (deletions are stricken; additions are bolded):

1. Section 501.04(A)(1)(a) is amended as follows:
 - a. All contracts, purchases, sales, grants provided by the County, or loans provided by the County resulting in the County's expenditure of more than \$500,000.000. **If the transaction does not have an end date, the County shall calculate the anticipated revenue for purposes of determination of the appropriate approval authority based on a five-year term;**
2. Section 501.04(B)(1) is amended as follows:
 - b. All contracts, purchases, sales, grants provided by the County, or loans provided by the County resulting in the County's expenditure of more than \$100,000.00 but not more than \$500,000.00, except that the County Executive and/or Director of Economic Development may make loans of not more than \$200,000.00 without approval from the Board of Control for the limited purpose of implementing the Federal Neighborhood Stabilization Program. **If the transaction does not have an end date, the County shall calculate the anticipated revenue for purposes of determination of the appropriate approval authority based on a five-year term;**
3. Section 501.04(C) is hereby amended as follows:

All contracts, revenue generating agreements, purchases, sales, grants provided by the County and loans provided by the County for \$500.00 or more that do not otherwise require County Council or Board of Control approval shall require approval by the Contracts and Purchasing Board. **If the transaction does not have an end date, the County shall calculate the anticipated revenue for purposes of determination of the appropriate approval authority based on a five-year term;**

4. Section 501.13 is hereby amended as follows:

In addition to the requirements set forth in Chapter 503 of the County Code, in designing specifications for bids, requests for proposals, and requests for qualifications, the County shall consider dividing requests into smaller components when doing so would create a larger pool of potential bidders without reducing the cost-effectiveness of the project.

5. Section 501.17 is hereby amended as follows:

Section 501.17 Legal Compliance

A. Legal Review and Approval by the Law Department

All contracts, purchases, sales, leases, grants, or loans must undergo legal review before being executed. Use of a standard form, approved in advance by the Law Department, for a specific type of transaction shall satisfy the requirement of this section.

B. **Legal Compliance Associated with Public Debt**

1. **The Law Department, in coordination with the Office of Budget and Management, shall ensure the County's compliance with all legal requirements associated with the issuance of debt.**
2. **The Director of Law, either directly or through any of his or her authorized designees, is hereby authorized, designated, and empowered to take all appropriate measures to ensure the County's compliance with its debt issuance obligations, including, but not limited to, the following:**
 - a. **filing any and all necessary or appropriate documents with the Electronic Municipal Market Access (EMMA), including, but not limited to,**

offering statements, material event notices, financial statements, and annual information statements; and

b. making any necessary or appropriate declarations in any reasonable form concerning the County's intent to issue obligations to reimburse expenditures, including, but not limited to, issuing declarations pursuant to 26 C.F.R. 1.150-2 or any similar or successor regulations or laws.

3. The County Executive, through the Office of Budget and Management, may promulgate regulations in accordance with Chapter 113 of the County Code governing the County's compliance with legal requirements regarding the issuance of debt.

6. Section 501.18 is hereby amended as follows:

All expenditures related to any contract, purchase, sale, lease, grant, or loan must be made in accordance with the appropriation and proper warrant provisions of Section 5705.41 of the Ohio Revised Code. Notwithstanding any contrary requirements of the Ohio Revised Code and without regard to the transaction's dollar amount, provided that any prerequisite approvals are obtained pursuant to this Chapter, the County shall be free to utilize any payment methodology approved by the Fiscal Officer, including, but not limited to, the use of credit cards, electronic transfers, p-cards, and vouchers.

In any case in which a contract is entered upon a per unit basis, the head of the department, board, or commission for the benefit of which the contract is made shall make an estimate of the total amount to become due upon such contract, which estimate shall be certified in writing to the Fiscal Officer. Such contract may be entered into if the appropriation covers such estimate, or so much thereof, as may be due during the current year. In such a case, the certificate of the Fiscal Officer based upon the estimate shall be a sufficient compliance with the law requiring a certificate.

7. Section 501.22 is hereby amended as follows:

~~A. County's Purchasing Policy and Procedure Manual. Except as otherwise provided in Chapter 501 of the County Code, all contracts, purchases, sales, or leases shall be done in accordance with:~~

1. ~~Effective October 1, 2011, all contracts, purchases, sales, and leases shall be approved and done in accordance with the County's Purchasing Policy and Procedure Manual, as adopted and approved by County Council.~~
 2. ~~Effective January 1, 2012, all contracts, purchases, sales, and leases shall also be approved and done in accordance with the County's Small Business Enterprise (SBE) Program Policies and Procedures, as approved and adopted by County Council. In the interim until January 1, 2012, all contracts, purchases, sales, and leases shall continue to be approved and done in accordance with the County's existent Small Business Enterprise (SBE) Program Policies and Procedures.~~
 3. ~~Should any conflict exist between the procedures, requirements, or any other terms of the County's Purchasing Policy and Procedure Manual or any other administrative policies and Chapter 501 of the County Code, the procedures, requirements, and terms of Chapter 501 of the County Code shall prevail.~~
- B. ~~Updates to Purchasing Policy and Procedure Manual. The County Executive, through the Office of Procurement and Diversity, shall continually assess the need for any revisions or updates to the County's Purchasing Policy and Procedure Manual. The County Executive, through the Office of Procurement and Diversity, shall report to County Council on a biennial basis beginning on October 1, 2013, and every two years thereafter, regarding the need for any such updates or revisions.~~

The County Executive shall promulgate regulations to be implemented by the Office of Procurement and Diversity governing purchasing and contracting policies and procedures. The regulations shall be adopted in accordance with Chapter 113 of the County Code.

SECTION 5. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter.

Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

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| _____ | _____ |
| County Council President | Date |
| _____ | _____ |
| County Executive | Date |
| _____ | _____ |
| Clerk of Council | Date |

[CLERK'S NOTE: Technical Changes made to Title at Request of Director of Law: December 8, 2014]

First Reading/Referred to Committee: December 9, 2014
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: December 9, 2014

Journal _____
_____, 20____