

Minutes

Cuyahoga County Board of Control Meeting
County Administration Building, 4th Floor
September 9, 2013, 11:00 a.m.

1. Call to Order: The meeting was called to order by Mark Parks at 11:07 a.m.

Attendees:

Treasurer Mark Parks, Chair (alternate for Wade Steen)
Councilman Michael Gallagher
Councilman Pernell Jones
Councilman David Greenspan
Public Works Director Bonnie Teeuwen
Purchasing Director Lenora Lockett
Melinda Burt, Clerk of Board of Control

County Executive Ed FitzGerald and Fiscal Officer Wade Steen were unavailable.

At the September 9, 2013 regular meeting of the Board of Control the following approved items were properly moved and seconded. All items were considered and adopted by all members present, unless otherwise noted.

2. Review Minutes – Councilman Pernell Jones made a motion to approve the minutes; Councilman Michael Gallagher seconded. Councilman David Greenspan abstained. The minutes were unanimously approved.

3. Public Comment – There was no public comment at the meeting.

4. Tabled Items – There were no tabled items.

5. New Items for Review

BC2013-251 Office of Procurement & Diversity Recommending an award: Department of Public Works on RQ26178 and enter into a contract with East Jordan Iron Works, Inc. dba EJ USA, Inc. (8-2) in the amount not-to-exceed \$196,000.00 for sewer and basin castings and supplies for the period 7/1/2013 - 6/30/2015. (Deputy Chief Approval No. DC2013-146 - authority to advertise for bids). Funding Source: 100% Sewer Relief Fund.

Mark Parks made a motion to approve. Bonnie Teeuwen seconded. The item was unanimously approved.

Approve
 Disapprove
 Hold

BC2013-252 Office of Procurement & Diversity recommending an award: Department of Public Works on RQ26566 and enter into a contract with PSx Inc. (6-1) in the amount not-to-exceed

\$164,268.00 for parking control systems maintenance at various County facilities for the period 4/15/2013 - 4/14/2016. Funding Source: 100% General Fund

Mark Parks made a motion to approve. Michael Gallagher seconded. The item was unanimously approved.

Approve
 Disapprove
 Hold

BC2013-253 Department of Information Technology recommending an award on RQ28206 and enter into a contract with SHI International Corp. in the amount not-to-exceed \$142,005.88 for Countywide maintenance on Novell software products for the period 7/1/2013 - 6/30/2014. Funding Source: 100% General Fund.

Mark Parks made a motion to approve. Michael Gallagher seconded. The item was unanimously approved.

Approve
 Disapprove
 Hold

BC2013-254 Department of Health and Human Services/Community Initiatives Division/Office of Homeless Services recommending an award on RQ28278 and enter into a contract with Salvation Army in the amount not-to-exceed \$265,549.00 for supportive services for single men in the PASS Transitional Housing Program for the FY2012 McKinney-Vento Homeless Assistance Act grant in connection with FY2012 Continuum of Care Homeless Assistance Grant Programs for the period 8/1/2013 - 7/31/2014. Funding Source: 100% U.S. Department of Housing & Urban Development.

Mark Parks made a motion to approve. Pernell Jones seconded. The item was unanimously approved.

Approve
 Disapprove
 Hold

6. Other Business

BC2013-255 Department of Development

A) Requesting approval of an alternative procurement process, which will result in award recommendations to four cities, carrying out eligible activities under the federally funded Neighborhood Stabilization Program 3 (NSP3), for the anticipated total cost of not to exceed \$200,000. The anticipated start and completion dates of work under the additional awards are September 9, 2013 - December 31, 2013. This request includes authorization to amend each city's existing NSP3 funding agreement, to add the amount of the additional award, effective September 9, 2013.

B) Department of Development, requesting approval of additional awards to four cities, carrying out eligible activities under the federally funded Neighborhood Stabilization Program 3(NSP3), for the anticipated total cost of not to exceed \$200,000. The anticipated start and completion dates of work

under the additional awards are September 9, 2013 - December 31, 2013. This request includes authorization to amend each city's existing NSP3 funding agreement, to add the amount of the additional award, effective September 9, 2013:

City of Berea - \$40,000.00
City of Lakewood - \$49,500.00
City of Shaker Heights - \$70,500.00
City of South Euclid - \$40,000.00

Funding Source: 100% Federal Neighborhood Stabilization Program funds

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

The informal Request for Proposals authorized by Deputy Chief Kelly requests proposals for additional NSP3 funding, from any or all of the five cities currently under agreements with Cuyahoga County for eligible Neighborhood Stabilization Program 3 (NSP3) activities. Eligible activities are limited by HUD regulations to renovating vacant houses for resale/rental, or building new houses on the site of demolished vacant houses, also for resale/rental.

