



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, JULY 17, 2019
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES FROM THE JUNE 19, 2019 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2019-0149: A Resolution authorizing an amendment to Contract No. CE1700002-01 with Mott MacDonald, LLC for design engineering services for repair and resurfacing of Sprague Road from Webster Road to York Road in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville, to change the scope of services, effective 6/25/2019, and for additional funds in the amount not-to-exceed \$726,761.00; 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.
 - b) R2019-0150: A Resolution authorizing an amendment to Contract No. CE1400135-2 with Alto 55 Erievue, LLC, as successor in interest to BZT Acquisition, LLC, for lease of space located at 75 Erievue Plaza, Cleveland, for operation of the Family Justice Center for the period 6/1/2014 - 10/31/2019 to extend the time period to 10/31/2023, and for additional funds in the amount not-to-exceed \$780,360.00;

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) R2019-0156: A Resolution authorizing a Purchase and Sale Agreement with The MetroHealth System for the transfer of certain excess County-owned real property no longer needed for public use, located on the Southeast quadrant of the intersection of West 25th Street and Sackett Avenue in the City of Cleveland, for redevelopment for low-income housing; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; and declaring the necessity that this Resolution become immediately effective.

- d) R2019-0157: A Resolution approving Right-of-Way Exhibits as set forth in Plat No. M-5039 for replacement of Lindbergh Boulevard Culvert No. C-00.93 over a creek to the West Branch of the Rocky River in the City of Olmsted Falls; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; and declaring the necessity that this Resolution become immediately effective.

- e) O2019-0010: An Ordinance enacting Section 806.04 of the Cuyahoga County Code to establish the Cuyahoga County Energy Participation Program, and declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. 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
WEDNESDAY, JUNE 19, 2019
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 3:04 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT

There were no public comments given.

4. APPROVAL OF MINUTES FROM THE JUNE 5, 2019 MEETING

A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes from the June 5, 2019 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2019-0137: A Resolution making an award on RQ45246 to Fabrizi Recycling, Inc. in the amount not-to-exceed \$7,347,866.50 for reconstruction and widening of Sprague Road from Webster Road to West 130th Street in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville; authorizing the County Executive to execute the contract and all other documents consistent with said award and

this Resolution; authorizing the County Engineer, on behalf of the County Executive, to make an application for allocation from County Motor Vehicle \$7.50 License Tax Funds in the amount of \$2,152,924.88 to fund a portion of said contract; and declaring the necessity that this Resolution become immediately effective.

Ms. Nichole English, Transportation Planning Engineer; and Ms. Lenora Lockett, Director of the Office of Procurement and Diversity, addressed the Committee regarding Resolution No. R2019-0137. Discussion ensued.

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

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2019-0137 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

Ms. English invited Council to attend a preview tour of the Veteran's Memorial Bridge & Subway this evening. The public tour will be held on Saturday, June 22nd.

7. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Tuma with a second by Mr. Miller, the meeting was adjourned at 10:13 a.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0149

<p>Sponsored by: County Executive Budish/Department of Public Works/Division of County Engineer</p>	<p>A Resolution authorizing an amendment to Contract No. CE1700002-01 with Mott MacDonald, LLC for design engineering services for repair and resurfacing of Sprague Road from Webster Road to York Road in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville, to change the scope of services, effective 6/25/2019, and for additional funds in the amount not-to-exceed \$726,761.00; 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.</p>
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended an amendment to Contract No. CE1700002-01 with Mott MacDonald, LLC for design engineering services for repair and resurfacing of Sprague Road from Webster Road to York Road in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville, to change the scope of services, effective 6/25/2019, and for additional funds in the amount not-to-exceed \$726,761.00; and

WHEREAS, the primary goal of this project consists of improvements to Sprague Road in the Cities of Middleburg Heights, North Royalton, Parma ad Strongsville, Council Districts 4 and 5; and

WHEREAS; this project is funded 100% from Road and Bridge fund; 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 authorizes an amendment to Contract No. CE1700002-01 with Mott MacDonald, LLC for design engineering services for repair and resurfacing of Sprague Road from Webster Road

First Reading/Referred to Committee: June 25, 2019
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0150

