

Minutes

Cuyahoga County Board of Control
County Administration Building, 4th Floor
March 25, 2013 11:00 A.M.

- 1. Call to Order: The meeting was called to order at 11:05 A.M.

Attendees: County Executive Edward FitzGerald
Fiscal Officer Wade Steen
Councilman Michael Gallagher
Councilman Dave Greenspan
Councilman Pernel Jones, Jr.
Stan Kosilesky - Alternate
Director Lenora Lockett
Board of Control Clerk David Merriman

Director Bonnie Teeuwen was unavailable.

Review and Approve Minutes – Ed FitzGerald made a motion to approve, Wade Steen seconded, the minutes were approved as written.

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

- 5. Scheduled Items for Review

BC2013-83

Department of Public Works, recommending an award on RQ26508 and enter into a sole source contract with The Craun-Liebing Company in the amount not-to-exceed \$150,000.00 for maintenance and repair of Gorman Rupp Pumps and equipment for the period 4/1/2013 - 3/31/2015.

Funding Source: 100% Sanitary Sewer District Funds

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

Approve
 Disapprove
 Hold

BC2013-84

Department of Public Works, recommending an award on RQ25606 and enter into a sole source contract with The Safety Company LLC dba MTech Company in the amount not-to-exceed \$240,000.00 for maintenance and repair of Cues Sewer Inspection Equipment for the period 4/1/2013 - 3/31/2015.

Funding Source: 100% Sanitary Sewer District Funds

Ed FitzGerald made a motion to approve, Pernel Jones Jr. seconded, the item was approved.

Approve

Disapprove
 Hold

BC2013-85

Office of Procurement & Diversity, recommending an award:

Medical Examiner

a) on RQ24942 and enter into a contract with Advantra Group Inc. (6-2) in the amount not-to-exceed \$142,500.00 for biomedical waste removal services for various County departments for the period 1/1/2013 - 12/31/2015. (Deputy Chief Approval No. DC2012-235 - authority to advertise for bids).

Funding Source: 100% General Funds

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

Approve
 Disapprove
 Hold

BC2013-86

Office of Procurement & Diversity, recommending an award:

Department of Information Technology:

a) on RQ26648 to Integrated Precision Systems, Inc. in the amount of \$276,259.34 for upgrade of the Countywide security camera system (State Contract No. 800160/ORC 125.04(B)).

Funding Source: Information Technology Capital Fund.

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

Approve
 Disapprove
 Hold

BC2013-87

County Law Library,

- A) Submitting a sole source exemption on RQ26915, which will result in an award recommendation to West, a Thomson Reuters Business in the amount not-to-exceed \$235,980.00 for legal reference and research books for library patrons and staff for the period 4/1/2013 - 3/31/2016.

- B) On behalf of the Cuyahoga County Law Library Resources Board, recommending an award on RQ26915 and enter into a sole source contract with West, a Thomson Reuters business in the amount not-to-exceed \$235,980.00 for legal reference and research books for library patrons and staff for the period 4/1/2013 - 3/31/2016.

Funding Source: 100% by the Special Revenue Fund of the Cuyahoga County Law Library Resources Board.

1. What is the product/service that you seek to acquire?

The 198 books/book sets listed in the attachment hereto.

2. Will this purchase obligate Cuyahoga County to this or any other vendor for future purchases, for example, maintenance, licensing or continuing need? Yes No
This purchase is for a 3 year contract for the period 4/1/2013-3/31/2016.

3. Why do you need to acquire these goods or services?

Our patrons and staff need these books for legal reference and research.

4. Why are the requested goods/services the only ones that can satisfy your requirements?

The books on the attached list are unique treatises, practice guides, and forms sets that are written by experts in particular fields of law. West holds the copyright or license on all of these books, and the books are proprietary to the vendor. Although the Law Library purchases the books of many legal resource vendors, as part of maintaining a broad subject matter collection, authors and publishers each treat similar legal issues uniquely and differently. Thus, the Law Library needs the attached materials in order to provide meaningful reference and research assistance to patrons.

