



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, OCTOBER 4, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE SEPTEMBER 18, 2017 MEETING**
- 5. MATTER REFERRED TO COMMITTEE / 1ST PUBLIC HEARING**
 - a) O2017-0003: An Ordinance enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy County Motor Vehicle License Taxes upon the operation of motor vehicles on public roads and highways pursuant to Chapter 4504 of the Ohio Revised Code.
- 6. MATTERS REFERRED TO COMMITTEE**
 - a) R2017-0174: A Resolution authorizing the County Executive to accept and approve various dedications of land in connection with Permanent Parcel No. 736-12-011 located in the City of Shaker Heights; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring the necessity that this Resolution become immediately effective.
 - b) R2017-0175: A Resolution authorizing a second amendment to Contract No. CE1300548-01 with MariSupHam, LLC for lease of office

space in the Marion Building, located at 1276 West 3rd Street, Cleveland, for the period 12/1/2013 - 10/31/2017 to extend the time period to 10/31/2018 and for additional funds in the amount not-to-exceed \$1,219,536.00; 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.

- c) R2017-0176: A Resolution accepting a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma; authorizing the County Executive to execute the agreement and all other documents required in connection with said loan and this Resolution, and declaring the necessity that this Resolution become immediately effective.
- d) O2017-0004: An Ordinance amending Section 501.15 of the Cuyahoga County Code to modify the requirements of contractors, and declaring the necessity that this Ordinance become immediately effective.

7. MISCELLANEOUS BUSINESS

8. OTHER PUBLIC COMMENT

9. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
MONDAY, SEPTEMBER 18, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

1. CALL TO ORDER

Chairman Tuma called the meeting to order at 10:02 a.m.

2. ROLL CALL

Mr. Tuma asked Deputy Clerk Carter to call the roll. Committee members Tuma, Schron and Baker were in attendance and a quorum was determined. Committee members Miller and Conwell entered the meeting after the roll call was taken.

3. PUBLIC COMMENT RELATED TO THE AGENDA

There were no public comments given.

4. APPROVAL OF MINUTES FROM THE AUGUST 1, 2017 MEETING

A motion was made by Mr. Schron, seconded by Ms. Baker and approved by unanimous vote to approve the minutes of the August 1, 2017 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2017-0157: A Resolution declaring that public convenience and welfare requires roadway and traffic signal improvements along Warrensville Center Road, Emery Road, Richmond Road, Northfield Road and Miles Road in the Village of North Randall and City of Warrensville Heights; total estimated project cost \$1,552,479.65; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing

the County Executive to enter into an agreement of cooperation with said municipalities in connection with said project; and declaring the necessity that this Resolution become immediately effective.

Ms. Nichole English, Transportation Planning Engineer; and Mr. Vince Adamus, Vice President of Business and Real Estate Development for the Greater Cleveland Partnership, addressed the Committee regarding Resolution No. R2017-0157. Discussion ensued.

Committee members asked questions of Ms. English and Mr. Adamus pertaining to the item, which they answered accordingly.

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2017-0157 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.

- b) R2017-0158: A Resolution making an award on RQ40256 to Fabrizi Recycling, Inc. in the amount not-to-exceed \$3,164,600.00 for the 2017 Sewer Repair Program in various County Sewer Districts for the period 11/1/2017 - 10/31/2019; 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. English and Mr. Michael Dever, Director of the Department of Public Works, addressed the Committee regarding Resolution No. R2017-0158. Discussion ensued.

Committee members asked questions of Ms. English and Mr. Dever pertaining to the item, which they answered accordingly.

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2017-0158 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) R2017-0159: A Resolution authorizing a First Amendment to a Memorandum of Agreement with Village of Woodmere for Construction, Operation and Maintenance of Sanitary Sewerage Systems, located in County Sewer District No. 21; 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. English addressed the Committee regarding Resolution No. R2017-0159. Discussion ensued.