<p>Sponsored by: County Executive Budish/Departments of Public Works and Public Safety and Justice Services/Division of Witness Victim Services</p>	<p>A Resolution authorizing an amendment to Contract No. CE1400135-2 with Alto 55 Erieview, LLC, as successor in interest to BZT Acquisition, LLC, for lease of space located at 75 Erieview Plaza, Cleveland, for operation of the Family Justice Center for the period 6/1/2014 - 10/31/2019 to extend the time period to 10/31/2023, and for additional funds in the amount not-to-exceed \$780,360.00; 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.</p>
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WHEREAS, the County Executive/Departments of Public Works and Public Safety and Justice Services/Division of Witness Victim Services has recommended an amendment to Contract No. CE1400135-2 with Alto 55 Erieview, LLC, as successor in interest to BZT Acquisition, LLC, for lease of space located at 75 Erieview Plaza, Cleveland, for operation of the Family Justice Center for the period 6/1/2014 - 10/31/2019 to extend the time period to 10/31/2023, and for additional funds in the amount not-to-exceed \$780,360.00; and

WHEREAS, the primary goal of this project is to provide appropriate space for operations of the Family Justice Center which will also allow a location for services for victims of domestic violence, sexual violence, stalking and related crimes; and

WHEREAS, this project is funded 100% by a revenue generating agreement with the City of Cleveland; 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 authorizes an amendment to Contract No. CE1400135-2 with Alto 55 Erieview, LLC, as successor

in interest to BZT Acquisition, LLC, for lease of space located at 75 Erieview Plaza, Cleveland, for operation of the Family Justice Center for the period 6/1/2014 - 10/31/2019 to extend the time period to 10/31/2023, and for additional funds in the amount not-to-exceed \$780,360.00.

SECTION 2. That the County Executive is authorized to execute the amendment and all other documents consistent with 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 that this Resolution 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 4. 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 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 25, 2019
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0156

Sponsored by: County Executive Budish/Department of Public Works	A Resolution authorizing a Purchase and Sale Agreement with The MetroHealth System for the transfer of certain excess County-owned real property no longer needed for public use, located on the Southeast quadrant of the intersection of West 25 th Street and Sackett Avenue in the City of Cleveland, for redevelopment for low-income housing; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; 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 Purchase and Sale Agreement with The MetroHealth System for the transfer of certain excess County-owned real property no longer needed for public use, located on the Southeast quadrant of the intersection of West 25th Street and Sackett Avenue in the City of Cleveland, for redevelopment for low-income housing; and

WHEREAS, the County of Cuyahoga owns a tract of land (being comprised of Permanent Parcel Nos. 008-18-001 – 005, 008-18-047 – 053 and 008-18-058) located on the Southeast quadrant of the intersection of West 25th Street and Sackett Avenue in the City of Cleveland that was purchased in the County's name for use by the then Cleveland Metro General Hospital; and

WHEREAS, the property is currently being used as a parking lot for the MetroHealth Medical Center and the County would like to transfer the property to The MetroHealth System for redevelopment for low-income housing; 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:

Clerk of Council

Date

First Reading/Referred to Committee: July 11, 2019

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

Journal _____
_____, 2019

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0157

Sponsored by: County Executive Budish/Department of Public Works/Division of County Engineer	A Resolution approving Right-of-Way Exhibits as set forth in Plat No. M-5039 for replacement of Lindbergh Boulevard Culvert No. C-00.93 over a creek to the West Branch of the Rocky River in the City of Olmsted Falls; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; 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 approving Right-of-Way Exhibits as set forth in Plat No. M-5039 for replacement of Lindbergh Boulevard Culvert No. C-00.93 over a creek to the West Branch of the Rocky River in the City of Olmsted Falls and authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; and

WHEREAS, the primary goal of this project is to obtain Council's review and approval of the right-of-way exhibits and approval of the required acquisitions needed for the Lindbergh Boulevard Culvert No. C-00.93 Project; and

WHEREAS, the project is located in Council District 5; and

WHEREAS, the current estimated rights-of-way acquisition cost is \$8,000.0,0 which will be funded by County Road and Bridge Funds; and

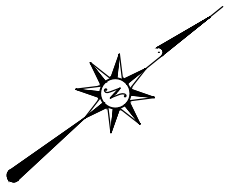
WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. That the Cuyahoga County Council hereby approves Right-of-Way Exhibits as set forth in Plat No. M-5039 for replacement of Lindbergh Boulevard Culvert No. C-00.93 over a creek to the West Branch of the Rocky River in the City of Olmsted Falls.

