

Minutes

Cuyahoga County Board of Control
Monday, May 4, 2020 at 11:00 A.M.
County Headquarters
2079 East Ninth Street, 4th Floor
Committee Room B

I – CALL TO ORDER

The meeting was called to order at 11:02 a.m.

Attending:

Michael Chambers, Fiscal Officer, Fiscal Office (Alternate for Armond Budish)
Leigh Tucker, Assistant Fiscal Officer, Fiscal Office (Alternate for Michael Chambers)
Trevor McAleer, County Council (Alternate for Dan Brady)
Councilman Dale Miller
Nichole English, Transportation Planning Engineer, Department of Public Works
(alternate for Michael Dever)
Lenora Lockett, Director, Office of Procurement and Diversity

II – REVIEW MINUTES – 4/27/2020

Michael Chambers motioned to approve the minutes from the April 27, 2020 meeting; Trevor McAleer seconded. The minutes were approved by unanimous vote, as written.

III – PUBLIC COMMENT

There was public comment from Dean DePiero, Attorney, DePiero Law, representing Cleveland Communications, Inc., who had filed a letter of protest on the award recommendation to Motorola Solutions, Inc. being presented under agenda item number BC2020-244.

IV- CONTRACTS AND AWARDS

A. – Tabled Items

B. – New Items for Review

BC2020-239

Department of Public Works, recommending an award on Purchase Order No. 20000899 and enter into a contract with Michael Baker International, Inc. (55-11) in the amount not-to-exceed \$499,725.00 for Bridge Inspection, evaluation, structural modeling and load rating services for Denison-Harvard Bridge No. 04.09.

Funding Source: County Road and Bridge

Nichole English, Department of Public Works, presented. There were no questions. Michael Chambers motioned to approve the item; Dale Miller seconded. Item BC2020-239 was approved by unanimous vote.

BC2020-240

Department of Public Works, recommending an award on Purchase Order No.20000963 to Flagzone, LLC (19-5) in the amount not-to-exceed \$49,536.00 for the purchase and delivery of (800) gross U.S. Flags.
Funding Source: General Fund

Thomas Pavich, Department of Public Works, presented. Dale Miller asked if the distribution of flags will be impacted by the COVID-19 pandemic; and asked why this item did not complete the Infor/OnBase approval process prior to be presented for approval. Andria Richardson, Clerk of the Board of Control, explained that this purchase did complete the Infor process but the BOC Request Form was not submitted by the department through OnBase. Mr. Miller asked Lenora Lockett if the Board should provide conditional approval until the request has completed the OnBase process. Lenora Lockett stated that the OnBase Form only needs to be submitted by the department to complete the process. Nan Baker asked where the flags were made.

Michael Chambers motioned to approve the item; Nan Baker seconded. Item BC2020-240 was approved by unanimous vote.

BC2020-241

Department of Development, recommending to amend Board of Control Approval No. BC2020-188 dated 3/23/2020, which approved Loan Loss Reserves to various organizations in the total amount not-to-exceed \$460,000.00 to support bank financing for loans to minority borrowers through the Capital Access Fund of Greater Cleveland for the period 4/1/2020 – 12/31/2027, **to change from a loan loss reserve to a forgivable loan to National Development Council in the amount not-to-exceed \$230,000.00 through the Community Impact Loan Fund.**

Funding Source: Economic Development Fund

Paul Herdeg, Department of Development, presented. Dale Miller referenced the response to Council members' advance questions that stated that this program is part of a larger program, which includes organizations receiving loans, such as Economic and Community Development Institute and JumpStart, and asked how much money is committed to each program; and asked if the funding is through the Economic Development Loan Program. Trevor McAleer asked when will the Round 1 grant money be distributed and how much will the individual grants be; asked what is the County's policy for checking on delinquent taxes and if only property taxes are researched; and asked how many searches resulted in delinquent taxes owed that were less than \$1,000.00. Michael Chambers motioned to approve the item; Trevor McAleer seconded. Item BC2020-241 was approved by unanimous vote.