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

On a motion by Ms. Baker with a second by Mr. Miller, Resolution No. R2017-0159 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

- d) R2017-0160: A Resolution authorizing an amendment to Agreement No. AG1700012-01 with Northeast Ohio Regional Sewer District for disposal of wastewater sewer grit for the period 6/1/2016 - 5/31/2018 for additional funds in the amount not-to-exceed \$800,000.00; 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.

Mr. Michael Chambers, Fiscal Officer for the Department of Public Works, addressed the Committee regarding Resolution No. R2017-0160. Discussion ensued.

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

On a motion by Mr. Miller with a second by Ms. Baker, Resolution No. R2017-0160 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.

- e) O2017-0004: An Ordinance amending Section 501.15 of the Cuyahoga County Code to modify the requirements of contractors, and declaring the necessity that this Ordinance become immediately effective.

Ms. Lenora Lockett, Director of the Office of Procurement and Diversity; and Ms. Sarah Cammock, Assistant Law Director, addressed the Committee regarding Ordinance No. O2017-0004. Discussion ensued.

Committee members asked questions of Ms. Lockett and Ms. Cammock pertaining to the item, which they answered accordingly.

No further legislative action was taken on Ordinance No. O2017-0004.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

There were no public comments given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Schon with a second by Mr. Miller, the meeting was adjourned at 10:40 a.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2017-0003

Sponsored by: County Executive Budish/Department of Public Works	An Ordinance enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy County Motor Vehicle License Taxes upon the operation of motor vehicles on public roads and highways pursuant to Chapter 4504 of the Ohio Revised Code.
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WHEREAS, Section 4504.02 of the Ohio Revised Code provides that a county may levy an annual license tax for planning, constructing, improving, maintaining, and repairing public roads, highways, and streets; maintaining and repairing bridges and viaducts; paying the county's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways; paying the county's portion of the compensation, damages, cost, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads; purchasing, erecting, and maintaining street and traffic signs and markers; purchasing, erecting, and maintaining traffic lights and signals; and to supplement revenue already available for such purposes; and

WHEREAS, pursuant to Section 4504.02 of the Ohio Revised Code, the Board of County Commissioners of Cuyahoga County adopted a resolution, Journal No. 151, page 141, on June 17, 1968, authorizing the County to levy an annual County Motor Vehicle License Tax for the operation of motor vehicles on public roads and highways at the rate of \$5.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code, the Board of County Commissioners of Cuyahoga County adopted Resolution No. 737201 on September 22, 1987, authorizing the County to levy a supplemental annual County Motor Vehicle License Tax for the operation of motor vehicles on public roads and highways at the rate of \$10.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, additional funds are necessary to adequately finance the planning, constructing, improving, maintaining and repairing of public roads, highways and streets, and the maintaining and repairing bridges and viaducts; and

WHEREAS, pursuant to Section 4504.24 of the Ohio Revised Code, the County wishes to levy an annual license tax upon the operation of motor vehicles on the public roads and highways in the County, which tax is in addition to the tax levied by

Sections 4504.02, 4504.15 and 4504.16 the Ohio Revised Code and any other taxes levied under Chapter 4504 of the Ohio Revised Code; and

WHEREAS, the tax collected by the County pursuant to Section 4504.24 of the Ohio Revised Code shall be at the rate of \$5.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, prior to the adoption of any legislation authorizing the County to levy an additional motor vehicle annual license tax under Section 4504.24 of the Ohio Revised Code, the County must conduct two public hearings thereon, the second hearing to be not less than three (3) but not more than ten (10) days after the first hearing; and

WHEREAS, pursuant to the requirements of Section 4504.24 of the Ohio Revised Code, the County is required to provide notice of the date, time, and place of both hearings by publication in a newspaper of general circulation in the County, or as provided in section 7.16 of the Ohio Revised Code, once a week on the same day of the week for two (2) consecutive weeks, the second publication being not less than ten (10) but not more than thirty (30) days prior to the first hearing; and

WHEREAS, the first hearing pursuant to law was held on _____, 2017, and the second hearing was held on _____, 2017, at ___ A.M., both hearings being held in the C. Ellen Connelly Council Chambers in the Cuyahoga County Headquarters, located at 279 East 9th Street, 4th Floor, Cleveland, Ohio, and after proper notice required by law; and

WHEREAS, the County desires to codify in the Cuyahoga County Code all prior levies for County Motor Vehicle License Taxes.

