

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. O2011-0002

SPONSORED BY: GREENSPAN, MILLER, BRADY, GERMANA,
GALLAGHER, SCHRON, CONWELL, JONES, CONNALLY,
ROGERS AND SIMON

An Ordinance to expire ninety (90) days after its effective date, providing certain procedures for the purchase of goods, supplies and interests in real estate and other contracts necessary for the continuation of the usual and daily operations of Cuyahoga County government, and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, the Cuyahoga County Charter provides for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council;

WHEREAS, the proper and efficient functioning of the new Cuyahoga County government requires that interim procedures be established for purchasing and contracting which shall be effective immediately in order that county services may continue to be provided, and so that the usual and daily operations of government may continue to function on and after January 1, 2011;

THEREFORE, be it hereby ordained by the Council of the County of Cuyahoga, State of Ohio that:

Section 1. Purchases of Goods and Services. All goods and services to be procured on or after January 1, 2011 on behalf of Cuyahoga County and its offices, officers, agencies, departments, boards and commissions, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County, shall be made by the Department of Purchasing, under the direction of the County Executive, or by the County Executive. The purchase of goods and services the cost of which does not exceed Two Hundred Fifty Thousand Dollars (\$250,000) may be authorized by the Director of the Department of Purchasing or the County Executive without authorization by Council from funds duly appropriated for that purpose. No purchases of goods and supplies the cost of which exceeds Two Hundred Fifty Thousand Dollars (\$250,000) shall be made except upon prior legislative approval of Council.

Section 2. Making of Contracts. The County Executive or the Department of Purchasing, under the direction of the County Executive, may solicit

bids, negotiate terms, awards and execute contracts on behalf of the County, its offices, officers, agencies, departments, boards and commissions, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County, from funds duly appropriated for said purposes, except that no contract in an amount in excess of Two Hundred Fifty Thousand Dollars (\$250,000) shall be made or entered into except upon prior legislative approval of Council.

Section 3. Contracts for the Construction of Public Improvements. The County Executive or the Department of Purchasing, under the direction of the County Executive, may solicit bids, negotiate terms, awards contracts and enter into and execute contracts on behalf of the County, its offices, officers, agencies, departments, boards and commissions, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County, for the construction of public improvements from funds duly appropriated for said purposes, only upon prior legislative approval of Council.

Section 4. Contracts for Sale or Lease (as Lessor) of County Real Property. The County Executive or the Department of Purchasing, under the direction of the County Executive is authorized to sell or lease real property and any interests therein to other persons, on behalf of Cuyahoga County, on behalf of the County, its offices, officers, agencies, departments, boards and commissions, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County, for the purposes permitted and the terms provided under general law, in accordance with the competitive bidding requirements set forth in general law, including but not limited to, Sections 307.02, 307.09, and 307.10 of the Ohio Revised Code. All real estate transactions shall be made by written contract, and no contract for the, sale, or lease of real estate shall be made except upon prior legislative approval of Council; however, leases of County real property for which the annual rent does not exceed Five Thousand Dollars (\$5,000) may be entered into by the County Executive without authorization of Council.

Section 5. Contracts for the Purchase or Lease of Real Property. The County Executive or the Department of Purchasing, under the direction of the County Executive, is authorized to purchase or lease real property to be used for any of the uses specified in Section 307.02 of the Ohio Revised Code from funds duly appropriated for that purpose, on behalf of the County, its offices, officers, agencies, departments, boards and commissions, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County from funds duly appropriated for that purpose,

except that no contract for the purchase or lease of real estate shall be made except upon prior legislative approval of Council.

Section 6. Procurement and Competitive Bidding Procedure. Any purchase or lease described in Sections 1 through 5 of this Ordinance shall be procured in accordance with the competitive bidding and procurement requirements provided by general law applicable to counties, including, without limitation, Sections 307.86 *et. seq.*, and 153.65, *et. seq.* of the Ohio Revised Code. To the extent practicable, the administrative procedures and requirements set forth in the Purchasing Policy and Procedure Manual dated January 2006, amended December 21, 2006, and the Request for Proposal (RFP) Manual, adopted in December 2006 together with the Small Business Enterprise Program Policies and Procedures as adopted on December 20, 2005, as amended, including the SBE Price Preference Policy adopted on October 1, 2009 and the SBE Requirements for Economic Development bond funded projects, adopted October 29, 2009, shall remain in full force and effect and shall apply to County procurement as set forth therein.

Section 7. Grants and Loans. No officer, department, office, board, commission or agency of County of Cuyahoga may apply for or receive a grant from the federal or state government or from any other private source without the written authorization of the County Executive or his designee. Contracts for the receipt of grants may be approved by the County Executive without the approval of County Council. Contracts for the receipt of loans by the County may not be entered into by the County Executive without the approval of County Council. The County Executive may make grants and loans for those purposes as are set forth in general law, including without limitation, Section 307.07 of the Ohio Revised Code, subject to authorization by County Council by appropriate legislation, and subject to approval by the Cuyahoga County Loan Committee and, when required by law or existing agreement, by the Cuyahoga County Community Improvement Corporation.

Section 8. Reports of Contracts and Vouchers. The County Executive or his designee shall, on a weekly basis provide, County Council with a record of all written contracts approved and executed during the previous week. A record of all vouchers issued by any County office, agency, department, board, or commission, shall be made available to County Council on a weekly basis.

Section 9. Legal Approval and Fiscal Requirements. All contracts entered into by Cuyahoga County, its officers, departments, offices, boards, agencies, and commissions, must be approved for legal form and correctness. All contracts entered into by the County must comply with all

fiscal requirements provided by general law applicable to counties, including, without limitation, Section 5705.41 of the Ohio Revised Code.

Section 10. Effective Date. Provided this Ordinance receives the affirmative vote of eight members elected to Council, it shall become immediately effective upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that Cuyahoga County services may continue to be provided, and so that the usual and daily operations of government may continue to function on and after January 1, 2011. This Ordinance shall expire ninety (90) days after its effective date.

Section 11. 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.

Yeas: Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Connally, Rogers and Simon

Nays: None

County Council President Date

County Executive Date

Clerk of Council pro tem Date

Journal CC001
January 3, 2011