



## **MINUTES**

### **CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING**

**WEDNESDAY, APRIL 6, 2016**

**CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS  
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR  
10:00 AM**

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

**Chairman Germana called the meeting to order at 10:09 a.m.**

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

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

#### **3. PUBLIC COMMENT RELATED TO THE AGENDA**

**No public comments were given.**

#### **4. APPROVAL OF MINUTES FROM THE MARCH 30, 2016 MEETING**

**A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the March 30, 2016 meeting.**

#### **5. MATTERS REFERRED TO COMMITTEE**

- a) R2016-0063: A Resolution authorizing a First Amendment to Agreement of Sublease with Ohio Department of Rehabilitation and Correction and consented to by Ohio Public Facilities Commission pertaining to the financing of a portion of the cost of the Cuyahoga County Community-based Correctional Facility Project, by changing the

aggregate amount of project costs to be paid for or reimbursed from the Adult Correctional Building Fund from \$10,800,000.00 to \$10,842,265.00; 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.

**Mr. Daniel McNea, representing the Office of Public Safety & Justice Services, addressed the Committee regarding Resolution No. R2016-0063. Discussion ensued.**

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

**On a motion by Mr. Germana with a second by Mr. Greenspan, Resolution No. R2016-0063 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.**

- b) O2016-0006: An Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's Risk Management procedures and performance bond and insurance requirements, and declaring the necessity that this Ordinance become immediately effective.

**Mr. Michael King, Special Counsel, addressed Council regarding Ordinance No. O2016-0006. Discussion ensued.**

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

**A motion was then made by Mr. Miller, seconded by Ms. Simon and approved by majority vote to amend Ordinance No. O2016-0006 by deleting "\$150,000.00" and inserting "\$250,000.00" in Section 508.02(A), with Committee members Greenspan and Germana casting dissenting votes.**

**A motion was made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous roll-call vote to amend Ordinance No. O2016-0006 by inserting the following:**

***Section 508.02(E)***

***"For contracts competitively procured under this Title, the Law Department, through its Risk Management Division, in coordination with Public Works shall identify individual contracts for which Performance and Payment Bond requirements may be waived for pre-qualified contractors prior to the issuance of the Request for Bids, Request for Proposals, or other competitive solicitation. The***

***Request for Bids, Request for Proposals, or other competitive solicitation shall include a notice to bidders that the Performance and Payment Bond requirements may be waived for pre-qualified respondents, and shall further request that respondents provide a cost estimate of obtaining any required Performance and/or Payment bonds for the contract. The cost estimates provided by respondents shall be excluded from the county's evaluation or scoring criteria."***

**Ms. Darlene White, Deputy Director of Risk Management, addressed the Committee regarding Ordinance No. O2016-0006. Discussion ensued.**

**Committee members and Councilmembers asked questions of Ms. White pertaining to the item, which she answered accordingly.**

**A motion was made by Mr. Greenspan, seconded by Mr. Germana and subsequently withdrawn to amend Ordinance No. O2016-0006 by inserting the following:**

***Section 508.02(F)***

***"Any pre-qualified contractor who fails to perform on a county contract shall be removed from the pre-qualified contractor list and shall be ineligible to pre-qualify for any performance bond waiver for a period of three years following the date of non-performance."***

**On a motion by Mr. Germana with a second by Ms. Conwell, Ordinance No. O2016-0006 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as amended.**

**Mr. Miller requested to have his name added as a co-sponsor to the legislation.**

- c) O2016-0005: An Ordinance enacting Sections 503.02 to 503.07 of the Cuyahoga County Code to expand the Small Business Enterprise Program; and declaring the necessity that this Ordinance become immediately effective.

**Mr. Kenneth Surratt, Deputy Director of Housing; Mr. Joseph Boatwright, Chief Corporate Counsel; and Mr. King, addressed the Committee regarding Ordinance No. O2016-0005. Discussion ensued.**

**Committee members and Councilmembers asked questions of Mr. Surratt, Mr. Boatwright and Mr. King pertaining to the item, which they answered accordingly.**

**A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Ordinance No. O2016-0005 by deleting *"The Director of the Cuyahoga County Office of Procurement and Diversity or designee reserves the right and discretion to reject any and/or all bids or proposals for any reason or***

***no reason at all without incurring any liability” and inserting “The Director of the Cuyahoga County Office of Procurement and Diversity or designee reserves the right and discretion to reject any bid or proposal for any reason or all bids or proposals for no reason at all without incurring any liability” in Section 503.07.***

**Ms. Lenora Lockett, Director of the Office of Procurement and Diversity, and Ms. White addressed the Committee regarding Ordinance No. O2016-0005. Discussion ensued.**

**Committee members and Councilmembers asked questions of Ms. Lockett and Ms. White pertaining to the item, which they answered accordingly.**

**On a motion by Mr. Germana with a second by Ms. Conwell, Ordinance No. O2016-0005 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as amended.**

- d) O2016-0007: An Ordinance enacting Chapter 510 of the Cuyahoga County Code to establish the Cuyahoga County Business Economic Inclusion Program, and declaring the necessity that this Ordinance become immediately effective.

**Mr. Surratt and Ms. Lockett addressed the Committee regarding Ordinance No. O2016-0007. Discussion ensued.**

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

**A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Ordinance No. O2016-0007 by deleting “*The Director of the Cuyahoga County Office of Procurement and Diversity or designee reserves the right and discretion to reject any and/or all bids or proposals for any reason or no reason at all without incurring any liability*” and inserting “*The Director of the Cuyahoga County Office of Procurement and Diversity or designee reserves the right and discretion to reject any bid or proposal for any reason or all bids or proposals for no reason at all without incurring any liability*” in Section 510.08.**

**On a motion by Mr. Germana with a second by Ms. Conwell, Ordinance No. O2016-0007 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as amended.**

## **6. MISCELLANEOUS BUSINESS**

**Ms. Simon announced that she is currently working on legislation that will address parking concerns at the Huntington Park Garage facility.**

## **7. OTHER PUBLIC COMMENT**

**No public comments were given.**

**8. ADJOURNMENT**

**With no further business to discuss, Chairman Germana adjourned the meeting at 11:59 p.m., without objection.**