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

SECTION 1. Chapter 720 of the Cuyahoga County Code is hereby enacted as follows:

Chapter 720: County Motor Vehicle License Tax upon the operation of motor vehicles

Section 720.01 County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.02 of the Ohio Revised Code

- A. That for the purpose stated in Section 4504.02 of the Ohio Revised Code and pursuant to such section, there is hereby levied an annual County Motor Vehicle License Tax, in addition to the tax levied by Sections 4503.02, 4503.07 and 4503.18, of the Ohio Revised Code, upon the

operation of motor vehicles on the public roads or highways. Such tax is levied beginning with the registration year commencing April 16, 1969, at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is located in Cuyahoga County and shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to quarterly reductions in the manner provided in Section 4503.13 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, and 4503.171 of the Ohio Revised Code.

Section 720.02 Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code

- A. That a supplemental annual County Motor Vehicle License Tax is hereby levied pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code; this tax is in addition to any tax levied pursuant to Sections 4503.02, 4503.07, and 4503.18 of the Ohio Revised Code; the tax shall be at the rate of \$10.00 per motor vehicle on all motor vehicles the district of registration of which is in Cuyahoga County, Ohio; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.171, 4503.41 and 4503.43 of the Ohio Revised Code.

Section 720.03 Second Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.24 of the Ohio Revised Code

- A. That a second supplemental annual County Motor Vehicle Tax is hereby levied pursuant to Section 4504.24 of the Ohio Revised Code; that this tax is in addition to any tax levied pursuant to Sections 4503.02 and 4503.07 of the Ohio Revised Code and any other tax levied under Chapter 4504; the tax shall be at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which is in the County; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.042 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4503.571 of the Ohio Revised Code.

SECTION 2. The Clerk of Council shall provide written notice of the adoption of this Ordinance to the legislative authority of each municipal corporation that is

located in Cuyahoga County, to the board of township trustees of each township that is located in Cuyahoga County, and to the Registrar of the Bureau of Motor Vehicles.

SECTION 3. For the purposes specified in Chapter 720 of the Cuyahoga County Code, the Cuyahoga County Fiscal Officer is hereby authorized to establish one or more special revenue funds for the purpose of depositing moneys distributed to the County by the Registrar of Bureau of Motor Vehicles.

SECTION 4. To the extent this ordinance needs to be considered a resolution, it should be deemed as such.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of 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 Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 12, 2017

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2017

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0174

Sponsored by: County Executive Budish/Department of Public Works	A Resolution authorizing the County Executive to accept and approve various dedications of land in connection with Permanent Parcel No. 736-12-011 located in the City of Shaker Heights; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works has recommended to accept and approve various dedications of land in connection with Permanent Parcel No. 736-12-011 located in the City of Shaker Heights; and

WHEREAS, dedication of 0.0823 acres of part of Warrensville Center Road and Farnsleigh Drive in the City of Shaker Heights to add an additional 8-foot strip to the north side of a section of Farnsleigh Drive and a 5-foot strip to the east side of a section of Warrensville Center Road, located in Council District 9; and

WHEREAS, dedication of easements for construction, maintenance and operation of public facilities and appurtenances to public use is granted to the County of Cuyahoga and its corporate successors; 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. That the County Council hereby authorizes the County Executive to accept the dedications of land in connection with Permanent Parcel No. 736-12-011 located in the City of Shaker Heights as public streets.