BC2020-242

Department of Information Technology, submitting an amendment to Contract No. CE1700056 with Progress Software Corporation fka Telerik, Inc. for software licenses, support and maintenance services on the Sitefinity Web Content and Case Management System for the period 3/31/2017 – 4/30/2020 to extend the time period to 4/30/2022 and for additional funds in the amount not-to-exceed \$68,275.00.

Funding Source: General Fund

Jeanelle Greene, Department of Information Technology, presented. There were no questions. Michael Chambers motioned to approve the item; Dale Miller seconded. Item BC2020-242 was approved by unanimous vote.

BC2020-243

Department of Information Technology,

a) Submitting an RFP exemption, which will result in an award recommendation to Dell Marketing, LP in the amount not-to-exceed \$5,142.74 for the purchase of (2) Microsoft SQL Server Standard Core ALNG LICSApK MVL2 Licenses for the Kronos System for use by Court of Common Pleas/Juvenile Court Division.

b) Recommending an award on Purchase Order No. 20000581 with Dell Marketing, LP in the amount not-to-exceed \$5,142.74 for the purchase of (2) Microsoft SQL Server Standard Core ALNG LICSApK MVL2 Licenses for the Kronos System for use by Court of Common Pleas/Juvenile Court Division.

Funding Source: General Fund – Juvenile Court – Administration

Jeanelle Greene, Department of Information Technology, presented. There were no questions. Michael Chambers motioned to approve the item; Dale Miller seconded. Item BC2020-243 was approved by unanimous vote.

The following item was held at the request of the Board of Control members.

~~BC2020-244~~

~~Department of Public Safety & Justice Services, recommending an award on Purchase Order No. 20000320 to Motorola Solutions, Inc. (46-3) in the amount not to exceed \$350,262.00 for the purchase of (183) P25 700/800 MHz Interoperable Communications Portable Radios and accessories for various Community law enforcement departments for the period 5/4/2020 – 6/15/2020:~~

Communities

~~a) City of Beachwood~~

~~b) City of Lyndhurst~~

~~c) City of Shaker Heights~~

~~d) City of University Heights~~

~~Funding Source: FY2017 Urban Area Security Initiative Grant and FY2017 State Homeland Security Grant~~

Mary Beth Vaughn and Alex Pellom, Department of Public Safety and Justice Services, presented. Dale Miller asked is there is any legal flexibility to revisit a bidder's response when there is need for clarification. Lenora Lockett stated that bid issues are always discussed with the Law Department to determine the best course of action, usually on a case by case basis, as there is a full range of technical issues that could result in a bid being deemed non-compliant. Mr. Miller asked if the Law Department was consulted on this bid and what was their response. Ms. Lockett said that the Law Department was consulted on this matter; further stated that after discussions between the Law Department, Department of Public Safety and Justice Services and the Office of Procurement and Diversity, it was determined that there was a conflict regarding the pricing period and agreed to recommend an award to the next lowest bidder. Mr. Miller asked if the Law Department considered the conflict to be fatal or whether the department could have gone back to the vendor for clarification. Ms. Lockett deferred to the Law Department for a response to Mr. Miller's question. Greg Huth, Department of Law, indicated that vendors cannot be contacted for clarification on bid submissions, only responses to Request for Proposals. Nan Baker asked if the pricing period shown on the signature page, that conflicted with the supplemental documentation, should have been a red flag, as the signature page would have indicated an understanding of the pricing period; and asked why clarification would not have been sought. Mr. Huth said discussions with bidders are not permitted and the only other option would be to reject all bids and re-bid the purchase. Trevor McAleer

asked if clarification can be made when there is a mathematical error in a bid. Mr. Huth indicated that clarification cannot be made, and a mathematical error would be considered an error in a bid response. Mr. McAleer asked if the legal standard is that there is no flexibility in regard to clarifying bid submissions; asked if the bid specifications require a specific format or if the vendor can submit a supplement to the bid; asked for clarification that the bid itself was correct but the supplemental document was not. Mr. Miller stated that it has been approximately 2-3 years since the last bid protest, which indicates the procurement process is working well, but recommended that this item be held for one week so the Law Department may revisit the issue and review the documents further to determine if the signature supports the 60 day pricing hold period and overrides the supplemental document. Mr. McAleer asked when the grant period expires, what funding source will be used for this purchase; and agreed with Mr. Miller's recommendation to hold the item for one week. Ms. Baker concurred and the item was held.