5. Were alternative goods/services evaluated?

The Law Library always considers available alternatives from competitive vendors, such as Lexis and BNA Bloomberg, and did so in the present case. As part of contract negotiations with vendor, the Librarian and the Library's Technical Services staff engaged in a sophisticated and lengthy evaluation of all of the Library's existing book holdings from all vendors, including West, to determine which vendor materials would provide the best resources for patrons and staff. Criteria that were employed included in-house usage data, circulation statistics, prices, substantive information contained in the books, and staff recommendations. However, for the reasons stated in section 5 above, the books listed in the attachment are unique, proprietary, and essential for the Law Library to provide for the diverse reference and research needs of its patrons.

6. Identify specific steps taken to negate need for sole source provider.

Through research of publisher websites, catalogs, and library resource guides, the Librarian ascertained that none of the books listed on the attachment are sold by other vendors, except via re-sale options. However, those options would not enable the Library to secure all updates to the books on an ongoing basis during the term of the contract for a significant discount. See also responses above.

7. Has your department bought these goods/services in the past? Yes No

The Law Library currently purchases all of the books on the attached list from West and would like to renew these subscriptions under a new agreement for the next 3 years. The books were previously purchased as a sole source procurement which covered a larger number of books than are listed in the attachment. The current contract (\$231,828.00) began on April 1, 2010 and expires on March 31, 2013.

8. What efforts have been made or are being made to reduce the Department's reliance on a
See answers in response to items 5-7 above.

9. What efforts were made to get the best possible price?

The Librarian engaged in aggressive negotiations with the vendor's representative for this contract and 2 other contracts currently pending to acquire Westlaw online access for the Law Library's patrons and staff. The Librarian whittled down a larger list of books to those identified in the attachment and insisted on a discount in order to continue purchasing them. In return, the vendor offered the equivalent of a 59% discount on all of the titles listed in the attachment. This is much greater than the 44% discount the Library realized under the last 3-year contract with West.

10. Why is the price for this purchase considered to be fair and reasonable?

To the Librarian's knowledge, based on examination of price comparisons of legal research materials and vendor products, West is the most expensive legal book vendor in the market. However, the books West publish offer valuable insights by expert authors, thus somewhat justifying the price differential. However, the 59% discount offered by the vendor more than makes up for the price of West books

11. Amount to be paid: \$235,980 over 3 years

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

Approve
 Disapprove
 Hold

BC2013-88

County Law Library,

- A) Submitting a sole source exemption on RQ26916, which will result in an award recommendation to West, a Thomson Reuters Business in the amount of \$256,812.00 for electronic legal research and reference database services for library patrons for the period 4/1/2013 - 3/31/2016.
- B) On behalf of the Cuyahoga County Law Library Resources Board, recommending an award on RQ26916 and enter into a sole source contract with West Publishing Corporation dba West, a Thomson Reuters business in the amount not-to-exceed \$256,812.00 for electronic legal research and reference database services for library patrons for the period 4/1/2013 - 3/31/2016.

Funding Source: 100% by the Special Revenue Fund of the Cuyahoga County Law Library Resources Board.

1. What is the product/service that you seek to acquire?

An online plan from Westlaw for Patron Access.

2. Will this purchase obligate Cuyahoga County to this or any other vendor for future purchases, for example, maintenance, licensing or continuing need? Yes No

This purchase is for a 3 year contract for the period 4/1/2013-3/31/2016.

3. Why do you need to acquire these goods or services?

Our patrons and staff need the databases included in the plan for legal reference and research.

4. Why are the requested goods/services the only ones that can satisfy your requirements?

The databases in the patron plan contain unique treatises, practice guides, and forms sets that are written by experts in particular fields of law. West holds the copyright or license on all of these online books, and they are proprietary to the vendor. Although the Law Library purchases online books from many legal resource vendors, as part of maintaining a broad subject matter collection, authors and publishers each treat similar legal issues uniquely and differently. The databases included in the patron plan also include national and state primary law, all of which have been enhanced with West's value-added search engine, digest references, "Related Documents" (formerly known as Results Plus), and KeyCite materials. The Law Library needs the patron databases in order to provide meaningful reference and research assistance to patrons.

