



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE
MEETING
WEDNESDAY, AUGUST 7, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE JULY 17, 2013 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2013-0168: A Resolution authorizing the appropriation of real property in connection with right-of-way plans for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale; directing the County Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrant to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective:
 - 1) Parcel No(s): 13-WD & T
Permanent Parcel No.: 019-05-016
Owner: Clear Channel Outdoor, Inc., a Delaware Corporation fka Eller Media Company
Approved Appraisal (Fair Market Value Estimate): \$2,794.00

- b) O2013-0018: An Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's performance bond and insurance requirements and repealing Sections 504.03(C)(2)(e), 504.04(D)(2)(e), and 504.16 in conformity therewith; and declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

*In accordance with Section 108.01 of the Cuyahoga County Code, complimentary parking in the Huntington Park Garage will be available for the public on any day when the Council or any of its committees holds meetings. Please see the Clerk to obtain a parking pass.



MINUTES

CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING

WEDNESDAY, JULY 17, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

1. CALL TO ORDER

Chairman Jones called the meeting to order at 11:08 a.m.

2. ROLL CALL

Mr. Jones asked Assistant Deputy Clerk Carter to call the roll. Committee members Jones, Germana, Conwell and Miller were in attendance and a quorum was determined. Committee member Simon was absent from the meeting. Councilmember Rogers was also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE JULY 10, 2013 MEETING

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the July 10, 2013 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2013-0149: A Resolution authorizing the appropriation of real property in connection with right-of-way plans as set forth in Plat No. M-5010 for reconfiguration of the Warrensville Center Road/Van Aken Boulevard/ Chagrin Boulevard/Northfield Road Intersection in the City of Shaker Heights and Village of Highland Hills; directing the County

Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrant to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective:

- 1) Parcel No(s): 2-WD & T
Permanent Parcel No.: 736-28-060
Owner: Cleveland I Limited Partnership, a Maryland Limited Partnership
Approved Appraisal (Fair Market Value Estimate): \$641,750.00

Mr. Fred Whatley, Land Deputy/Environmental Administrator, and Mr. Jamal Husani, Chief Transportation/Traffic Engineer, addressed the Committee regarding Resolution No. R2013-0149. Discussion ensued.

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0149 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) R2013-0150: A Resolution making an award on RQ27640 to Specialized Construction Incorporated in the amount not-to-exceed \$1,598,608.15 for resurfacing Solon Road from Maple Street to Solon North Corporation Line in the Villages of Bentleyville and Chagrin Falls; 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 said amount to fund said contract; and declaring the necessity that this Resolution become immediately effective.

Mr. Husani addressed the Committee regarding Resolution No. R2013-0150. Discussion ensued.

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0150 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.

Mr. Jones requested to have his name added as an additional co-sponsor of the legislation.

- c) R2013-0156: A Resolution authorizing a revenue generating agreement with Warrensville Heights City School District in the amount not-to-exceed \$2.00 for lease of space at the Green Road Services Center, located at 4329 Green Road, Highland Hills, for operation of special education and early childhood programs for the period 8/1/2013 - 7/1/2015; 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. Chuck Correa, in-house attorney for the Cuyahoga County Board of Developmental Disabilities, addressed the Committee regarding Resolution No. R2013-0156. Discussion ensued.

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0156 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.

Pursuant to Council Rule 9G, a motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to reconsider Resolution No. R2013-0156.

A motion was then made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to amend Resolution No. R2013-0156 by deleting "7/1/2015" and inserting "7/31/2015" throughout the Resolution.

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0156 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, as amended.

Mr. Germana requested to have his name added as an additional co-sponsor of the legislation.

- d) R2013-0157: A Resolution authorizing various revenue generating agreements with Educational Service Center of Cuyahoga County, each in the amount not-to-exceed \$2.00, 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; authorizing the County Executive to execute the agreements 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. R2013-0157. Discussion ensued.

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

On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2013-0157 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.

Mr. Germana requested to have his name added as an additional co-sponsor of the legislation.