SECTION 2. That the County Executive is authorized to execute the final Plat in connection with said dedications of land.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble.

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0175

Sponsored by: County Executive Budish/Department of Public Works	A Resolution authorizing a second amendment to Contract No. CE1300548-01 with MariSupHam, LLC for lease of office space in the Marion Building, located at 1276 West 3 rd Street, Cleveland, for the period 12/1/2013 - 10/31/2017 to extend the time period to 10/31/2018 and for additional funds in the amount not-to-exceed \$1,219,536.00; 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.
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WHEREAS, the County Executive/Department of Public Works has recommended a second amendment to Contract No. CE1300548-01 with MariSupHam, LLC for lease of office space in the Marion Building, located at 1276 West 3rd Street, Cleveland, for the period 12/1/2013 - 10/31/2017 to extend the time period to 10/31/2018 and for additional funds in the amount not-to-exceed \$1,219,536.00; and

WHEREAS, the original Lease between the County and Weston, Inc. was approved by Council on 9/24/2013 pursuant to Resolution No. R2013-0179; and

WHEREAS, pursuant to an Assignment and Assumption Agreement of 11/1/2013, Weston, Inc. assigned its rights and interests in the property to MariSupHam, LLC; and

WHEREAS, a first amendment to the lease to fulfill the first one-year renewal term was approved by Council on 10/11/2016 pursuant to Resolution No. R2016-0191; and

WHEREAS, the parties now desire to amend said Contract No. CE1300548-01 for lease of office space in the Marion Building (floors 1, 2, 4, 5 and 6), located at 1276 West 3rd Street, Cleveland, and exercise the second one-year renewal option; 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.

Clerk of Council

Date

First Reading/Referred to Committee: September 26, 2017

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0176

Sponsored by: County Executive Budish/Department of Public Works/Division of County Engineer	A Resolution accepting a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma; authorizing the County Executive to execute the agreement and all other documents required in connection with said loan and this Resolution, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended to accept a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma; and

WHEREAS, the purpose of this project is to obtain a loan from the Ohio Public Works Commission in order to assist in financing the costs of the Broadrock Drill Drop Project in the City of Parma, located in Council District 4; and

WHEREAS, the project is anticipated to begin 10/16/2017 and anticipated to be complete 12/20/2018; 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. That the Cuyahoga County Council hereby accepts a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma.

SECTION 2. That the County Executive is authorized to execute the agreement and all other documents required in connection with said loan and this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County; and any additional reasons set forth in the preamble. Provided

County Council of Cuyahoga County, Ohio

Ordinance No. O2017-0004

Sponsored by: County Executive Budish/Fiscal Officer	An Ordinance amending Section 501.15 of the Cuyahoga County Code to modify the requirements of contractors, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 501.15 of the Cuyahoga County Code sets forth certain Required Certifications that shall be made by all Contractors; and

WHEREAS, the amendments proposed are designed to clarify and limit the requirements to applicable contract types; and

WHEREAS, it is necessary that this Ordinance 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 ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 501.15 of the Cuyahoga County Code is hereby amended to read as follows (additions are bolded and underlined, deletions are stricken):

Section 501.15 ~~Required Certifications by~~ Requirements of Contractors

A. On federally or state funded projects, which require the County to comply with specific federal and/or state criteria or forms for certifications by the successful contractor(s), the County shall comply with the federal and/or state requirements to avoid the loss of federal or state funds, including the use of the federal and/or state certification forms in lieu of the County's mandated certification forms. Where possible on federally or state funded projects and on all other projects, at the time of execution of the contract, the successful contractor shall ~~certify that it:~~

1. **for public improvements contracts, the contractor** shall be in compliance with Ohio's Drug-Free Workplace requirements **as provided in Ohio Revised Code Section 153.03**, including, but not limited to, maintaining a substance abuse policy that its personnel are subject to on the contract (the successful contractor shall provide this policy upon request);

