



**AGENDA**  
**CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE**  
**MEETING**  
**WEDNESDAY, SEPTEMBER 4, 2013**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> 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 21, 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) R2013-0190: A Resolution making an award on RQ27675 to C & K Industrial Services, Inc. in the amount not-to-exceed \$1,670,690.00 for cleaning and televising sanitary sewers in various communities for the period 10/1/2013 - 9/30/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
  - c) R2013-0191: A Resolution authorizing an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12<sup>th</sup> Street, Cleveland, for use by various

County divisions and a department for the period 10/1/2011 - 9/30/2014 to change the scope of services, effective 10/1/2013, and for additional funds in the amount of \$220,000.03; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; 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**

**WEDNESDAY, AUGUST 21, 2013  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
11:00 AM**

#### **1. CALL TO ORDER**

**Chairman Jones called the meeting to order at 11:05 a.m.**

#### **2. ROLL CALL**

**Mr. Jones asked Assistant Deputy Clerk Carter to call the roll. Committee members Jones, Conwell, Miller and Simon were in attendance and a quorum was determined. Committee member Germana was absent from the meeting. Councilmembers Greenspan and Rogers were 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) Ms. Joanne Brooks**
- b) Mr. Russell O'Rourke**
- c) Mr. Louis Colagrossi**
- d) Mr. Victor Stewart**
- e) Mr. Rick Wallet**
- f) Ms. Lee Brewer**
- g) Mr. Rusty Poeppelmeir**
- h) Mr. Asmint Cruz and**
- i) Mr. Glen Shumate**

4. APPROVAL OF MINUTES FROM THE AUGUST 12, 2013 MEETING

**A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of 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.

**Mr. Majeed Makhlouf, Law Director, addressed the Committee regarding Ordinance No. O2013-0018. Discussion ensued.**

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

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

- 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.

**Mr. Stanley Kosilesky, Planning and Finance Administrator, addressed the Committee regarding Resolution No. R2013-0176. Discussion ensued.**

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

**On a motion by Mr. Jones with a second by Ms. Simon, Resolution No. R2013-0176 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) 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.

**Mr. Kosilesky, and Mr. Ryan Jeffers, First Vice President of CBRE, addressed the Committee regarding Resolution No. R2013-0177. Discussion ensued.**

**Committee members and Councilmembers asked questions of Mr. Kosilesky and Mr. Jeffers pertaining to the item, which they answered accordingly.**

**On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2013-0177 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) 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.

**Mr. Kosilesky, and Mr. Jeffers addressed the Committee regarding Resolution No. R2013-0178. Discussion ensued.**

**Committee members and Councilmembers asked questions of Mr. Kosilesky and Mr. Jeffers pertaining to the item, which they answered accordingly.**

**On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2013-0178 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.**

#### 6. MISCELLANEOUS BUSINESS

**Mr. Jones that the next Public Works, Procurement & Contracting Committee meeting will be held on Wednesday, September 4, 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, an Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's performance bond and insurance requirements:**

- a) Ms. Joanne Brooks
- b) Mr. Louis Colagrossi
- c) Mr. Rick Wallet and
- d) Mr. Victor Stewart

8. ADJOURNMENT

**With no further business to discuss and on a motion by Mr. Jones with a second by Mr. Miller, the meeting was adjourned at 12:55 p.m., without objection.**

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2013-0018

|  |  |
|--|--|
| Sponsored by: <b>County Executive FitzGerald/Department of Law and Councilmember Jones</b> | <b>An Ordinance</b> 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. |
|--|--|

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. R2013-0190

|   |   |
|---|---|
| Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b> | <b>A Resolution</b> making an award on RQ27675 to C & K Industrial Services, Inc. in the amount not-to-exceed \$1,670,690.00 for cleaning and televising sanitary sewers in various communities for the period 10/1/2013 - 9/30/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, the County Executive/Department of Public Works has recommended an award on RQ27675 to C & K Industrial Services, Inc. in the amount not-to-exceed \$1,670,690.00 for cleaning and televising sanitary sewers in various communities for the period 10/1/2013 - 9/30/2015; and

WHEREAS, this project will be funded with the Sewer District Cash Funds, 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 makes an award on RQ27675 to C & K Industrial Services, Inc. in the amount not-to-exceed \$1,670,690.00 for cleaning and televising sanitary sewers in various communities for the period 10/1/2013 - 9/30/2015.

**SECTION 2.** That the County Executive is authorized to execute a contract in connection with said award 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 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



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0191

|   |   |
|---|---|
| Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b> | <b>A Resolution</b> authorizing an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12 <sup>th</sup> Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to change the scope of services, effective 10/1/2013, and for additional funds in the amount of \$220,000.03; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, the County Executive/Department of Public Works has recommended an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12<sup>th</sup> Street, Cleveland, Ohio 44114, to include additional leased space for the period 10/1/2013 – 7/31/2014 and for additional funds in the amount of \$220,000.03; and

WHEREAS, County Council has determined that entering into the proposed contract is in the best interest of the County; 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 authorizes an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for the lease of additional office space located at 1701 East 12<sup>th</sup> Street, Cleveland, Ohio 44114 for the period October 1, 2013 through July 31, 2014 for additional funds in the amount of \$220,000.03. Any and all necessary exemptions under Chapter 501 of the Cuyahoga County Code are hereby granted.

**SECTION 2.** That the County Executive is authorized to execute the amendment 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 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 4.** 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 27, 2013

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_