

Minutes

Cuyahoga County Board of Control
County Administration Building, 4th Floor
November 26, 2012 11:00 A.M.

1. Call to Order: The meeting was called to order at 11:04 A.M.

Attendees: County Executive Edward FitzGerald
Councilman Michael J. Gallagher
Councilman Dale Miller
Fiscal Officer Wade Steen
Director Bonnie Teeuwen
Director Lenora Lockett
Andria Richardson - Alternate for David Merriman

Councilman Pernel Jones, Jr. and Clerk of the Board of Control David Merriman were unavailable.

2. Review and Approve Minutes: Ed FitzGerald made a motion to approve, Wade Steen seconded, the minutes were approved as written.
3. Public Comment was made regarding the following item, which was not scheduled for consideration for this meeting:

BC2012-320

Division of Cuyahoga Job and Family Services, recommending an award on RQ23352 and enter into a contract with various providers for employment and refugee resettlement services for the period 10/1/2012 - 9/30/2013:

- a) Catholic Charities Health & Human Services in the amount not-to-exceed \$267,230.00.
- b) El Barrio, Incorporated. in the amount not-to-exceed \$157,873.00.

Funding Source: 100% by the Federal Refugee Social Services Funds

Ms. Karen Wishner, Director of the International Services Center, addressed the Board to clarify the time-line for available funding for employment and refugee resettlement services, which her agency provides. Ms. Wishner stated proposals for this item went out last spring and according to the State Refugee coordinator the County received more funding than expected. All 3 agencies met last August, and at that time a decision regarding funding had not been made. In late September, she received a phone call informing her that funding would be provided to El Barrio Incorporated, and Catholic Charities Health & Human Services, but not for International Services Center. She contacted the County and voiced her concerns regarding funding to the County employee in question and was told he would look into the matter and get back to her. During the conversation, Ms. Wishner stated she was not informed the decision was final regarding the award recommendations. On October 29, Ms. Wishner received a letter announcing the proposal decision. Although the scores were not made available to her at that time, she believed the scores were relatively close and wanted to know why all 3 agencies could not receive funding.

Ms. Wishner stated that she found it disconcerting that the County continued to use statistical numbers to report the success of the program to the state but chose to deny the International Services Center financial support through the funding made available by the Office of Refugee Settlement.

Councilman Michael Gallagher asked Ms. Wishner if she filed an appeal, as outlined in the guidelines of the Request for Proposal, as well as contact the Inspector General's office to file a complaint regarding allegations of impropriety by a County employee.

Ms. Wishner stated she filed an appeal on Monday, November 19, after the Board of Control meeting but did not contact the Inspector General's office regarding the allegations made against the County employee.

Councilman Michael Gallagher stated the Board held this item for 7 days. He asked Ms. Wishner why she did not file a complaint with the Inspector General's office since the International Services Center's protest was based on allegations of bias and impropriety by a County employee.

Ms. Wishner stated the concerns of impropriety were raised by her Board. She commented that questions arose due to the fact the County employee started overseeing the project 3 years ago. Ms. Wishner stated that since the 1980's funding had always been allocated to the International Services Center and the County never had a problem with the comprehensive program before.

County Executive Edward FitzGerald stated the philosophy of the current Administration is to always have a competitive Request for Proposal process as often as possible and whenever practical. Under this Administration funding is not based on seniority or how long a personal relationship has existed with a particular agency.

Councilman Dale Miller asked what the appeal process entailed. Lenora Lockett, Director of the Office of Procurement and Diversity outlined the appeal process stating the vendor submits a letter documenting their reasons for an appeal. If the appeal is purely based on scoring, the Office of Procurement and Diversity works in conjunction with the department to clarify how scoring was determined and what categories were used. If the appeal is based on an administrative issue where there are questions pertaining to a performance bond or if it was found that a bidder was non-responsive, the Law Department is contacted to render a legal opinion on the matter.

Fiscal Officer Wade Steen, added that the department also looks for disparate scoring. Mr. Steen also commented that the scores were not close.

County Executive Edward FitzGerald asked if anyone on the Board had any connections with the agencies in question and Richard Werner, Director of the Department of Health and Human Services stated for the record that at the November 19 Board of Control meeting David Merriman, Clerk of the Board of Control acknowledged a potential conflict of interest and recused himself from further participation regarding this item, as his wife is an employee of the International Services Center.

