



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE
MEETING
WEDNESDAY, AUGUST 21, 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 AUGUST 12, 2013 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) 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.
 - b) R2013-0176: A Resolution authorizing a contract with Alliance Soccer Dome, LLC in the amount of \$54,750.00 for lease of parking spaces located at 6060 West Canal Road, Valley View, for the period 11/15/2012 - 11/14/2015; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
 - c) R2013-0177: A Resolution making an award on RQ24534 to Everlasting Baptist Church in the amount of \$100,000.00 for sale of the Glenville NFSC Building, located at 12212 St. Clair Avenue, Cleveland; authorizing

the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transaction; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.

- d) R2013-0178: A Resolution making an award on RQ24534 to Olmsted Township Board of Trustees in the amount of \$85,000.00 for sale of the Brentwood Development Site, located at 8544 Usher Road, Olmsted Township; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transaction; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution 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

**MONDAY, AUGUST 12, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
3:00 PM**

1. CALL TO ORDER

Chairman Jones called the meeting to order at 3:15 p.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

The following citizens addressed the Committee regarding issues of concern to them relating to Ordinance No. O2013-0018, an Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's performance bond and insurance requirements:

- a) Mr. Kevin Birch**
- b) Mr. Brian Mozena**
- c) Mr. Doug Bender**
- d) Mr. Lou Colagrossi**
- e) Mr. Rusty Poeppelmeier**
- f) Ms. Lee Brewer**
- g) Mr. Russell O'Rourke and**
- h) Mr. Harvey Jordan.**

4. APPROVAL OF MINUTES FROM THE AUGUST 7, 2013 MEETING

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the August 7, 2013 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) O2011-0048: An Ordinance requiring the County Executive to contract for and conduct a Disparity Study in 2012 and, if required by law to validate the Disparity Study, every five years thereafter; and requiring annual updates of said Study, if required by law.

Mr. Mark Parks, Treasurer, and Mr. Majeed Makhoulf, Law Director, addressed the Committee regarding Ordinance No. O2011-0048. Discussion ensued.

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

No further legislative action was taken on Ordinance No. O2011-0048.

- 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.

Mr. Makhoulf addressed the Committee regarding Ordinance No. O2013-0018. Discussion ensued.

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

No further legislative action was taken on Ordinance No. O2013-0018.

6. MISCELLANEOUS BUSINESS

Mr. Jones announced that Ordinance No. O2013-0018 will be discussed at the next Public Works, Procurement & Contracting Committee meeting that will be held on Wednesday, August 21, 2013 at 11:00 a.m.

7. OTHER PUBLIC COMMENT

The following citizens addressed the Committee regarding issues of concern to them relating to Ordinance No. O2013-0018:

- a) Mr. Kevin Birch
- b) Mr. Harvey Jordan
- c) Mr. Russell O'Rourke and
- d) Ms. Lee Brewer;

8. ADJOURNMENT

With no further business to discuss, Chairman Jones adjourned the meeting at 5:31 p.m., without objection.

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__

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0176

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution authorizing a contract with Alliance Soccer Dome, LLC in the amount of \$54,750.00 for lease of parking spaces located at 6060 West Canal Road, Valley View, for the period 11/15/2012 - 11/14/2015; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works/Division of Engineer has submitted a contract for Council's approval with Alliance Soccer Dome, LLC in the amount of \$54,750.00 for lease of parking spaces located at 6060 West Canal Road, Valley View, Permanent Parcel No. 571-07-001 to park trucks, cars, trailers and other related equipment for the period 11/15/2012 to 11/14/2015; and

WHEREAS, the term of the lease is for three (3) years lease. The rental amount of \$4,562.50 shall be paid in twelve (12) quarterly installments for a total of \$18,250.00 per year with the first payment due upon execution of the lease agreement.

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 the Cuyahoga County Council authorizes a contract with Alliance Soccer Dome, LLC in the amount of \$54,750.00 for lease of parking spaces located at 6060 West Canal Road, Valley View, Permanent Parcel No. 571-07-001 to park trucks, cars, trailers and other related equipment for the period 11/15/2012 to 11/14/2015.

SECTION 2. That the County Executive is authorized to execute a contract and all documents consistent with this Resolution.