First Reading/Referred to Committee: July 11, 2019
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__



M-5039 EXHIBIT "A"

SITUATED IN THE CITY OF OLMSTED FALLS, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN
AS BEING PART OF ORIGINAL OLMSTED TOWNSHIP TRACT 3

PARCEL 1-T

A TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY FOR THE
REPLACEMENT OF A CULVERT CUYAHOGA COUNTY'S LINDBERGH BOULEVARD (80') C.R.-276,
COUNTY CULVERT 00.93 REPLACEMENT PROJECT



SCALE: 1' = 20.00'

RESIDENTIAL
P.P.N. 291-38-074
DONNA TINDERA-SMITH
9080 LINDBERGH BLVD.
OLMSTED FALLS, OHIO 44138
A.F.N. 200504060009
DATE: 04/06/2005

RESIDENTIAL
P.P.N. 291-38-025
THOMAS MICKOL
& KIMBERLY S. MICKOL
9068 LINDBERGH BLVD.
OLMSTED FALLS, OHIO 44138
A.F.N. 201210250502
DATE: 10/25/2012

13.00'
N 34° 06' 30" W
P.O.B.

2,175 Sq. Ft.
0.0499 Acres
I-T

CONSTRUCTION LIMIT

CONSTRUCTION LIMIT

Ex. R/W

Ex. R/W

S 55° 00' 36" W 87.00'

32.33'

40.00'
N 34° 59' 24" W

41.35' (DEED)
N 20° 19' 40" W

C/L CURVE DATA
R=592.03'
A=321.77'
C=3170.83'
T=165.00'
DELTA=31°08'27"
C.B.=S39°22'49"W

LINDBERGH BLVD. (80') (C.R.276)

CITY OF OLMSTED FALLS

C/L
S 55°00'36" W 110.00' (DEED)
CITY OF BEREA

WEST ST. (60')

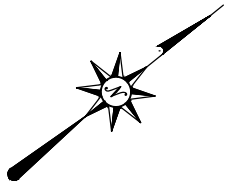
1,637.39
(DEED)
S 55°00'36" W
P.I. USED
(DEED)

WYLEWOOD DR. (VARIES)
189.96'
S 34° 59' 24" E

N 55° 00' 36" E 71.92'

CONSTRUCTION LIMIT

CITY OF OLMSTED FALLS
CITY OF BEREA



M-5039 EXHIBIT "A"