5. Were alternative goods/services evaluated?

The Law Library always considers available alternatives from competitive vendors, such as Lexis and BNA Bloomberg, and did so in the present case. As part of contract negotiations with vendor, the Librarian and the Library's Technical Services staff engaged in a sophisticated and lengthy evaluation of all of the Library's existing database holdings from all vendors, including West, to determine which vendor materials would provide the best resources for patrons and staff. However, for the reasons stated in section 5 above, the databases in the proposed patron plan are unique, proprietary, and essential for the Law Library to provide for the diverse reference and research needs of its patrons.

6. Identify specific steps taken to negate need for sole source provider.

Through research of publisher websites and library resource guides, the Librarian ascertained that none of the online books in the proposed patron plan are sold online by other vendors. Although the primary law contained in the proposed patron plan is available in raw form from other vendors, and some of it is also available for free on the Internet, Westlaw compiles and enhances these resources with a value-added search engine, digest references, "Related Documents" (formerly known as Results Plus), and KeyCite materials, none of which are available from any other vendor. As a result, alternative options would not enable the Law Library to provide the caliber of legal reference and research materials necessary to serve the diverse needs of our patrons. See also responses above.

7. Has your department bought these goods/services in the past? Yes and No

The Law Library currently purchases some of the databases in the proposed patron plan, but a few of the databases would be brand new acquisitions. Databases under a current contract were previously purchased as a sole source procurement. The current contract (\$206,812.00) began on March 15, 2010 and expires on March 31, 2013.

8. What efforts have been made or are being made to reduce the Department's reliance on a sole source provider for these goods/services in the future?

See answers in response to items 5-7 above.

9. What efforts were made to get the best possible price?

The Librarian engaged in aggressive negotiations with the vendor's representative for this contract and 2 other contracts currently pending for a) West books and b) a Westlaw online access plan for the Law Library's staff. The Librarian insisted on migrating to West's new product, WestlawNext, and was able to convince the vendor to hold annual price increases to only 5%. The Librarian also pressured the vendor to consider all 3 contracts together when evaluating the Law Library's purchases, despite reductions in the proposed staff plan and the number of books the Law Library hopes to purchase this contract cycle. This enabled the Law Library to obtain several complimentary patron and staff databases and the

equivalent of a 59% discount on all books it proposes to purchase on a companion contract. This discount is much greater than the 44% discount the Law Library realized under its current 3-year book contract with West.

10. Why is the price for this purchase considered to be fair and reasonable?

See response to question 10 above.

11. Amount to be paid: \$256,812 over 3 years

Note: This item was held at the request of the County Executive, pending further discussion with the Law department.

Approve
 Disapprove
 Hold

BC2013-89

County Law Library,

- A) Submitting a sole source exemption on RQ26917, which will result in an award recommendation to West, a Thomson Reuters Business in the amount of \$22,224.00 for electronic legal research and reference database services for library staff for the period 4/1/2013 - 3/31/2016.
- B) On behalf of the Cuyahoga County Law Library Resources Board, recommending an award on RQ26917 and enter into a sole source contract with West Publishing Corporation dba West, a Thomson Reuters business in the amount not-to-exceed \$22,224.00 for electronic legal research and reference database services for library staff for the period 4/1/2013 - 3/31/2016.

Funding Source: 100% by the Special Revenue Fund of the Cuyahoga County Law Library Resources Board.

1. What is the product/service that you seek to acquire?

An online plan from Westlaw for Staff Access.

2. Will this purchase obligate Cuyahoga County to this or any other vendor for future purchases, for example, maintenance, licensing or continuing need? Yes No

This purchase is for a 3 year contract for the period 4/1/2013-3/31/2016.

3. Why do you need to acquire these goods or services?

Our patrons and staff need the databases included in the plan for legal reference and research.