2. **for public improvement contracts, the contractor** ~~does~~ **shall** not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating;
3. **the contractor** ~~is in~~ **shall be** compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws;
4. **for public improvement contracts, the contractor** shall pay the prevailing wage rate and comply with other provisions set forth in Sections 4115.03 through 4115.16 of the Ohio Revised Code and Sections 4101:9-4-01 through 4101:9-4-28 of the Ohio Administrative Code, including but not limited to the filing of certified payroll reports;
5. **for public improvement contracts, the contractor** ~~has~~ **shall** not **have** been debarred from public contracts for prevailing wage violations or found or determined by the state to have underpaid the required prevailing wage, whether intentionally or unintentionally, even if settled subsequent to the finding, more than three times in the last ten (~~ten~~) years, provided that, when aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered, and no single finding based upon a journeyman-to-apprenticeship ratio shall be considered a violation of this provision unless as part of multiple, similar findings;
6. **the contractor** ~~has~~ **shall** not **have** been penalized or debarred from any federal, state, or local public contract or falsified certified payroll records, or has otherwise been found, after appeals, to have violated the Fair Labor Standards Act in the past seven years, or during the **contractor's bidder's** entire time of doing business, if less than seven years;
7. **the contractor** ~~has~~ **shall** not **have** violated any unemployment or workers compensation law during the past five years, or during the **contractor's bidder's** entire time of doing business, if less than five years;
8. **the contractor,** at the time of contract award, ~~does~~ **shall** not have final, unsatisfied judgments against it which in total amount to 50% or more of the contract amount;
9. **the contractor** ~~will~~ **shall** utilize, for work performed under the contract supervisory personnel that have three or more years of experience in the specific trade and who maintain the appropriate state license(s), if any;
10. **the contractor** shall be properly licensed to perform all work as follows:
 - a. if performing a trades contract, shall be licensed pursuant to Ohio Revised Code Section 4740 as a heating, ventilating, and air

conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronix contractor.

- b. if performing work regulated under Section 3737.65 of the Ohio Revised Code, be certified by the State Fire Marshall; and
 - c. if performing work under any other trade, occupation, or profession licensed under Title 47 of the Ohio Revised Code, be licensed for that trade, occupation, or profession as provided in the Ohio Revised Code;
11. **the contractor** shall, if performing a trade contract pursuant to Ohio Revised Code Section 4740, not subcontract more than 25% of the labor, excluding materials, for its awarded contract, unless to subcontractors also licensed pursuant to Ohio Revised Code Section 4740 or certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65;
 12. **the contractor** shall provide access as needed and allow the Agency of Inspector General to perform the functions provided for in Section 501.21 of the County Code; and
 13. **the contractor** shall require all of its subcontractors, at the time of execution of a subcontract, to make all of the certifications required in Section 501.15(A) except for subsections 7 and 9, of the County Code.
- B. If any material breach of contractual obligations or the certifications provided for in ~~this Section 501.16 of the County Code~~ occurs during the contract performance by the ~~vendor~~**contractor**, the County may exercise any or all contractual remedies, including but not limited to, contract termination for cause.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of 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.

[PROPOSED SUBSTITUTE]

County Council of Cuyahoga County, Ohio

Ordinance No. O2017-0004

Sponsored by: County Executive Budish/Fiscal Officer	An Ordinance amending Section 501.15 of the Cuyahoga County Code to modify the requirements of contractors, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 501.15 of the Cuyahoga County Code sets forth certain Required Certifications that shall be made by all Contractors; and

WHEREAS, the amendments proposed are designed to clarify and limit the requirements to applicable contract types; and

WHEREAS, it is necessary that this Ordinance 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 ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 501.15 of the Cuyahoga County Code is hereby amended to read as follows (additions are bolded and underlined, deletions are stricken):