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

The informal RFP offers up to \$200,000 for additional NSP3 funding to one or more of the cities currently under agreement. The total amount of the current NSP3 agreements with five cities is \$1,150,000. Additional funds are now available due to under-spending by one city and lower than expected administrative costs. The federally mandated deadline for Cuyahoga County to spend all NSP3 funds, including this \$200,000, remains December 31, 2013.

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

The five cities currently holding agreements were selected through the County's Request for Proposals process. All cities eligible for this funding had the opportunity to submit proposals in response to two earlier RFP's. Therefore, an informal RFP limited to cities currently holding agreements is most suitable.

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

We considered issuing a new RFP open to all cities with eligible areas, but decided against this because our staff has already reviewed the qualifications of each eligible city to carry out NSP3 activities through two prior RFP's.

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

Federal regulations limit what can be done with NSP3 funds. As noted above, the informal RFP currently in progress is offered only to cities already found to be capable of properly expending NSP3 funds and holding current agreements.

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.

Issuing an "open" RFP would be wasteful since Development has already reviewed the qualifications of all eligible cities through two prior RFP's.

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

If the federal government provides a new round of funding, which is not yet known, Development plans to conduct an open RFP process for the new funds.

Mark Parks made a motion to approve. Michael Gallagher seconded. The item was unanimously approved.

Approve
 Disapprove
 Hold

BC2013-256 Department of Information Technology On behalf of Division of Children and Family Services, recommending an alternative procurement process on RQ28076, which will result in an award recommendation to Vital Resources in the amount not-to-exceed \$85,000.00 for development of an application supporting work activity management for the period 9/1/2013 - 11/31/2013 (Ordinance No. O2011-0044 Section 4.4(b)(16)).

Funding Source: 100% General Fund

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

Services of a WEB Developer to Complete our Work Participation software.

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

Not to exceed \$85,000.00. Index Code WT137315 HO8300

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

Proposals were requested via DOIT to elicit competitive proposals and competitive pricing.

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

Vital Resources \$95.00 an hour

Flairsoft \$78.50 an hour

Digitek \$76.00 an hour (Digitek State Vendor # 534009)

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

Of the three providers who responded, Vital Resources offered the services of the WEB developer who wrote the original web application and this person would be able to “hit the ground running”. This prior expertise offers us a shorter development cycle and most productive use of 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 application being developed impacts the work participation rate project which is very time sensitive.

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

None at this time.

Approve

Disapprove

Hold - at the request of the Department

BC2013-257 Law Department

a) Submitting an RFP exemption, which will result in an award recommendation to Giffen & Kaminski LLC (with Brennan, Manna & Diamond, LLC as sub-contractor) in the maximum amount not to exceed \$150,000 (hourly rate of \$190) for provision of special counsel legal services in connection with potential litigation related to the County's purchase of the Ameritrust Complex, for the period beginning 9/10/13.

b) Recommending an award and enter into a contract with Giffen & Kaminski LLC (with Brennan, Manna & Diamond, LLC as sub-contractor) in the maximum amount not to exceed \$150,000 (hourly rate of \$190) for provision of special counsel legal services in connection with potential litigation related to the County's purchase of the Ameritrust Complex, for the period beginning 9/10/13.

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

Legal services.

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

\$150,000

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

This contract is for legal services of a highly specialized nature. The selection of these law firms was based in part upon their experience, capabilities and reputation in the legal community for handling cases like this one.

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

Many other law firms were looked at to do this work and we even considered doing the work in-house. The litigation is specialized, time-consuming and will require the full-time attention of outside counsel to be successful. Based upon the potential claims and the parties that may be involved in the litigation, the law firms selected are the best option. Many of the other firms contacted had conflicts of interest and were not able to assume the representation of the County in this specific matter.

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

The selection of these law firms was based in part upon their experience, capabilities and reputation in the legal community.

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.

There is critical research and assessment to be done immediately to protect the County's rights. Therefore, the law firms need to begin work as soon as possible.

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

We considered issuing an RFQ, but it was not an appropriate avenue here because of conflicts and the need to protect confidentiality of litigation strategy and potential target defendants. We have in the past and will in the future consider competitive bidding for other legal matters that require outside counsel as appropriate.

Mark Parks motioned to approve the item; Michael Gallagher seconded. The item was approved unanimously.

Approve
 Disapprove
 Hold

1. Public Comment – There was no public comment.
2. The meeting was adjourned by unanimous approval at 11:30 a.m.