

Minutes

Cuyahoga County Board of Control
County Administration Building, 4th Floor
November 19, 2012 11:00 A.M.

1. Call to Order: The meeting was called to order at 11:04 A.M.

Attendees: Fiscal Officer Wade Steen
Councilman Michael J. Gallagher
Councilman Dale Miller
Councilman Pernel Jones, Jr.
Director Bonnie Teeuwen
Director Lenora Lockett
Clerk of the Board of Control David Merriman

County Executive Edward FitzGerald was unavailable. Wade Steen Chaired the meeting .

2. Review and Approve Minutes: Wade Steen made a motion to approve, Dale Miller seconded, Bonnie Teeuwen abstained, the minutes were approved as written.
3. Public Comment was made for consideration of the following item:

BC2012-320

Division of Cuyahoga Job and Family Services, recommending an award on RQ23352 and enter into a contract with various providers for employment and refugee resettlement services for the period 10/1/2012 - 9/30/2013:

- a) Catholic Charities Health & Human Services in the amount not-to-exceed \$267,230.00.
- b) El Barrio, Incorporated. in the amount not-to-exceed \$157,873.00.
Funding Source: 100% by the Federal Refugee Social Services Funds

Ms. Karen Wishner, Director of the International Services Center, addressed the Board regarding her agency, which provides refugee settlement support services. The agency was denied funding for this award recommendation. Ms. Wishner stated that she was informed there was not enough funding for all 3 proposals submitted.

Ms. Susan Kenney- Folser, Attorney and concerned citizen, addressed the Board regarding bias and possible impropriety of a Cuyahoga County employee who was part of the selection process, as well as his affiliations with the agencies that were chosen to receive funding.

Ms. Gretchen Beker, Employment Development Specialist for International Services Center, addressed the Board regarding the 48% placement rate, integrated services provided and delivered as well as the agency's standing within the community.

Ms. Linda Mayer, English Teacher for the agency, addressed the Board regarding services she provides on a volunteer basis.

Wade Steen asked that item BC2012-320 be formally introduced. After reading the item into the record, David Merriman, Clerk of the Board of Control acknowledged a potential conflict of interest and recused himself from further participation regarding this item, as his wife is an employee of the International Services Center. Joseph Gaunter, Administrator for Cuyahoga Job and Family Services acknowledged that Mr. Merriman had no involvement in connection with this award recommendation. Mr. Gaunter spoke of the timeline of the allocation of funding received by the County.

Mr. Gaunter presented the recommendations and explained the selection process for the Request for Proposals received for this service. He stated that the International Services Center was the lowest rated of the 3 submitted proposals. There was an internal staff committee of 5 who read and rated each proposal. Mr. Gaunter stated that the RFP provides a procedure for the vendor to make a formal protest. Mr. Gaunter acknowledged that Cuyahoga Job and Family Services and the Office of Procurement and Diversity did not receive a formal protest request. Two Board members from the International Services Center contacted Mr. Gaunter regarding perceived impropriety, at which time Mr. Gaunter directed the members to contact the Office of the Inspector General to make a formal complaint.

Councilman Pernel Jones, requested that this item be held for 1 week due to the allegations brought before the Board.

Councilman Dale Miller requested this item be held until the end of the Board of Control meeting so that the Inspector General's office could be contacted to confirm if a request had been received regarding this award recommendation. Wade Steen directed Mr. Gaunter to contact the Inspector General's office to inquire if the vendor had made a formal complaint.

Director Bonnie Teeuwen stated that in addition to reaching out to the Inspector General's Office, an appeal should be made to The Office of Procurement & Diversity as to whether proper steps were followed.

Later in the meeting, Matthew Hawes, Deputy Inspector General, stated that he received an e-mail from Matt Carroll, Chief of Staff, which was forwarded from a Board member of the International Services Center. Mr. Carroll asked Matt if his office received a formal allegation of fraud. Mr. Hawes stated that he followed up with Mr. Carroll and Mr. Gaunter informing them that no complaint was made by anyone. Mr. Hawes determined that based on the nature of the e-mail he received, it appeared that no specific allegations of fraud warranted the Inspector General's office to investigate, but he did advise that if the Vendor felt there was a bias the appropriate action would be to follow the protest procedure in the RFP proposal to lodge a formal complaint with the Inspector General.

At the request of Anka Davis, Legal Council for Cuyahoga County, Wade Steen made a motion to hold this item. A motion was made by Councilman Jones to hold this item, Councilman Miller seconded.

A formal vote was taken (5 to 1) and read into the record by Andria Richardson to table this item for 1 week.

Councilman Miller requested more information regarding whether the selection committee's scores were consistent for the International Service Center.