County Executive Edward FitzGerald stated there would be an impartial review of this matter. If it cannot be demonstrated by objective measures as to why the decision was made not to fund the International Services Center the appeal process will reveal that.

4. Tabled Items Returned for Review - There were no tabled items.

5. Scheduled items

BC2012-322

Department of Public Works,

- a) Submitting an amendment (Subsidiary No. 4) to Contract No. CE1000179-01, 02 with DiGioia/Suburban Excavating, L.L.C. for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for additional funds in the amount of \$422,824.67.
- b) Recommending to accept said project as complete and in accordance with plans and specifications.
- c) Requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63.

Funding Source: American Recovery and Reinvestment Act of 2009(ARRA) - 100% of eligible construction costs up to a maximum of \$14,000,000.00. The remaining cost of construction is split 15% City of Solon and 15% Cuyahoga County using funds from the \$5.00 Vehicle License Tax Fund.

Ed FitzGerald made a motion to approve, Michael Gallagher seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-323

Department of Public Works, submitting an amendment to Contract No. CE1100423-02, 03 with Lakefront Automotive Parts, Co. for automotive replacement parts for the County garage for the period 5/1/2011 - 4/30/2013 for additional funds in the amount of \$75,000.00

Funding Source: Road & Bridge \$ 40,000 Sanitary Sewer \$ 35,000

Ed FitzGerald made a motion to approve, Wade Steen seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-324

Department of Information Technology, recommending an award on RQ25199 and enter into a contract with Serena Software, Inc., sole source, in the amount not-to-exceed \$200,203.17 for maintenance on ChangeMan ZMF with DB2/IMS Options software for the period 3/15/2012 - 3/14/2015.

Funding Source: 100% by the General Fund

Note: This item was held at the request of the department.

Approve
 Disapprove
 Hold

BC2012-325

Office of Procurement & Diversity, recommending an award:

Medical Examiner

a) on RQ25234 to Thermo Electron North America, LLC (7-5) in the amount of \$175,000.00 for 1-Triple Quadrupole Liquid Chromatograph/Mass Spectrometer.

Funding Source: 100% Gruttadauria Fund

Ed FitzGerald made a motion to approve, Bonnie Teeuwen seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-326

Office of Procurement & Diversity, recommending an award:

Department of Public Works

a) on RQ24216 to Fowler Electric Co. (4-2) in the amount not-to-exceed ~~\$160,000.00~~ for maintenance on decorative lighting for Veterans Memorial Bridge No. 84 for the period 1/1/2013 - 12/31/2014.

Funding Source: 100% by the ~~General Fund~~

Note: This item was amended to reflect the dollar amount as \$171,850.00 and Road and Bridge Funds as the funding source.

Ed FitzGerald made a motion to approve, Dale Miller seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-327

County Sheriff, recommending awards to various providers on RQ23735 for agency nursing services for the period 1/1/2013 - 12/31/2015: (Deputy Chief Approval No. DC2012-75 - authority to seek proposals:)

- a) Annashae in the amount of \$105,000.00.
- b) First Choice Medical Staffing of Ohio in the amount of \$75,000.00.
- c) Maxim Staffing Solutions in the amount of \$120,000.00.

Funding Source: 100% General Fund.

Ed FitzGerald made a motion to approve, Bonnie Teeuwen seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-328

Department of Public Safety and Justice Services, Witness/Victim, submitting an agreement with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount of \$105,000.00 for Defending Childhood training for the period 11/26/2012 - 9/30/2013.

Funding Source: 100% by the US Department of Justice through Defending Childhood

Ed FitzGerald made a motion to approve, Bonnie Teeuwen seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-329

Department of Health and Human Services/Division of Children and Family Services, submitting amendments to contracts with various providers for child and family-focused services for the period 12/1/2010 - 11/30/2012:

- 1) to extend the time period 12/31/2012; no additional funds required:
 - a) Contract No. CE1000868-01 with Applewood Centers, Inc.
 - b) Contract No. CE1000873-01 with Bellefaire Jewish Children's Bureau
- 2) to extend the time period to 1/31/2013:
 - c) Contract No. CE1000871-01 with MHS, Inc.; no additional funds required
 - d) Contract No. CE1000874-01 with Beech Brook and for a decrease in the amount of (\$20,000.00).
 - e) No. CE1000875-01 with Catholic Charities Services Corporation dba Parmadale and for a decrease in the amount of (\$50,000.00).
 - f) No. CE1000872-01 with Center for Families and Children and for additional funds in the amount not-to-exceed \$70,000.00.
 - g) Contract No. CE1000876-01 with The Cleveland Christian Home Incorporated and for a decrease in the amount of (\$25,000.00).
 - h) Contract No. CE1000870-01 with Guidestone and for additional funds in the amount not-to-exceed \$25,000.00.