4. Why are the requested goods/services the only ones that can satisfy your requirements?

The databases in the proposed staff plan contain unique statutory and regulatory surveys compiled by experts in particular fields of law. West holds the copyright or license on all of these surveys, and they are proprietary to the vendor. Although the Law Library purchases online surveys of legal issues from other legal resource vendors, as part of maintaining a broad subject matter collection, authors and publishers each treat similar legal issues uniquely and differently. The databases included in the

proposed staff plan also include Ohio national and state primary laws, all of which have been enhanced with West's value-added search engine, digest references, "Related Documents" (formerly known as Results Plus), and KeyCite materials. The Law Library needs the proposed staff databases in order to provide meaningful reference and research assistance to patrons.

5. Were alternative goods/services evaluated?

The Law Library always considers available alternatives from competitive vendors, such as Lexis and BNA Bloomberg, and did so in the present case. As part of contract negotiations with vendor, the Librarian and the Library's Technical Services staff engaged in a sophisticated and lengthy evaluation of all of the Library's existing database holdings from all vendors, including West, to determine which vendor materials would provide the best resources for patrons and staff. However, for the reasons stated in section 5 above, the databases in the proposed staff plan are unique, proprietary, and essential for the Law Library to provide for the diverse reference and research needs of its patrons.

6. Identify specific steps taken to negate need for sole source provider.

Through research of publisher websites and library resource guides, the Librarian ascertained that none of the online surveys in the proposed staff plan are sold online by other vendors. Although the primary law contained in the proposed staff plan is available in raw form from other vendors, and some of it is also available for free on the Internet, Westlaw compiles and enhances these resources with a value-added search engine, digest references, "Related Documents" (formerly known as Results Plus), and KeyCite materials, none of which are available from any other vendor. As a result, alternative options would not enable the Law Library to provide the caliber of legal reference and research materials necessary to serve the diverse needs of our patrons. See also responses above.

7. Has your department bought these goods/services in the past? Yes and No

The Law Library currently purchases a small sub-set of the databases in the proposed staff plan, but a few of the databases would be brand new acquisitions. Databases under a current contract were previously purchased as a sole source procurement. The current contract (\$29,863.00) began on March 15, 2010 and expires on March 31, 2013.

8. What efforts have been made or are being made to reduce the Department's reliance on a sole source provider for these goods/services in the future?

See answers in response to items 5-7 above.

9. What efforts were made to get the best possible price?

The Librarian engaged in aggressive negotiations with the vendor's representative for this contract and 2 other contracts currently pending for a) West books and b) a Westlaw online access plan for the Law Library's patrons. The Librarian insisted on migrating to West's new product, WestlawNext, and was able to convince the vendor to hold annual price increases to only 5%. The Librarian also pressured the vendor to consider all 3 contracts together when evaluating the Law Library's purchases, despite reductions in the proposed staff plan and the number of books the Law Library hopes to purchase this contract cycle. This enabled the Law Library to obtain several complimentary patron and staff databases and the equivalent of a 59% discount on all books it proposes to purchase on a companion contract. This discount is much greater than the 44% discount the Law Library realized under its current 3-year book contract with West.

10. Why is the price for this purchase considered to be fair and reasonable?

See response to question 10 above.

11. Amount to be paid: \$22,224.00 over 3 years

Note: This item was held at the request of the County Executive, pending further discussion with the Law department.

Approve
 Disapprove
 Hold

BC2013-90

Department of Health and Human Services/Office of Re-entry, submitting an amendment to Contract No. CE0900646-01 with Towards Employment, Incorporated for the Reentry Employment and Training Program for the period 7/1/2009 - 3/31/2013 to extend the time period to 3/31/2014, to change the scope of services effective 4/1/2013 and for additional funds in the amount of \$150,000.00.

Funding Source: 100% Health and Human Services Levy Funds

Ed FitzGerald made a motion to approve, Pernel Jones seconded, the item was approved.

Approve
 Disapprove
 Hold

Michael Gallagher chaired this portion of the meeting as Ed FitzGerald briefly stepped out of the meeting.