BC2020-245

Department of Health and Human Services,

a) Submitting an RFP exemption, which will result in an award recommendation to United Way of Greater Cleveland in the amount not-to-exceed \$80,000.00 for provision of up to 10 navigators/staff to operate and manage the increased volume of calls to 2-1-1 HelpLink to assist with community resource navigation and MedRefer services to residents of Cuyahoga County as a result of the COVID-19 pandemic for the period 5/4/2020 - 5/31/2020.

b) Recommending an award on Purchase Order No. 20001012 and enter into a contract with United Way of Greater Cleveland in the amount not-to-exceed \$80,000.00 for provision of up to 10 navigators/staff to operate and manage the increased volume of calls to 2-1-1 HelpLink to assist with community resource navigation and MedRefer services to residents of Cuyahoga County as a result of the COVID-19 pandemic for the period 5/4/2020 - 5/31/2020.

Funding Source: Health and Human Services Levy

Chris Alexander, Cuyahoga Job and Family Services, presented. Michael Chambers indicated that these services can be evaluated for reimbursement from CARES Act.

Dale Miller asked if the navigators have already been hired and providing services, as Ms. Alexander's presentation indicated a start date of April 1, 2020; asked why this was not submitted prior to the start date; and asked if Cuyahoga County is the only entity paying for these services or are there other community partners.

Trevor McAleer asked if this contract will be extended past 5/31/2020.

Nan Baker asked for clarification on the time period and whether services have already been provided that would need to be paid for beginning April 1, 2020.

Mr. Chambers asked if the item should be held so that the Board members' questions regarding the start date could be answered and the department would not have to submit a request to amend the time period for future Board approval, if required.

Ms. Baker asked Mr. Chambers if the date can become an issue as it relates to possible CARES Act reimbursement.

Mr. Chambers said that the time period as shown will be acceptable as a COVID-19 related expense and asked why this is being submitted as a grant when the full amount will be paid out of the CARES Act.

Ms. Baker said we need to be sure that services provided prior to 5/4/2020 can be paid.

Mr. Chambers recommended that the item be held pending clarification on the time period.

Andria Richardson, Clerk of the Board of Control, indicated that the minutes can be amended to reflect the correct time period, if necessary.

Mr. McAleer asked if the action can be amended at the next Board of Control meeting if the dates do change.

Michael Chambers motioned to approve the item; Trevor McAleer seconded. Item BC2020-245 was approved by unanimous vote.

BC2020-246

Department of Health and Human Services/Office of Early Childhood, recommending a payment on Purchase Order No. 20000482 to Case Western Reserve University - Center on Urban Poverty and Community Development in the amount not-to-exceed \$15,925.75 to pay final invoices for services rendered in connection with Contract No. CE1800328 for implementation and management of the Invest In Children Program evaluation for the Universal Pre-Kindergarten 2.0 Program for the period 1/1/2020 – 5/1/2020.

Funding Source: Health and Human Services Levy

Marcos Cortes, Office of Early Childhood, presented. Michael Chambers asked for clarification on the dates that services were provided. Lenora Lockett clarified that the period of 1/1/2020-5/1/2020 was listed to satisfy the payment process in Lawson system but the services were provided in 2019. Michael Chambers motioned to approve the item; Trevor McAleer seconded. Item BC2020-246 was approved by unanimous vote.

BC2020-247

Court of Common Pleas/Juvenile Court Division, recommending awards on various Purchase Orders and enter into agreements with various municipalities in the total amount not-to-exceed \$3,936.74 for the Community Diversion Program for the period 3/1/2020 - 12/31/2020:

- a) PO No. 20000838 with City of Bedford Heights in the amount not-to-exceed \$2,422.61.
- b) PO No. 20000865 with City of Highland Heights in the amount not-to-exceed \$1,514.13.

