



RULES OF THE ADMINISTRATIVE RECONSIDERATION PANEL OF CUYAHOGA COUNTY, OH

The Cuyahoga County Administrative Reconsideration Panel (Reconsideration Panel) conducts informal hearings to review good faith efforts by suppliers to include Small Business Enterprise (SBE), Minority Business Enterprise (MBE) and Women Business Enterprises (WBE) in the procurement process. The Reconsideration panel acts on behalf of the County and is comprised of independent Cuyahoga County personnel who are not involved in the determination that the supplier was a non-responsible bidder.

I. Authority

A. Ordinance O2021-0013 establishes Administrative Reconsideration Panel as the County's authority for reconsiderations of Good Faith Effort compliance with jurisdiction over certain transactions, as outlined in Small Business Enterprise (SBE) Program Policies and Procedures Manual Section 11 and the Minority Business Enterprise (MBE) & Women Business Enterprise (WBE) Program Policies and Procedures Manual Section 11.

B. Ordinance O2021-0013 mandates the Administrative Reconsideration Panel to adopt its own rules of procedure consistent with SBE/MBE/WBE Policies and Procedures.

II. Membership and Duties of Officers

A. Membership

Section 11 of the Cuyahoga County SBE/MBE/WBE Policies and Procedures manual identifies the panel requirements. The panel shall consist of at least three (3) but not more than five (5) County employees appointed by the Cuyahoga County Executive.

B. Officers

Section 11 of the Cuyahoga County SBE/MBE/WBE Policies and Procedures identifies the panel to adopt its own rules of procedure. The officers of the Administrative Reconsideration Panel shall be the Chairperson and the Co-Chairs.

1) Officer's Standing

All officers of the Administrative Reconsideration Panel must be voting members.

2) Chairperson's Duties

The duties of the Chairperson shall be as follows:

- a. Call and preside at all meetings of the Administrative Reconsideration Panel.
- b. Serve as the primary liaison with the Department of Equity & Inclusion.

3) Co-Chair's Duties

The Co-Chair duties shall be as follows:

- a. Assume the responsibilities and duties of the Chairperson in his/her absence.

4) Clerk

The Clerk's duties shall be as follows:

- a. The Clerk shall be designated by the Director of Equity & Inclusion from their respective staff and will not be a voting member.
- b. The Clerk shall maintain records of the members' attendance at the Administrative Reconsideration Panel meetings.
- c. The Clerk shall maintain and distribute the minutes, if applicable and the Rules, as well as maintain copies of the Rules of the Administrative Reconsideration Panel.
- d. The Clerk shall provide notice of meetings and post agendas.
- e. The Clerk will perform other administrative duties as assigned by the Panel members.

C. Quorum

Section 11 of the Cuyahoga County SBE/MBE/WBE Policies and Procedures manual identifies a quorum for "no meeting" or "meeting" administrative reconsideration shall be the majority (i.e., greater than 50%) of the appointed panel and an affirmative vote by the majority (i.e., greater than 50%) of the panel present for the administrative reconsideration is required for action.

D. Member Alternates and Vacancies

All appointed panel members will select an alternate to represent their seat on the panel when a member is absent. An exception to this rule applies to the Chair and Co-Chair. The Chair and Co-chair will serve as each other's alternate.

III. Meetings

A. Meeting Agenda

Development of the Meeting Agenda for each regularly scheduled meeting should, at a minimum, consist of the following order of business:

- 1) Roll Call to determine Quorum
- 2) Reading/ Approval of previous meeting's minutes (if applicable)
- 3) Items for Reconsideration
- 4) Adjourn

The agenda for the meetings shall be set by the Chairperson or Co-Chairs. The agenda shall include all items presented to the Chairperson at least forty-eight (48) hours before the meeting time.

B. Number of Meetings

The Administrative Reconsideration Panel may schedule a minimum of 24 meetings, each calendar year.

C. Number of Items

The Administrative Reconsideration Panel shall hear up to three items during each meeting.

IV. Parliamentary Procedure

The guide for procedural issues not covered in these Administrative Reconsideration Panel Rules shall be Robert's Rules of Order, Newly Revised.

A. Introduction of Business

All items requiring action will be presented and voted on by the Administrative Reconsideration Panel.

1) Presentation of Item Detail

The presenter for each agenda item will have the opportunity to present and make a brief statement on the item for reconsideration. Immediately following the presentation, Panel members may directly ask questions of the presenter.

B. Voting

1) Duty to Vote Except for Recusal

Every Panel member present shall vote on each matter before the panel, unless the member has recused him/herself. A member shall recuse him/herself from voting whenever the member has a personal or monetary interest in any matter under consideration, or when voting on the matter could for any reason constitute a violation of state or County ethics law.

2) Voting Process

The Chairperson will call the vote. The Chairperson will submit a motion or ask if there is a motion to approve the item. For the motion to be voted on, another member of the panel must second the motion. The Chairperson or Clerk will ask for all members in favor of the motion to say "aye". The Chairperson will then ask for those opposed to the motion to say "no". The Chairperson will announce the outcome of the vote. All members have the right to vote, except for the Chair or the Co-Chair, (who will preside over the meeting in the absence of the Chair). The member who presides over the meeting has the right to vote to break the tie.

3) Documentation of Hearing Results

Within five (5) business days of the reconsideration hearing, the Administrative Reconsideration Panel will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so.