



**AGENDA**  
**CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE**  
**MEETING**  
**WEDNESDAY, SEPTEMBER 11, 2013**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**11:00 AM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE SEPTEMBER 4, 2013 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
  - a) O2011-0048: An Ordinance requiring the County Executive to contract for and conduct a Disparity Study in 2012 and, if required by law to validate the Disparity Study, every five years thereafter; and requiring annual updates of said Study, if required by law.
- 6. MISCELLANEOUS BUSINESS**
- 7. OTHER PUBLIC COMMENT**
- 8. ADJOURNMENT**

\*In accordance with Section 108.01 of the Cuyahoga County Code, complimentary parking in the Huntington Park Garage will be available for the public on any day when the Council or any of its committees holds meetings. Please see the Clerk to obtain a parking pass.



## **MINUTES**

### **CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING**

**WEDNESDAY, SEPTEMBER 4, 2013  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
11:00 AM**

#### **1. CALL TO ORDER**

**Chairman Jones called the meeting to order at 11:06 a.m.**

#### **2. ROLL CALL**

**Mr. Jones asked Assistant Deputy Clerk Carter to call the roll. Committee members Jones, Germana, Conwell, Miller and Simon were in attendance and a quorum was determined.**

#### **3. PUBLIC COMMENT RELATED TO THE AGENDA**

**The following citizens addressed the Committee regarding issues of concern to them relating to Ordinance No. O2013-0018, an Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's performance bond and insurance requirements:**

- 1) Mr. Asmint Cruz**
- 2) Mr. Tim Linville**
- 3) Mr. Ron Friedberg**
- 4) Mr. Russell O'Rourke**
- 5) Ms. Elizabeth Johnson**
- 6) Mr. Louis Cologrossi**
- 7) Minister Robert Saffold and**
- 8) Mr. Lonnie Coleman**

#### **4. APPROVAL OF MINUTES FROM THE AUGUST 21, 2013 MEETING**

**A motion was made by Ms. Conwell, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the August 21, 2013 meeting.**

**5. MATTERS REFERRED TO COMMITTEE**

- a) O2013-0018: An Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's performance bond and insurance requirements and repealing Sections 504.03(C)(2)(e), 504.04(D)(2)(e), and 504.16 in conformity therewith; and declaring the necessity that this Ordinance become immediately effective.

**Mr. Majeed Makhoulf, Law Director, addressed the Committee regarding Ordinance No. O2013-0018. Discussion ensued.**

**Committee members asked questions of Mr. Makhoulf pertaining to the item, which he answered accordingly.**

**Mr. Jones introduced a proposed substitute to Ordinance No. O2013-0018. Discussion ensued.**

**A motion was then made by Mr. Jones, seconded by Ms. Conwell and approved by majority vote to accept the proposed substitute, with Mr. Germana abstaining from the vote.**

**A motion was made by Ms. Simon, seconded by Ms. Conwell and approved by majority vote to amend Ordinance No. O2013-0018 by inserting "*or the small businesses*" in Section 507.01(B), with Mr. Germana abstaining from the vote.**

**On a motion by Mr. Jones with a second by Ms. Conwell, Ordinance No. O2013-0018 was considered and approved by majority vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules, as substituted and amended, with Mr. Germana abstaining from the vote.**

- b) R2013-0190: A Resolution making an award on RQ27675 to C & K Industrial Services, Inc. in the amount not-to-exceed \$1,670,690.00 for cleaning and televising sanitary sewers in various communities for the period 10/1/2013 - 9/30/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

**Ms. Bonnie Teeuwen, Director of the Department of Public Works, addressed the Committee regarding Resolution No. R2013-0190. Discussion ensued.**

**Committee members asked questions of Ms. Teeuwen pertaining to the item, which she answered accordingly.**

**On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0190 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.**

- c) R2013-0191: A Resolution authorizing an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12<sup>th</sup> Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to change the scope of services, effective 10/1/2013, and for additional funds in the amount of \$220,000.03; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

**Ms. Teeuwen and Mr. Ryan Jeffers, First Vice President of CBRE, addressed the Committee regarding Resolution No. R2013-0191. Discussion ensued.**

**Committee members asked questions of Ms. Teeuwen and Mr. Jeffers pertaining to the item, which they answered accordingly.**

**On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0191 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.**

**6. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business.**

**7. OTHER PUBLIC COMMENT**

**No public comments were given.**

**8. ADJOURNMENT**

**With no further business to discuss and on a motion by Mr. Jones with a second by Ms. Conwell, the meeting was adjourned at 12:38 p.m., without objection.**

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0048

Sponsored by: <b>Councilmembers Jones, Connally, Brady, Conwell, Rogers and Miller and County Executive FitzGerald</b>	<b>An Ordinance</b> requiring the County Executive to contract for and conduct a Disparity Study in 2012 and, if required by law to validate the Disparity Study, every five years thereafter; and requiring annual updates of said Study, if required by law.
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WHEREAS, Cuyahoga County desires to ensure that its business practices make it possible for all willing and able businesses to be eligible to contract with the county and to subcontract with the county's prime contractors for construction, architecture and engineering, and other professional services, and for the procurement of other goods and services; and

WHEREAS, Cuyahoga County desires to know whether its business practices are in fact, making it possible for all willing and able businesses, especially those designated as Minority Business Enterprises (MBEs) and/or Female Business Enterprises (FBEs) to be eligible to contract with the county and subcontract with the county's prime contractors; and

WHEREAS, Cuyahoga County further desires to know the level of participation in county contracts and subcontracts with county prime contractors of those businesses designated as Minority Business Enterprises (MBEs) and/or Female Business Enterprises (FBEs) in order to determine whether there is a disparity or underutilization in the award of any such contracts to MBEs, and/or FBEs; and

WHEREAS, the appropriate manner of determining whether there is any disparity in the award of contracts is to conduct a Disparity Study, which includes a comprehensive analysis of county contracting data to determine whether statistically significant disparities or underutilization exists in the award of contracts to MBEs and/or FBEs; and

WHEREAS, in order to act upon any determined disparities or underutilization, it is necessary to update data on an annual basis; and

WHEREAS, Cuyahoga County last conducted a Disparity Study in 2002, after which the County adopted its Small Business Enterprise Policy; and the county has not updated its 2002 study.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive shall contract for and conduct a Disparity Study in 2012 and, if required by law to validate the Disparity Study, every five (5) years thereafter. Such studies shall be designed to meet the methodological standards put forward by court rulings regarding the constitutionality of programs specifically designed to encourage greater participation of women and minorities in our economy.

**SECTION 2.** The County Executive shall, if required by law to validate the Disparity Study, annually update the Disparity Study in order to ensure the County is using accurate and legally valid statistics.

**SECTION 3.** It is found and determined that all formal actions of this County Council meeting relating to the adoption of this Ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President      Date

\_\_\_\_\_  
County Executive      Date

\_\_\_\_\_  
Clerk of Council      Date

First Reading/Referred to Committee: October 11, 2011  
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: October 11, 2011

Legislation retained per Motion No. M2012-0031: January 22, 2013

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011