Funding Source: 100% Health and Human Services Levy funds.

Ed FitzGerald made a motion to approve, Bonnie Teeuwen seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-330

Department of Health and Human Services/Division of Children and Family Services, recommending an award on RQ24693 and enter into a contract with Adoption Network Cleveland in the amount not-to-exceed \$315,000.00 for permanency supportive services for the period 12/1/2012 - 11/30/2013.

Funding : 100%Health and Human Services Levy funds.

Ed FitzGerald made a motion to approve, Michael Gallagher seconded, the item was approved.

Approve
 Disapprove
 Hold

6. Other Business

BC2012-331

Department of Development, submitting an exemption from aggregation of contracts with the City of Cleveland Heights in the amount not-to-exceed \$199,701.00 for implementation of eligible HOME activities including homeowner rehabilitation, home buyer assistance, new construction and program administration for the period 12/01/2012 - 12/31/2013. Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, Section 3.5.a

1. Description of Supplies or Services (If contract amendment, please identify contract time period and/or scope change)

The City of Cleveland Heights will use their 2011 HOME funding allocation for the implementation of eligible HOME activities including homeowner rehabilitation, home buyer assistance, new construction, program administration and/or any other eligible HOME activity.

Term of agreement will be December 1, 2012- December 31,2013.

2. Estimated Dollar Value and Funding Source(s) including percentage breakdown (If amendment, please enter original contracted amount and additional amount, if any)

The City of Cleveland Heights' HOME allocation associated with this agreement is not to exceed \$199,701.00.

3. Rationale Supporting the Use of the Selected Procurement Method (include state contract # or GSA contract # and expiration date)

City of Cleveland Heights is a political subdivision of the State of Ohio and is a member of the Cuyahoga HOME Consortium as approved by the U.S. Department of Housing and Urban Development. As such the City of Cleveland Heights is entitled to an allocation of HOME funds received and administered by

the Cuyahoga County Department of Development. No other entity has the right or privilege to the City of Cleveland Heights' allocation of HOME funds.

4. What other available options and/or vendors were evaluated? If none, include the reasons why.

There are no other available options and/or vendors as the structure of the Cuyahoga HOME Consortium is agreed upon by the participating communities and approved by the U. S. Department of Housing and Urban Development. Each participating community is entitled to an allocation of the annual award of federal HOME funding as outlined in the consortium agreement.

5. What ultimately led you to this product or service? Why was the recommended vendor selected?

The City of Cleveland Heights is a political subdivision of the State of Ohio and is a member of the Cuyahoga HOME Consortium as approved by the U.S. Department of Housing and Urban Development. As such the City of Cleveland Heights is entitled to an allocation of HOME funds received and administered by the Cuyahoga County Department of Development. No other entity has the right or privilege to the City of Cleveland Heights' allocation of HOME funds.

6. Provide an explanation of unacceptable delays in fulfilling the County's need that would be incurred if award was made through a competitive bid.

The award cannot be made through competitive bid as the U.S. Department of Housing and Urban Development ("HUD"), allow units of general local government to enter into mutual cooperation agreements to form consortiums for the purpose of obtaining funding from the HOME Program.

The HOME program contemplates and encourages the joining together by agreement of contiguous communities into a consortium for the purpose of carrying out the objectives of the program. The County, and the Communities of Cleveland Heights, Euclid, Lakewood, and Parma, formed the Cuyahoga Housing Consortium (the "Consortium") pursuant to the federal guidelines.

Each participating community is entitled to an allocation of the annual award of federal HOME funding as outlined in the consortium agreement. No other entity is eligible for the funding.

7. Describe what future plans, if any, the County can take to permit competition before any subsequent purchases of the required supplies or services.

There are no alternate options available.

Ed FitzGerald made a motion to approve, Dale Miller seconded, the item was approved.

Approve
 Disapprove
 Hold

7. Public Comment – There was no public comment.
8. Adjournment – Ed FitzGerald made a motion to adjourn, Michael Gallagher seconded, the meeting was adjourned at 11:31 A.M.