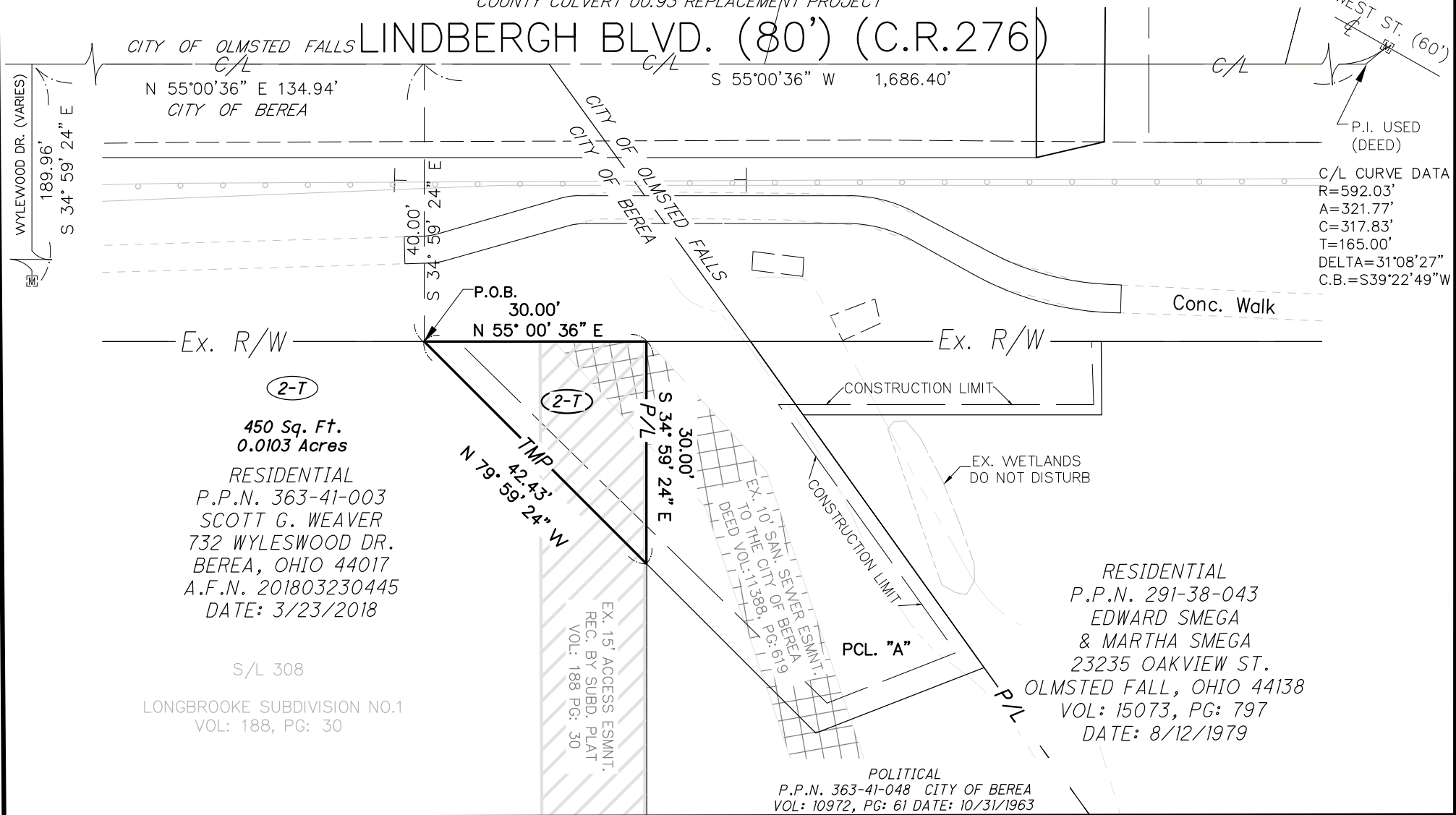


SITUATED IN THE CITY OF BERA, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING ALL OF SUBLT NO. 308 IN THE LONGBROOKE SUBDIVISION NO. 1 AND FURTHER KNOWN AS BEING PART OF ORIGINAL OLMSTED TOWNSHIP TRACT 3 AND RECORDED IN PLAT VOLUME 188, PAGE 30 OF CUYAHOGA COUNTY RECORDS.

SCALE: 1' = 20.00'

PARCEL 2-T

A TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY FOR THE REPLACEMENT OF A CULVERT CUYAHOGA COUNTY'S LINDBERGH BOULEVARD (80') C.R.-276, COUNTY CULVERT 00.93 REPLACEMENT PROJECT



C/L CURVE DATA

R=	592.03'
A=	321.77'
C=	317.83'
T=	165.00'
DELTA=	31°08'27"
C.B.=	S39°22'49"W

(2-T)
 450 Sq. Ft.
 0.0103 Acres
 RESIDENTIAL
 P.P.N. 363-41-003
 SCOTT G. WEAVER
 732 WYLESWOOD DR.
 BERA, OHIO 44017
 A.F.N. 201803230445
 DATE: 3/23/2018

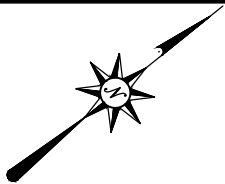
S/L 308
 LONGBROOKE SUBDIVISION NO.1
 VOL: 188, PG: 30