Funding Source: General Fund

Sarah Baker, Juvenile Court Division, presented. Michael Chambers asked if the department is using the activity code to track COVID-19 expenses that could potentially be eligible for reimbursement through the CARES Act. Michael Chambers motioned to approve the item; Dale Miller seconded. Item BC2020-247 was approved by unanimous vote.

BC2020-248
Sheriff's Department,

- a) Submitting an RFP exemption, which will result in an award recommendation to Race Ahead CLE, LLC in the amount not-to-exceed \$36,080.00 for the purchase of (14,000) 3-ply disposable face masks and (10,000) KN95 masks for use by jail, law enforcement deputies and protectives services staff as a result of the COVID-19 pandemic.
- b) Recommending an award on PO20000700 to Race Ahead CLE, LLC in the amount not-to-exceed \$36,080.00 for the purchase of (14,000) 3-ply disposable face masks and (10,000) KN95 masks for use by jail, law enforcement deputies and protectives services staff as a result of the COVID-19 pandemic.
Funding Source: General Fund

Stephen Witt and Laura Simms, Sheriff's Department, presented. Michael Chambers asked if the department is using the activity code to track COVID-19 expenses that could potentially be eligible for reimbursement through the CARES Act.

Dale Miller asked when KN95 and 3-ply masks are used under normal circumstances; and asked if the masks have been distributed to the inmates.

Trevor McAleer recommended that Michael Chambers speak with the County Sheriff about CARES Act reimbursements to see if the department needs guidance on the use of these funds, as it appears there has been no coordination, based on the department's written responses to the Board members' advance questions;

Mr. Chambers said that the Emergency Management Agency did coordinate purchases with the Sheriff's Department initially.

Mr. McAleer stated that the written responses to the advance questions makes it appear that there has been no coordination of services but that is not actually the case and said that departments should be mindful of what is being represented in their written responses.

Mr. McAleer asked why these supplies were purchased without prior approval where the Board is now in the difficult position where they must approve; asked if these could have been made as emergency purchases which is a fairly simple procurement process; and commented that County Council provided flexibility for these types of purchases due to timing and the urgent need for the items.

Mr. Chambers commented that this purchase may have qualified as a mission critical request and said he would follow up with Bob Coury regarding coordination of services and use of CARES Act funds.

Nan Baker commented that the use of General Funds should be used with discretion if the CARES Act can cover COVID-19 related purchases and there needs to be an understanding of when CARES Act funding can be used appropriately.

Mr. Chambers stated that the departments were initially provided with an activity code to use for COVID-19 related purchases; said that departments using their own funds for emergency purchases will have these purchases evaluated by the Grant Manager from the Fiscal Office who will review all purchases qualifying for CARES Act funding and perform expense adjustments accordingly.

Michael Chambers motioned to approve the item; Dale Miller seconded. Item BC2020-248 was approved by unanimous vote.

BC2020-249

Sheriff's Department,

- a) Submitting an RFP exemption, which will result in an award recommendation to Nashville Medical & EMS Products, Inc. in the amount not-to-exceed \$14,007.36 for the purchase of various personal protection equipment and medical supplies for use by jail, law enforcement deputies and protectives services staff as a result of the COVID-19 pandemic.
- b) Recommending an award on Purchase Order No. 20000689 to Nashville Medical & EMS Products, Inc. in the amount not-to-exceed \$14,007.36 for the purchase of various personal protection equipment and medical supplies for use by jail, law enforcement deputies and protectives services staff as a result of the COVID-19 pandemic.

Funding Source: General Fund

Stephen Witt, Sheriff's Department, presented. Dale Miller asked if these items are American made or imported. Michael Chambers motioned to approve the item; Trevor McAleer seconded. Item BC2020-249 was approved by unanimous vote.