SECTION 3. 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

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0177

<p>Sponsored by: County Executive FitzGerald/Department of Public Works</p> <p>Co-sponsored by: Councilmember Rogers</p>	<p>A Resolution making an award on RQ24534 to Everlasting Baptist Church in the amount of \$100,000.00 for sale of the Glenville NFSC Building, located at 12212 St. Clair Avenue, Cleveland; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transaction; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Cuyahoga County (“County”) engaged the services of Allegro Realty Advisors (“Allegro”) to conduct an audit of the County’s real-estate needs and come forth with a set of recommendations for the County; and

WHEREAS, Allegro recommended that the County place thirteen (13) properties then owned by the County for sale, including the Glenville NFSC Building located at 12212 St. Clair Avenue, Cleveland, Ohio 44108; and

WHEREAS, the County engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and

WHEREAS, CBRE worked with the County to prepare and issue a request for proposals, RFP24534, (the “RFP”) for the real property consolidation project in accordance with the County’s Contracting and Purchasing Procedures Ordinance; and

WHEREAS, the County received a proposal from Everlasting Baptist Church to purchase the land and all buildings and improvements commonly known as the Glenville NFSC Building (“Glenville NFSC Building”) located at 12212 St. Clair Avenue, Cleveland, Ohio 44108 ; and

WHEREAS, the proposal is to sell the property for One Hundred Thousand and 00/100 Dollars (\$100,000.00); 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 makes an award on RFP24534 for the sale of the Glenville NFSC Building to Everlasting Baptist Church and authorizes the County Executive to enter into a Purchase and Sale Agreement with Everlasting Baptist Church for same.

SECTION 2. That the County Executive or his authorized designee is authorized to (a) take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, a Purchase and Sale Agreement and all documents to be executed by the County thereunder, and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated hereby, in all cases containing such terms and conditions as may be approved by the County's Director of Law, (b) agree to such payments, prorations, credits, deposits, holdbacks, escrows and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions, and (c) prosecute and/or defend any actions or proceedings that may be necessary or advisable relative to any of the foregoing matters.

SECTION 3. That the Director of Public Works is authorized to administer the project through its milestones.

SECTION 4. That all documents to be executed in connection with the transactions contemplated herein be subject to the Law Director's approval as to legal form and correctness.

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.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: August 13, 2013
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: August 13, 2013

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0178

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution making an award on RQ24534 to Olmsted Township Board of Trustees in the amount of \$85,000.00 for sale of the Brentwood Development Site, located at 8544 Usher Road, Olmsted Township; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transaction; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County engaged the services of Allegro Realty Advisors (“Allegro”) to conduct an audit of the County’s real-estate needs and come forth with a set of recommendations for the County; and,

WHEREAS, Allegro recommended that the County place 13 properties then owned by the County for sale, including the Brentwood Development Site on 8544 Usher Road, Olmsted Township; and,

WHEREAS, the County engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and,

WHEREAS, CBRE worked with the County to prepare and issue a request for proposals, RFP # 24534, (the “RFP”) for the real property consolidation project in accordance with the County’s Contracting and Purchasing Procedures Ordinance; and,

WHEREAS, the County received a proposal from Olmsted Township Board of Trustees to purchase the land commonly known as the Brentwood Development Site, located at 8544 Usher Road, Olmsted Township, Ohio 44138; and,

WHEREAS, the proposal is to sell the property for Eighty Five Thousand and 00/100 Dollars (\$85,000.00); and,

WHEREAS, a deposit of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00) is due upon the delivery of the Purchase and Sale Agreement; and,

WHEREAS, at or prior to the time of closing, Olmsted Township Board of Trustees shall deposit Twenty Eight Thousand Three Hundred Thirty Three and 33/100 Dollars (\$28,333.33), including the deposit into escrow; and,

WHEREAS, at or prior to the time of closing, Olmsted Township Board of Trustees shall deliver to escrow a cognovit note in the principal amount of Fifty Six Thousand Six Hundred Sixty Six and 00/100 Dollars (\$56,666.67) in favor of the County and a mortgage securing the Note in favor of the County; and,

WHEREAS, at closing, the balance of the purchase price is to be delivered to the County along with the note, mortgage and mortgage policy; and,

WHEREAS, the principal of the note is to be paid in two payments: Twenty Eight Thousand Three Hundred Thirty Three and 33/100 Dollars (\$28,333.33) on the first anniversary of the closing date in 2014, and Twenty Eight Thousand, Three Hundred Thirty Three and 34/100 (\$28,333.34) on the second anniversary of the closing date in 2015; 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 the Cuyahoga County Council hereby awards the sale of the Brentwood Development Site to Olmsted Township Board of Trustees and authorizes the County Executive to enter into a Purchase and Sale Agreement.

SECTION 2. That the County Executive or his authorized designee is authorized to (a) take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, a Purchase and Sale Agreement and all documents to be executed by the County thereunder, and any and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated hereby, in all cases containing such

First Reading/Referred to Committee: August 13, 2013

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

Journal _____
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