EX. 15' ACCESS ESMNT.
 REC. BY SUBD. PLAT
 VOL: 188 PG: 30

EX. 10' SAN. SEWER ESMNT.
 TO THE CITY OF BERA
 DED VOL: 11388, PG: 19

RESIDENTIAL
 P.P.N. 291-38-043
 EDWARD SMEGA
 & MARTHA SMEGA
 23235 OAKVIEW ST.
 OLMSTED FALL, OHIO 44138
 VOL: 15073, PG: 797
 DATE: 8/12/1979

POLITICAL
 P.P.N. 363-41-048 CITY OF BERA
 VOL: 10972, PG: 61 DATE: 10/31/1963



M-5039 EXHIBIT "A"



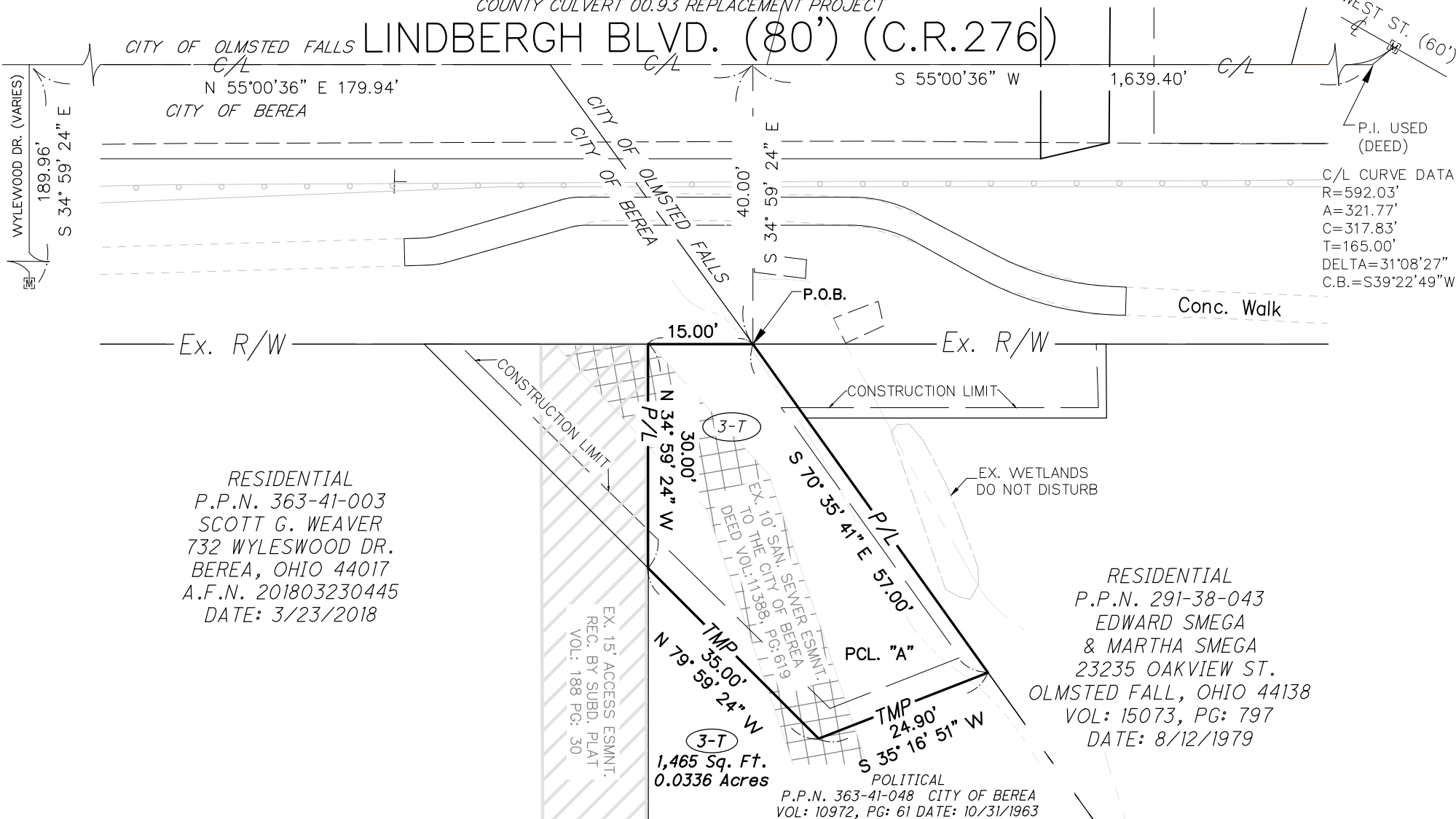
SITUATED IN THE CITY OF BEREA, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING ALL OF PARCEL "A" IN THE LONGBROOKE SUBDIVISION NO. 1 AND FURTHER KNOWN AS BEING PART OF ORIGINAL OLMSTED TOWNSHIP TRACT 3 AND RECORDED IN PLAT VOLUME 188, PAGE 30 OF CUYAHOGA COUNTY RECORDS.

