

County Council of Cuyahoga County, Ohio

Resolution No. R2023-0215

Sponsored by: County Executive Ronayne/Department of Public Works	A Resolution making an award on RQ12731 with R. L. Hill Management, Inc., in the amount not-to-exceed \$2,155,521.00 for construction of a multi-purpose room addition at the Cuyahoga County Animal Shelter; authorizing the County Executive to execute Contract No. 3588 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 recommends an award on RQ12731 with R. L. Hill Management, Inc., in the amount not-to-exceed \$2,155,521.00 for construction of a multi-purpose room addition at the Cuyahoga County Animal Shelter, effective upon contract signature of all parties; and

WHEREAS, the primary goal of this project is for the construction of a single story, slab on grade, structure of approximately 2,300 square feet as a multi-purpose room for training, meetings and other functions of the County Animal Shelter facility; and

WHEREAS, the anticipated start-completion dates are 9/12/2023 – 9/23/2024; and

WHEREAS, the project is funded by 66% General Fund and 34% Private Donation; 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 RQ12731 with R. L. Hill Management, Inc., in the amount not-to-exceed \$2,155,521.00 for construction of a multi-purpose room addition at the Cuyahoga County Animal Shelter, effective upon contract signature of all parties. Passage of this legislation is contingent upon approval from the Administrative Reconsideration Panel on August 3, 2023.

SECTION 2. That the County Executive is authorized to execute Contract No. 3588 and all other documents consistent with said award and 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 Mr. Miller, seconded by Mr. Tuma, the foregoing Resolution was duly adopted.

Yeas: Tuma, Gallagher, Schron, Conwell, Turner, Stephens, Simon, Kelly, Miller, Sweeney and Jones

Nays: None

County Council President

Date

County Executive

Date

Assistant Deputy Clerk of
Council

Date

First Reading/Referred to Committee: July 18, 2023
Committee(s) Assigned: Public Works, Procurement & Contracting

Legislation Amended in Committee: July 26, 2023

Journal CC051
August 1, 2023



APPROVAL OF DEVIATION FORM

SECTION 501.06 OF THE CUYAHOGA COUNTY CODE

Date:

Council/BOC/CPB Item no.: R2023-0215

Using Department/Agency/Court: Department of Public Works

Summary of Deviation (to be completed by entity requesting approval)

Existing Language in the Approval Item:

County Council approved R2023-0215 “contingent upon approval from the Administrative Reconsideration Panel on August 3, 2023.”

Deviation:

The Law Department has determined the approval is contingent upon the approval of the Administrative Reconsideration Panel, not the date of such approval.

Law Department’s Analysis of the Deviation:

On August 1, 2023, Cuyahoga County Council adopted Resolution No. R2023-0215 (the “Resolution”), co-sponsored by County Executive Ronayne and the Department of Public Works, which awarded a \$2,155,521 contract to R.L. Hill Management, Inc. (the “Contractor”), for the construction of a multi-purpose room addition at the Cuyahoga County Animal Shelter, “contingent upon approval from the Administrative Reconsideration Panel [the “Panel”] on August 3, 2023.” In this circumstance, the Panel has stood in the position of reviewing whether the Contractor has made a good faith effort to comply with the County’s diversity, equity and inclusion goals.

As mentioned, the contingency relating to “[p]assage of [the] legislation” made reference to an “August 3” date of approval. As it turned out, it was impossible for the Panel to meet on August 3 due to lack of a quorum. Ultimately, the Panel did indeed provide its approval on August 17. I was asked to review the situation to determine whether, in my judgment, the Panel’s approval on August 17 and not on August 3 is to be considered a “minor deviation” for purposes of County Code Section 501.06. I have determined that it is, and have thus (a) concluded Resolution No. R2023-0215 has been “passed,” and (b) approved moving forward with the award and execution of the contract in question.

In this context, I deem “minor” to mean “not material,” “insignificant,” or “mere

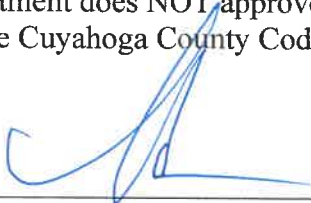
surplusage.” Based upon extensive conversations and other communications with Council staff, Law Department attorneys, Councilman Miller (who suggested the condition during the July 26, 2023 meeting of the Public Works, Procurement and Contracting Committee), and Councilman Tuma (the Chair of said Committee, who made the motion during the Committee meeting to amend R2023-0215 to include the contingency), and based on my own review of the videotape of the July 26 Committee meeting, the August 3 date was indeed minor. The approval of the Panel was the sole important aspect of the contingency.

Pursuant to Section 501.06 of the County Code, I am reporting this approved “minor deviation” to County Council through its Clerk, to the County Executive through his Interim Chief of Staff, and to the Director of the Department of Public Works.

Law Department’s Decision:

The Law Department hereby approves of the deviation(s) specified herein pursuant to Section 501.06 of the Cuyahoga County Code.

The Law Department does NOT approve of the deviation(s) specified herein pursuant to Section 501.06 of the Cuyahoga County Code.

Approved by:  Date: 8/31/23
Richard D. Manoloff
Law Director