



AGENDA
CUYAHOGA COUNTY CAPITAL IMPROVEMENTS & FACILITIES AD HOC COMMITTEE
THURSDAY, SEPTEMBER 6, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
10:30 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES**
 - a) August 23, 2012
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) None
- 6. PRESENTATION IN CONNECTION WITH THE CUYAHOGA COUNTY REAL ESTATE PROPERTY PORTFOLIO CONSOLIDATION PROJECT – MAJEED MAKHLOUF, DIRECTOR OF LAW**
 - a) Retention of outside legal counsel
 - b) Recommendation of awards for title companies and insurance
- 7. COUNCIL NEXT STEPS**
- 8. MISCELLANEOUS BUSINESS**
- 9. OTHER PUBLIC COMMENT**
- 10. ADJOURNMENT**

*In accordance with Ordinance No. O2011-0020, complimentary parking in the Huntington Park Garage will be available for the public **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



MINUTES

**CUYAHOGA COUNTY CAPITAL IMPROVEMENTS & FACILITIES AD HOC COMMITTEE
THURSDAY, AUGUST 23, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:30 AM**

1. CALL TO ORDER

The meeting was called to order by Council President and Chair Connally at 11:33 a.m.

2. ROLL CALL

Ms. Connally asked Assistant Deputy Clerk Thurman to call the roll. Committee members Connally, Brady and Gallagher were in attendance and a quorum was determined. Councilmember Jones was also in attendance.

In accordance with Rule 12F of the County Council Rules, Council President Connally appointed Councilmember Jones as a Member Pro Tem.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES

- a) July 18, 2012

A motion was made by Mr. Brady, seconded by Mr. Gallagher and approved by unanimous vote to approve the minutes from the July 18, 2012 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2012-0167: A Resolution making an award on RQ23815 to URS Corporation in the amount not-to-exceed \$1,998,827.00 for professional architectural/engineering services relating to the County's Real Estate Portfolio

Consolidation Project; 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. Connally gave a brief opening statement regarding the process used to consolidate County properties. Initially, the process began by discussing how to reduce the number of properties and how properties are utilized. A formal process and a timetable was then implemented. A study listing all County owned properties was conducted by Allegro and CBRE assessed the values of those properties. The County is currently looking at a architectural firm that will describe the architectural aspects as well as logistical concerns such as public accessibility, transportation and parking. The ultimate decision for the sale, purchase or long term lease rests with Council. Council is working hard to get sufficient information in order to make good decisions regarding the project.

Ms. Bonnie Teeuwen, Director of Public Works; Mr. Ryan Jeffers, First Vice President of CBRE; and Mr. Gary Rieber, Managing Principle of URS Corporation, addressed the Committee regarding Resolution No. R2012-0167. Discussion ensued.

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

On a motion by Mr. Brady with a second by Mr. Jones, Resolution No. R2012-0167 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 rules.

6. DISCUSSION REGARDING COUNTY'S REAL ESTATE CONSOLIDATION PROJECT

Ms. Teeuwen, Mr. Jeffers and Mr. Majeed Makhoulf, Law Director, addressed the Committee regarding the County's real estate consolidation project. Discussion ensued.

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

7. COUNCIL NEXT STEPS

Ms. Connally requested that information regarding the legal services contract and proposals for the title company be provided to Council.

8. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

9. OTHER PUBLIC COMMENT

No public comments were given.

10. ADJOURNMENT

With no further business to discuss, Council President and Chair Connally adjourned the meeting at 12:33 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2012-

<p>Sponsored by: County Executive FitzGerald/Department of Law on behalf of the Cuyahoga County Prosecutor's Office</p>	<p>A Resolution making an award on RFQ24674 to Tucker Ellis LLP in the amount not-to-exceed \$450,000.00 for outside legal services in connection with the Cuyahoga County Real Estate Property Portfolio Consolidation Project; directing the Cuyahoga County Prosecutor to file an application with the Court of Common Pleas for said retention in accordance with Ohio Revised Code Section 305.14; authorizing the County Executive or Director of Law 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.</p>
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WHEREAS, the County Council has before it RFQ24674 for the retention of outside legal services for the Cuyahoga County Real Property Portfolio Consolidation Project; and,

WHEREAS, County Council has determined that awarding RFQ24674 to Tucker Ellis LLP is in the best interest of the County and its citizens; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. The County Council hereby makes an award on RFQ24674 to Tucker Ellis LLP at the hourly rate of \$195 for lawyers and \$100 for paralegals, in an amount not-to-exceed \$450,000.00, for outside counsel legal services in connection with the Cuyahoga County Real Property Consolidation Project and preparation of the County's standardized real-property templates.