SCALE: 1' = 20.00'

PARCEL 3-T

A TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY FOR THE REPLACEMENT OF A CULVERT CUYAHOGA COUNTY'S LINDBERGH BOULEVARD (80') C.R.-276, COUNTY CULVERT 00.93 REPLACEMENT PROJECT

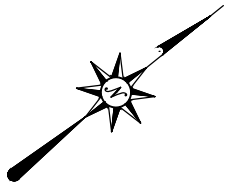
LINDBERGH BLVD. (80') (C.R.276)



RESIDENTIAL
 P.P.N. 363-41-003
 SCOTT G. WEAVER
 732 WYLESWOOD DR.
 BEREA, OHIO 44017
 A.F.N. 201803230445
 DATE: 3/23/2018

RESIDENTIAL
 P.P.N. 291-38-043
 EDWARD SMEGA
 & MARTHA SMEGA
 23235 OAKVIEW ST.
 OLMSTED FALL, OHIO 44138
 VOL: 15073, PG: 797
 DATE: 8/12/1979

POLITICAL
 P.P.N. 363-41-048 CITY OF BEREA
 VOL: 10972, PG: 61 DATE: 10/31/1963



M-5039 EXHIBIT "A"

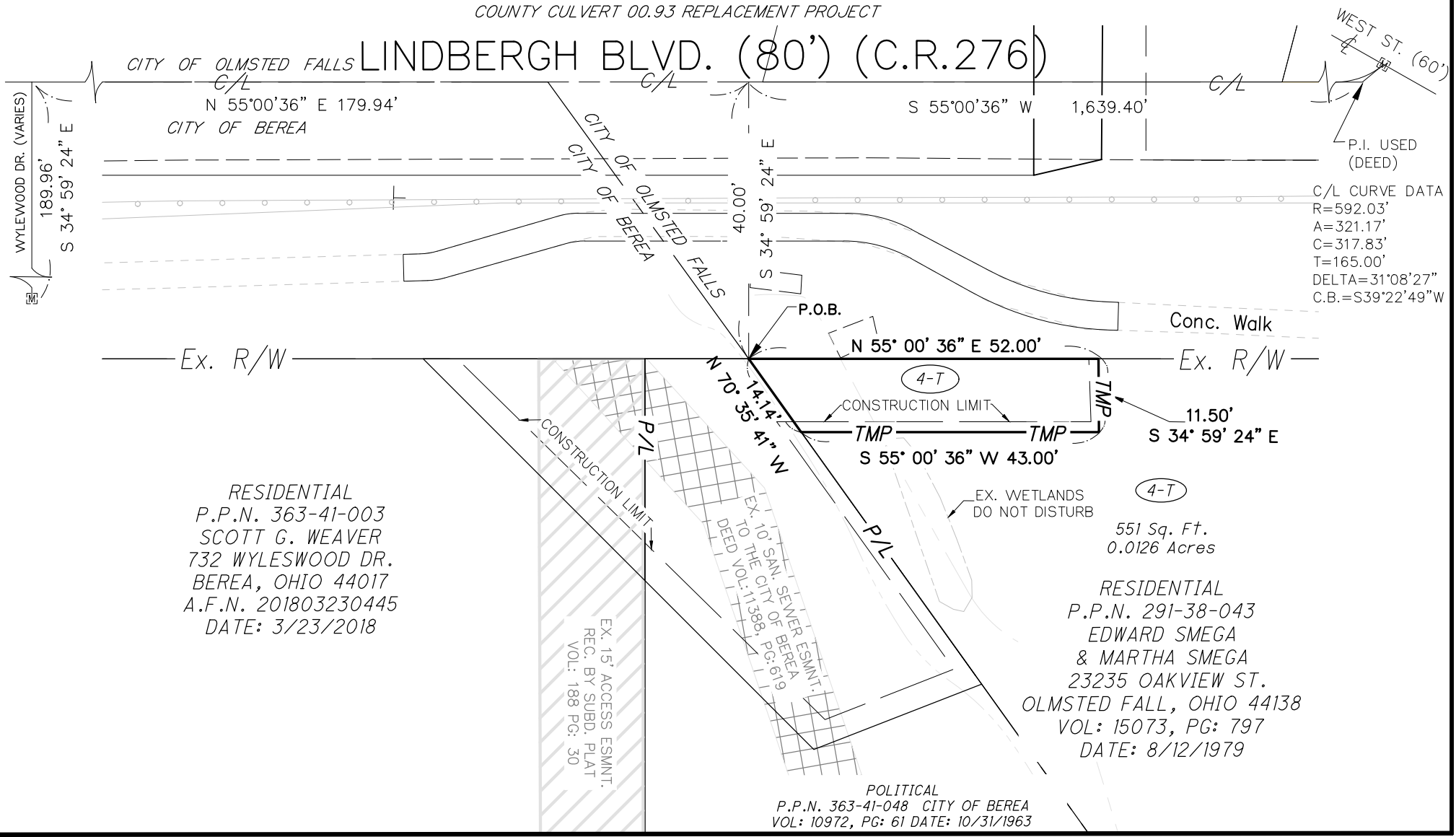
SITUATED IN THE CITY OF OLMSTED FALLS, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL OLMSTED TOWNSHIP TRACT 3