BC2013-91

Department of Health and Human Services/Cuyahoga Job and Family Services, submitting an amendment to Contract No. CE1100179-01, 02 with Synovate, Inc. for a Customer Satisfaction Tracking Survey for the period 1/1/2011 - 12/31/2012 to extend the time period to 12/31/2013, to change the scope of services, effective 1/1/2013 and for additional funds in the amount of \$51,896.20.

Funding Source: 79% PA (Public Assistance) funding and 21% Title IV-D (Child Support) funding.

Michael Gallagher made a motion to approve, Wade Steen seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2013-92

Department of Health and Human Services/Division of Children and Family Services, submitting an agreement with Ohio Attorney General c/o Treasurer, State of Ohio/Bureau of Criminal Identification and Investigation in the amount not-to-exceed \$450,000.00 for access to the National Webcheck Program for criminal background checks on childcare provider applicants for the period 1/1/2012 - 12/31/2014.

Funded 32.69% by IV-E Admin. Funds and 67.31% by the HHS (local levy general fund).

Michael Gallagher made a motion to approve, Dave Greenspan seconded, the item was approved.

Approve
 Disapprove
 Hold

Ed FitzGerald returned and chaired the remainder of the meeting.

6. Other Business

BC2013-93

Department of Development, requesting approval of an alternative procurement process on which will result in contracts in the total amount of \$250,000.00 for foreclosure prevention counseling services to homeowners for the period ~~June 1, 2013~~ - ~~May 31, 2014~~ (Board of Control Ordinance No.O2011-0044 Section 4.4 (b)16)):

- a) Cleveland Housing Network, Inc.
- b) Community Housing Solutions
- c) East Side Organizing Project, Inc.
- d) Home Repair Resource Center
- e) Neighborhood Housing Services of Greater Cleveland, Inc.
- f) Cleveland State University
- g) United Way of Greater Cleveland

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

Development will submit a grant application to The Cleveland Foundation seeking funds to support Foreclosure Prevention Counseling services to Cuyahoga County homeowners having difficulty paying their home mortgage.

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

The grant application will request \$250,000 funding which will be passed through to five local nonprofit counseling agencies: Cleveland Housing Network, Community Housing Solutions, East Side Organizing Project, Home Repair Resource Center, and Neighborhood Housing Services of Greater Cleveland. The grant funds will also support a program evaluation by Cleveland State University and referral to counseling agencies by United Way First Call for Help.

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

Cleveland Foundation funding is highly competitive and capacity of the partner counseling agencies is a key factor in securing this funding. With a seven-year track record of successful service delivery, the current network of local nonprofit agencies has the best chance to secure Cleveland Foundation funding. Development has selected both its local partner counseling agencies and its evaluator through formal and informal RFP processes each year since 2010. United Way First Call for Help operates the "211" social service referral line.

4. What other available options and/or vendors were evaluated? If none, include the reasons why. The alternative, submitting a grant proposal without informing the Cleveland Foundation which partner agencies would participate in the program, would significantly cut the chance that the Cleveland Foundation would grant any funds. Lack of referral and evaluation partners would also weaken the grant proposal.

5. What ultimately led you to this product or service? Why was the recommended vendor selected? Foreclosure Prevention Counseling has been validated as an effective means to reduce the incidence of home foreclosures and resulting vacant homes in both the core city and in Cuyahoga County suburbs. Cuyahoga County's successful service delivery model includes both referral via "211" and annual evaluations by Cleveland State University (selected to continue evaluations via a formal RFP).

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.

Failing to designate and describe the experience of Cuyahoga County's local counseling partner agencies, "211" referral system, and program evaluator, in the submitted proposal will cut the chance of winning Cleveland Foundation 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.

Development will continue to issue a formal RFP each year it provides federal Community Development Block Grant funding for Foreclosure Prevention.

Note: This item was amended to reflect the time period as April 1, 2013 – March 31, 2014.

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

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 11:53 A.M.