Section 501.15 ~~Required Certifications by~~ Requirements of Contractors

A. On federally or state funded projects, which require the County to comply with specific federal and/or state criteria or forms for certifications by the successful contractor(s), the County shall comply with the federal and/or state requirements to avoid the loss of federal or state funds, including the use of the federal and/or state certification forms in lieu of the County’s mandated certification forms. Where possible on federally or state funded projects and on all other projects, at the time of execution of the contract, the successful contractor shall ~~certify that it:~~

1. **for public improvements contracts, the contractor** shall be in compliance with Ohio’s Drug-Free Workplace requirements **as provided in Ohio Revised Code Section 153.03, including, but not limited to,** ~~maintaining~~ **All contractors shall maintain** a **written** substance abuse

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policy, ~~that to which~~ its personnel are subject ~~to~~ on the contract (the successful contractor shall provide this policy upon request);

2. **for public improvement contracts, the contractor ~~does~~ shall** not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating;
3. **the contractor ~~is in~~ shall be** compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws;
4. **for public improvement contracts, the contractor** shall pay the prevailing wage rate and comply with other provisions set forth in Sections 4115.03 through 4115.16 of the Ohio Revised Code and Sections 4101:9-4-01 through 4101:9-4-28 of the Ohio Administrative Code, including but not limited to the filing of certified payroll reports;
5. **for public improvement contracts, the contractor ~~has~~ shall not have** been debarred from public contracts for prevailing wage violations or found or determined by the state to have underpaid the required prevailing wage, whether intentionally or unintentionally, even if settled subsequent to the finding, more than three times in the last ten ~~(ten)~~ years, provided that, when aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered, and no single finding based upon a journeyman-to-apprenticeship ratio shall be considered a violation of this provision unless as part of multiple, similar findings;
6. **the contractor ~~has~~ shall not have** been penalized or debarred from any federal, state, or local public contract or falsified certified payroll records, or has otherwise been found, after appeals, to have violated the Fair Labor Standards Act in the past seven years, or during the **contractor's** ~~bidder's~~ entire time of doing business, if less than seven years;
7. **the contractor ~~has~~ shall not have** violated any unemployment or workers compensation law during the past five years, or during the **contractor's** ~~bidder's~~ entire time of doing business, if less than five years;
8. **the contractor,** at the time of contract award, ~~does~~ **shall** not have final, unsatisfied judgments against it which in total amount to 50% or more of the contract amount;
9. **the contractor ~~will~~ shall** utilize, for work performed under the contract supervisory personnel that have three or more years of experience in the specific trade and who maintain the appropriate state license(s), if any;
10. **the contractor** shall be properly licensed to perform all work as follows:

- a. if performing a trades contract, shall be licensed pursuant to Ohio Revised Code Section 4740 as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronix contractor.
 - b. if performing work regulated under Section 3737.65 of the Ohio Revised Code, be certified by the State Fire Marshall; and
 - c. if performing work under any other trade, occupation, or profession licensed under Title 47 of the Ohio Revised Code, be licensed for that trade, occupation, or profession as provided in the Ohio Revised Code;
11. **the contractor** shall, if performing a trade contract pursuant to Ohio Revised Code Section 4740, not subcontract more than 25% of the labor, excluding materials, for its awarded contract, unless to subcontractors also licensed pursuant to Ohio Revised Code Section 4740 or certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65;
12. **the contractor** shall provide access as needed and allow the Agency of Inspector General to perform the functions provided for in Section 501.21 of the County Code; and
13. **the contractor** shall require all of its subcontractors, at the time of execution of a subcontract, to make all of the certifications required in Section 501.15(A) except for subsections 7 and 9, of the County Code.
- B. If any material breach of contractual obligations or the certifications provided for in ~~this Section 501.16 of the County Code~~ occurs during the contract performance by the ~~vendor~~**contractor**, the County may exercise any or all contractual remedies, including but not limited to, contract termination for cause.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of 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 Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 12, 2017

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__