SCALE: 1' = 20.00'

PARCEL 4-T

A TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY FOR THE REPLACEMENT OF A CULVERT CUYAHOGA COUNTY'S LINDBERGH BOULEVARD (80') C.R.-276, COUNTY CULVERT 00.93 REPLACEMENT PROJECT



C/L CURVE DATA
R=592.03'
A=321.17'
C=317.83'
T=165.00'
DELTA=31°08'27"
C.B.=S39°22'49"W

RESIDENTIAL
P.P.N. 363-41-003
SCOTT G. WEAVER
732 WYLESWOOD DR.
BEREA, OHIO 44017
A.F.N. 201803230445
DATE: 3/23/2018

EX. 15' ACCESS ESMNT.
REC. BY SUBD. PLAT
VOL: 188 PG: 30

EX. 10' SAN. SEWER ESMNT.
TO THE CITY OF BEREA
DED VOL: 11388, PG: 19

RESIDENTIAL
P.P.N. 291-38-043
EDWARD SMEGA
& MARTHA SMEGA
23235 OAKVIEW ST.
OLMSTED FALL, OHIO 44138
VOL: 15073, PG: 797
DATE: 8/12/1979

POLITICAL
P.P.N. 363-41-048 CITY OF BEREA
VOL: 10972, PG: 61 DATE: 10/31/1963

County Council of Cuyahoga County, Ohio

Ordinance No. O2019-0010

Sponsored by: County Executive Budish/Department of Public Works	An Ordinance enacting Section 806.04 of the Cuyahoga County Code to establish the Cuyahoga County Energy Participation Program, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, pursuant to Section 9.48 (B)(2) of the Ohio Revised Code, a political subdivision may “participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership;” and

WHEREAS, Section 3.09 of the Cuyahoga County Charter Section provides that the powers of the County Council include the ability to adopt legislation “to cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof;” and,

WHEREAS, Section 501.03(A) of the Cuyahoga County Code sets forth that “the County Executive, through the appropriate departments of county government acting under his/her direction or other county entities, may ... enter into all contracts ... and execute all necessary documents for the administration and conclusion of contracts;” and

WHEREAS, Section 501.03(B) sets forth that “the County Executive may perform any of the functions that he or she may perform under Chapter 501 of the County Code through his or her duly authorized designees;” and