SECTION 2. The County Council hereby directs the Cuyahoga County Prosecuting Attorney to submit an application to the Court of Common Pleas for authorization of the employment of said legal counsel in accordance with Ohio Revised Code Section 305.14 on behalf of Cuyahoga County.

Outside Legal Counsel for Real Property Portfolio Consolidation Project (RFQ No. 24674)
Evaluation Sheet

Evaluation Criteria	Giffen Kaminski / Myers Roman	Miller Goler	RaslanPla	Sennett Fisher	Thompson Hine	Tucker Ellis	Walter Haverfield
Team (Team Breadth; Cohesiveness) (15 points)	7	5	1	2	13	14	13

Notes:

TH: short on bond counsel, but good team. Arik Sherik is the only bond counsel proposed. Strengths: They have done complicated deals with Cleveland. Robin and Pat are good lawyers.

TE-Gene Kileen is solid bond counsel; Irene McDougal has conflict. Bryan O’Neil and Dan Wright are good.

WH- no bond counsel. John Waldeck is proposed as bond counsel, but, while an excellent real estate lawyer, he’s not really a bond lawyer. Good lawyers all around.

MG- Ken Lapine is a good lawyer.

GK- Real estate lawyers are from Myers; GK only supplied Bond Counsel. Myers’ lawyers are good real estate lawyers, although this is a complex transaction.

Relevant Experience (25 points)	6	8	2	4	20	20	19
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Notes:

TH- Large projects with similarity

TE- Large projects. Ohio EPA experience.

WH-Not specific on project experience.

MG-a little more explanation than GK. Bigger clients/project. Litigation firm.

GK- no experience in this size and caliber

SF- smaller projects

RP- no relevant experience

Conflict of Interest (15 points)	15	15	15	15	14	14	0
Notes: WH: conflict with Geis! Will have problems providing legal assistance in evaluating proposals before knowing the successful proposers. TE: no conflict with existing clients TH: no conflict with existing clients							
Project Understanding and Methodology (35 points)	10	15	5	8	20	34	30
Notes: TH: understood project methodology. Pay scale is not acceptable, thus causing a deduction of ten points. TE: very clear on methodology; the firm really did its homework to understand the project. WH: understands Ameritrust. Able to control cost with monthly reviews							
Diversity and Inclusion (10 points)	7	5	10	7	9	8	6
Notes: TH: they have a specific plan. Perform surveys. Recruiting subcommittee TE: participate in Minority summer programs. 15% minority, 37% women. WH: Generic answer GK: very diverse. Women owned law firm. MG: Generic RP: minority firm SF: majority team women or minority							
Total: (100 points)	45	48	33	36	76	90	68

County Council of Cuyahoga County, Ohio

Resolution No. R2012-

Sponsored by: County Executive FitzGerald/Department of Law	A Resolution making awards on RFQ24937 to various providers for title companies and insurance in connection with the Cuyahoga County Real Estate Property Portfolio Consolidation Project; authorizing the County Executive or Director of Law 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.
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WHEREAS, the County Council has before it RFQ24937 for title companies and insurance in connection with the Cuyahoga County Real Estate Property Portfolio Consolidation Project; and,

WHEREAS, County Council has determined that awarding RFQ24937 to _____ and _____ is in the best interest of the County; and,

WHEREAS, the rates for insurance title are the same for any title company as they are filed with the Ohio Department of Insurance; and,

WHEREAS, the providers qualified herein have all agreed to waive all examination fees, escrow fees, and wire fees in connection with this engagement; and,

WHEREAS, if a deal is reached for any property, the title premiums and any associated fees are normally paid out of closing; and,

WHEREAS, if there is no deal reached, the only fees that will be charged to the County by these providers will be a fixed fee of \$50 per title commitment issued; and,

WHEREAS, the \$50 per title commitment fee is a non-waivable fee as it is a filed fee with the Ohio Department of Insurance; and,

WHEREAS, the \$50 per title commitment fee is the lowest allowed to be charged by a title company by the Ohio Department of Insurance, and,

WHEREAS, the Director of Law will select which title firm will handle which properties in a manner that best suits the County's interests as the proposals are received; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. The County Council hereby qualifies _____ and _____ under RFQ24937 and authorizes the Director of Law to utilize any of these firms and to pay any associated fees in connection with the Cuyahoga County Real Estate Property Portfolio Consolidation Project as best suits the County's interest.

SECTION 2. The County Executive or Director of Law is authorized to execute a contract in connection with said awards and all documents consistent with this Resolution.

SECTION 3. The County Council reserves the right to qualify additional firms and make awards under RFQ 24937 to additional firms who submitted statements of qualifications under this RFQ if doing so is deemed in the County's interest and the Director of Law so recommends as the project proceeds.

SECTION 4. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of a County entity. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee Assigned:

Journal _____
_____, 2012