BC2020-250

Sheriff's Department,

- a) Submitting an RFP exemption, which will result in an award recommendation to Extra Packaging LLC in the amount not-to-exceed \$8,844.93 for the purchase of (5,000) isolation protective gowns for use by jail, law enforcement deputies and protectives services staff as a result of the Covid-19 Pandemic.
- b) Recommending an award on Purchase Order No. 20000805 to Extra Packaging LLC in the amount not-to-exceed \$8,844.93 for the purchase of (5,000) isolation protective gowns for use by jail, law enforcement deputies and protectives services staff as a result of the Covid-19 pandemic.

Funding Source: General Fund

Stephen Witt, Sheriff's Department, presented. There were no questions. Michael Chambers motioned to approve the item; Dale Miller seconded. Item BC2020-250 was approved by unanimous vote.

C. – Exemptions

BC2020-251

Department of Public Works, recommending an alternative procurement process, which will result in an informal bid process and an award to a Baltimore Air Coil factory authorized dealer located in northeast Ohio in the amount not-to-exceed \$160,000.00 for the Juvenile Justice Center Tower Refurbishment Project for the period 5/4/2020 – 12/31/2020.

Funding Source: General Fund

Thomas Pavich, Department of Public Works, presented. There were no questions. Michael Chambers motioned to approve the item; Dale Miller seconded. Item BC2020-251 was approved by unanimous vote.

The following item was held by the Board of Control members.

~~BC2020-252~~

~~Sheriff's Department, recommending an alternative procurement process on various purchase orders, which will result in award recommendations to various providers in the total amount not to exceed \$1,208,000.00 for emergency offsite medical services for inmates for the period 7/28/2017 – 12/31/2020:~~

- ~~a) MetroHealth Hospital~~
- ~~b) Cleveland Emergency Medical Service~~
- ~~c) St. Vincent Charity Hospital~~
- ~~d) University Hospital~~
- ~~e) Fresenius Medical Care~~

~~Funding Source: General Fund~~

Stephen Witt and Laura Simms, Sheriff's Department, presented. Dale Miller asked if we have had a contract for services in the past; and asked if a contract will be presented for County Council approval; asked for clarification if this request is for the alternative procurement process only and that additional awards will be submitted later.

Trevor McAleer asked for clarification on whether invoices date back to 2017 or are for recent services; asked why we are using other facilities besides MetroHealth Hospital; asked who determines which facility to send inmates to; asked if purchase orders will be submitted to County Council for approval; asked if approval of this action will allow for prior years payments to be made; asked if the Board of Control has the authority to approve payments totaling \$1,208,000.00; and asked for follow up on how much is owed to each facility.

Lenora Lockett asked if the department had intended to also ask for an exemption from aggregation which would allow the individual awards to go to the Board of Control for approval; said that the request should have been more detailed as to the process for issuing payments; said that it appears the department is requesting that the individual purchase orders not come back for further approval but the Board of Control has the discretion to require further approvals.

Mr. McAleer asked why the awards for the purchases will not be submitted for approval as this is only a request for an alternative procurement process. Nan Baker agreed with Mr. McAleer that the awards be considered for approval.

Michael Chambers asked if all the payments are below the threshold for County Council approval; stated that the Board would like to know what amounts are being approved; and asked if the Board members would prefer to hold the item until the department can follow up with responses to the questions. There were no objections and the item was held.

D. – Consent Agenda

Trevor McAleer commented that a purchase for personal protective equipment by the Sheriff's Department should be coded properly and evaluated for CARES Act reimbursement. Michael Chambers indicated that Matt Hruby would review.

Nan Baker requested that the department briefing details include any reference to purchases that are related to COVID-19 pandemic that will need further evaluation for Federal reimbursement through the CARES Act. There were no further questions or comment on the consent agenda items. Michael Chambers motioned to approve BC2020-253; Dale Miller seconded, the consent items were unanimously approved.