WHEREAS, the County Commissioners Association of Ohio (“CCAO”), through its affiliate CCAO Service Corporation (“CCAOSC”), has established certain joint energy purchasing programs under the authority of Section 9.48 of the Ohio Revised Code in order to assist eligible Ohio counties or boards, agencies, districts or other instrumentalities which are affiliated with them in securing competitively priced energy supplies through various energy purchase agreements favorable to participants; and

WHEREAS, CCAOSC’s joint energy purchasing programs include energy purchase agreements for natural gas, electricity and solar energy; and

WHEREAS, Cuyahoga County is a member of CCAO and wishes to participate in the CCAOSC's joint energy purchasing programs; and

WHEREAS, CCAOSC wishes to avail itself of the expertise of CCAOSC Energy Solutions, a subsidiary of Palmer Energy Company, Inc., Toledo, Ohio, as manager of the Program (the "Manager"); and

WHEREAS, the County agrees that it is necessary and desirable to establish the Cuyahoga County Energy Participation Program in order to create and adopt comprehensive guidelines for the funding, management and administration of CCAOSC's joint energy purchasing programs; and

WHEREAS, the participation in the joint energy purchasing programs established by CCAOSC will result in increased efficiency in local government and reduce the financial strain on the County's citizens; 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 the County.

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

SECTION 1. Section 806.04 of the Cuyahoga County Code is hereby enacted as follows:

Section 806.04: Cuyahoga County Energy Participation Program

A. Definitions:

"CCAO" means the County Commissioners Association of Ohio, whose mission is to advance effective county government and to offer member counties several enterprise services that offer superior services and save funds.

"CCAOSC" means the CCAO Service Corporation, an affiliate of CCAO.

"Energy Purchase Agreements" means the natural gas purchase agreement, electricity purchase agreement, electric aggregation purchase agreement, natural gas aggregation purchase agreement, solar power purchase agreement between the County and Supplier.

"Manager" means CCAOSC Energy Solutions, a subsidiary of Palmer Energy Company, Toledo, Ohio.

"Supplier" means any person, corporation, partnership or other organization with whom CCAOSC (or its designee) may contract for the purchase of energy supplies. The definition is limited to the purposes of this Section.

“Program” means the Cuyahoga County Energy Participation Program which consists of five components: natural gas purchasing program, electricity purchasing program, electric aggregation program, natural gas aggregation program, and a solar purchasing program.

- B. There is hereby created the Cuyahoga County Energy Participation Program for the purpose of participating in one or more Energy Purchase Agreements managed by CCAO, through its affiliate CCAOSC, managed by CCAOSC Energy Solutions, a subsidiary of Palmer Energy Company, for the acquisition of natural gas, electricity and solar energy at competitive market rates. The Department of Public Works shall administer the Program on behalf of the County.
- C. Prior to the County entering into any Energy Purchase Agreement with a Supplier, CCAOSC or the Manager shall conduct a publicly solicited request for proposals from Suppliers and shall make the request for proposals and any responses to such request available to Cuyahoga County.
- D. The Director of Public Works shall have the authority to review the competitive proposals submitted by all Suppliers, approve the Supplier with the highest scoring proposal, and make recommendations to the Manager to enter into an Energy Purchase Agreement defined in the Program. Upon written recommendation from the Director of Public Works, the Manager is hereby authorized to execute such Energy Purchase Agreements on behalf of the County.
- E. All electric purchase agreements executed under the Program shall endeavor to include 100% renewable energy in order to promote the County’s climate change action plan.
- F. To efficiently and timely realize significant cost savings in a volatile commodities market, all Energy Purchase Agreements under the Program, regardless of the monetary threshold of each agreement, shall be exempt from all approval requirements by County Council and Board of Control described in Section 501.04 of the Cuyahoga County Code.
- G. The Director of Public Works shall present to Council Committee for Public Works, Procurement and Contracting all Energy Purchase Agreements executed under the Program no later than 60 days from the effective date of such agreements.
- H. This Program shall end after a term of five (5) years from the date of the adoption of this Ordinance.

SECTION 2. It is necessary that this Ordinance 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 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