6. MISCELLANEOUS BUSINESS

Mr. Rogers announced that there will be a presentation regarding Invest In Children at the next Education, Environment & Sustainability Committee meeting, and will inform Council of the date and time of the meeting.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Jones with a second by Mr. Germana, the meeting was adjourned at 12:18 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0168

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</p> <p>Co-sponsored by: Councilmember Miller</p>	<p>A Resolution authorizing the appropriation of real property in connection with right-of-way plans for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale; directing the County Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrant to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, on December 11, 2012, County Council adopted Resolution R2012-0244, which authorized the County Executive to acquire the necessary Right-of-Way to proceed with the replacement of Bellaire Road Bridge No. 24 over Big Creek and the replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale; and,

WHEREAS, upon receiving the necessary authorization to proceed with acquisition of Right-of-Way, a fair market value analysis was conducted; and,

WHEREAS, the County's agent, O.R. Colan Associates, endeavored to acquire the necessary parcels through voluntary negotiation and settlement efforts with the property owner, but equitable settlement agreements could not be reached on the property set forth below; and,

WHEREAS, the Department of Public Works has requested that the County appropriate certain property rights required for highway purposes for the above described improvement, identified as the following parcels of land:

Parcel No(s): 13WD & T, warranty deed and temporary easement
Owner(s): Clear Channel Outdoor, Inc., a Delaware Corporation fka Eller Media Company
Approved Appraisal (Fair Market Value Estimated): \$2,794.00; and,

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

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

SECTION 1. That certain real property as required for the replacement of Bellaire Road Bridge No. 24 over Big Creek and the replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale, as described below be, and the same is, hereby declared necessary to appropriate for public use, more specifically for the purpose of making or repairing roads which shall be open to the public, without charge. Such property is described as follows:

Parcel No(s): 13WD & T, warranty deed and temporary easement
Owner(s): Clear Channel Outdoor, Inc., a Delaware Corporation fka Eller Media Company
Approved Appraisal (Fair Market Value Estimated): \$2,794.00.

SECTION 2. That the County Executive, through the Department of Public Works, be, and is, hereby directed to proceed with filing the necessary action to acquire the property as described above.

SECTION 3. That the County Fiscal Officer be, and is, hereby authorized to issue the monetary warrant in the amount of the Fair Market Value Estimates listed above, made payable to the Cuyahoga County Probate Court, said warrant to be deposited with the Probate Court at the time of filing the petitions to appropriate.

SECTION 4. That the Clerk of Council his hereby directed to transmit copies of this Resolution upon its approval by the County Executive to Bonita Teeuwen, P.E., Director of Public Works and to Wade Steen, County Fiscal Officer.

SECTION 5. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution 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.

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0018

Sponsored by: County Executive FitzGerald/Department of Law and Councilmember Jones	An Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's performance bond and insurance requirements and repealing Sections 504.03(C)(2)(e), 504.04(D)(2)(e), and 504.16 in conformity therewith; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Department of Law's Risk Management Division has been working on developing risk management practices, including performance bond requirements, to simultaneously promote the County's interest in contracting with small businesses and protect the County against risk;

WHEREAS, it is necessary to enact legislation to deviate from the rigid performance bond requirements under state law and to provide the Law Department with the flexibility to make performance bond and insurance determinations as appropriate for each individualized case; and

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

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

SECTION 1. Chapters 507 and 508 of the Cuyahoga County Code are hereby enacted as follows:

Chapter 507: Performance Bonds

Section 507.01: Performance Bond Requirements

Notwithstanding any provisions in the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation to the contrary, the County, through the Director of Law, shall have the discretion to determine whether to require performance bonds, and the amounts of any such bonds, on a contract-by-contract basis, including all construction contracts.

Section 507.02 Small Business Considerations

In exercising his or her discretion on whether to require performance bonds and the amounts for such bonds, the Director of Law, through the Law Department's

Risk Management Division, shall give deference to the County's interest in contracting with small businesses without causing undue risk to the County.

Chapter 508: County's Insurance Requirements

Section 508.01: Insurance Requirements

The Director of Law, through the Law Department's Risk Management Division, shall determine the County's insurance needs and requirements, including all insurance requirements related to County contracts.

Section 508.02: Updates to County's Insurance Requirements

The Director of Law, through the Law Department's Risk Management Division, shall continually update the County's insurance requirements as necessary to protect the County's interests.

SECTION 2. Sections 504.03(C)(2)(e), 504.04(D)(2)(e), and 504.16 of the Cuyahoga County Code are hereby repealed.

SECTION 3. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County, the preservation of public peace, health, or safety in the County, and any additional 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 4. 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 action 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:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 23, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__