Office of Procurement & Diversity, presenting proposed purchases for the week of 5/4/2020

Direct Open Market Purchases
(Purchases between \$5,000 - \$49,999.99 unless requiring assistance from
the Office of Procurement & Diversity – See Below):

<i>Requisition/ Purchase Order Number</i>	<i>Description</i>	<i>Department</i>	<i>Vendor Name</i>	<i>Total</i>	<i>Funding Source</i>
PO20000848	Ready mix concrete for various projects	Department of Public Works	Campbell Concrete & Supply	Not-to-exceed \$45,000.00	Road and Bridge Fund
PO20001035	Aftermarket vehicle parts for Fleet Services	Department of Public Works	Parts Authority, LLC	\$49,999.00	Sanitary Engineer Fund - \$20,000.00 Maintenance Garage Fund - \$10,000.00 Road & Bridge Fund - \$19,999.00
PO20000889	(650) cases of nitrile gloves in various sizes	Sheriff's Department	W.B. Mason Company, Inc.	\$19,493.50	General Fund

Items/Services Received and Invoiced but not Paid:

<i>Requisition/ Purchase Order Number</i>	<i>Description</i>	<i>Department</i>	<i>Vendor Name</i>	<i>Total</i>	<i>Funding Source</i>
PO20000524	Skill up training for the Learn and Earn Program*	Cuyahoga Job and Family Services	Barons Bus Inc.	\$13,000.00	Health and Human Services Levy
PO20000739	Factory-authorized vehicle parts for Sanitary Engineer	Department of Public Works	Jack Doheny Companies	\$11,253.00	Sanitary Repair/Maintenance

*Approval No. BC2016-892 dated 11/28/2016 which approved an alternate procurement process and exemption from aggregation on various requisitions to make awards to various providers to reimburse employers for employee wage and training expense in connection with the Learn and Earn Program for the period 1/1/2017 – 12/31/2019 and subsequently amended by Board of Control Approval No. BC2019-882 dated 11/25/2019, which extended the time period to 12/31/2021.

Open Market Purchases

(Over \$50,000 or requiring assistance from the Office of Procurement & Diversity)

<i>Requisition/ Purchase Order Number</i>	<i>Description</i>	<i>Department</i>	<i>Vendor Name</i>	<i>Total</i>	<i>Funding Source</i>
<i>None</i>					

V – OTHER BUSINESS

Time Sensitive/Mission Critical Item

BC2020-254

Department of Health and Human Services/Division of Children and Family Services, recommending an award to Focus2Focus, Inc. in the amount not-to-exceed \$24,999.99 emergency placement services for the period 4/14/2020 – 6/14/2020.

Funding Source: 70% Health and Human Services Levy Fund and 30% Federal IV-E

Emily Lockshine, Cuyahoga Job and Family Services on behalf of the Division of Children and Family Services, presented. Lenora Lockett asked the department to provide a requisition or purchase order number for this purchase.

Michael Chambers motioned to amend the agenda to add the item; Dale Miller seconded. Michael Chambers motioned to approve the item; Dale Miller seconded. Item BC2020-254 was approved by unanimous vote.

Items of Note (non-voted)

Item No. 1

Department of Public Works, issuing a Utility Attachment Permit to U.S. Geological Survey, Ohio to construct and maintain a stream gage anchored to the concrete abutment and a weight bolted to the guardrail support and appurtenances associated with each gage on the west side of the Avery Road Bridge No. 01.16 crossing over Chippewa Creek in the City of Broadview Heights.

Funding Source: N/A

Item No. 2

Contracts \$0.00 - \$4,999.99 – Processed and executed (no vote required)

RQ No.	Contract Number	Vendor	Service Description	Amount	Department	Date(s) of Service	Funding Source	Date of Execution
RQ 44111	Amendment to Purchase and Sale Agreement	Bridgeworks LLC	Sale of various parcels, to amend the terms to change the closing date to 5/10/2020	\$0.00	Department of Public Works	n/a	n/a	3/17/2020
RQ 44111	Amendment to Purchase and Sale Agreement	Bridgeworks LLC	Sale of various parcels, to amend the terms to change the closing date to 8/10/2020	\$0.00	Department of Public Works	n/a	n/a	4/10/2020

VII – ADJOURNMENT

Michael Chambers motioned to adjourn; Dale Miller seconded. The motion to adjourn was unanimously approved at 12:32 p.m.