4. Tabled Items Returned for Review

BC2012-312

Department of Information Technology,

- a) Submitting an RFP exemption for a lower than state term contract on RQ25228, which will result in an award recommendation to SHI International Corp. in the amount not-to-exceed \$167,413.37 for Countywide maintenance on Novell software products for the period 7/1/2012 - 6/30/2013.
- b) Recommending an award on RQ25228 and enter into a contract with SHI International Corp. in the amount not-to-exceed \$167,413.37 for Countywide maintenance on Novell software products for the period 7/1/2012 - 6/30/2013.

Funding Source: 100% General Fund.

1. Description of Supplies or Services (If contract amendment, please identify contract time period and/or scope change)

Software support and maintenance of Novell products countywide.

2. Estimated Dollar Value and Funding Source(s) including percentage breakdown (If amendment, please enter original contracted amount and additional amount, if any)

\$167,413.37

3. Rationale Supporting the Use of the Selected Procurement Method
Posted Novell bid (which was a State Vendor) SHI placed lowest bid.

4. What other available options and/or vendors were evaluated? If none, include the reasons why.
Novell bid posted and picked lowest bid.

5. What ultimately led you to this product or service? Why was the recommended vendor selected?
Software has been used countywide for years. This vendor was selected for pricing.

6. Provide an explanation of unacceptable delays in fulfilling the County’s need that would be incurred if award was made through a competitive bid.

Software is being used countywide and not having support could lead to costly delays.

7. Describe what future plans, if any, the County can take to permit competition before any subsequent purchases of the required supplies or services.

None at this time.

Wade Steen made a motion to approve, Bonnie Teeuwen seconded, the item was approved.

Approve

Disapprove

Hold

5. New Items for Review

BC2012-316

Department of Public Works, submitting an amendment to Contract No. CE1000225-02 with KONE, Inc. for Group A only for elevator maintenance and repair for various County buildings for the period 9/1/2009 - 11/30/2012 to extend the time period to 5/31/2013 and for additional funds in the amount of \$158,939.17.

Funding Source: 100% Internal Service Funds

Wade Steen made a motion to approve, Pernel Jones Jr. seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-317

Office of Human Resources, submitting an amendment to Contract No. CE1200077-01 with Wellness IQ, Inc. for Vitality Wellness services for tracking County employees participating in the County's health benefits plans for the period 1/1/2012 - 12/31/2014 for additional funds in the amount of \$61,550.00.

Funding Source: 100% ~~General Funds~~

Note: This item was amended to reflect the funding source as Hospitalization Self Insurance fund.

Wade Steen made a motion to approve, Michael Gallagher seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-318

Office of Procurement & Diversity, recommending an award:

Department of Public Works

a) on RQ24315 to CCI North Coast (7-1) in the amount of \$193,020.26 for ~~4~~-International 7500 Tandem ~~Dump~~ Cab/Chassis.

Funding Source: 100% Sanitary Engineering Funds

Note: This item was amended to reflect the description of the purchase as 2-International 7500 Tandem Cab/Chassis.

Wade Steen made a motion to approve, Bonnie Teeuwen seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-319

Department of Health and Human Services/Community Initiatives Division/Office of Homeless Services, submitting a contract with Stella Maris, Inc. in the amount not-to-exceed \$130,000.00 for shelter, alcohol and drug treatment services for homeless men for the period 11/1/2012 - 6/30/2013. (Deputy Chief Approval No. DC2012-__ authority to seek proposals.)

Funding Source: 100% by the Health & Human Services Levy - County General Fund.

Wade Steen made a motion to approve, Pernel Jones, Jr. seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2012-320

Department of Health and Human Services/Division of Cuyahoga Job and Family Services, recommending an award on RQ23352 and enter into a contract with various providers for employment and refugee resettlement services for the period 10/1/2012 - 9/30/2013:

- a) Catholic Charities Health & Human Services in the amount not-to-exceed \$267,230.00.
- b) El Barrio, Incorporated. in the amount not-to-exceed \$157,873.00.

Funding Source: 100% by the Federal Refugee Social Services Funds

Note: This item was held by a vote of (5 to 1). Dale Miller, Pernel Jones Jr., Bonnie Teeuwen, Lenora Lockett and Wade Steen voted to hold this item. Michael Gallagher voted against holding this item. See Public Comments item above.

Approve
 Disapprove
 Hold

7. Other Business

BC2012-321

Department of Development, Pursuant to the Cuyahoga County Contracting and Purchasing Procedures Ordinance, Section 4.4.b.17., Cuyahoga County Department of Development is requesting approval of the Community Development Block Grant and/or General Fund supported Storefront Renovation program, which provides PARTIAL FUNDING FOR EXTERIOR REPAIRS TO REMEDY BLIGHTING CONDITIONS, AS AUTHORIZED BY the U.S. Department of Housing and Urban Development. Contracts will be awarded through an application process and DEVELOPMENT is requesting an exemption from aggregation. This request will amend Board of Control Approval No. BC2011-114 dated 11/14/2011, which amended Board of Control Approval No. BC2011-43 dated 8/1/2011, which established the Storefront Renovation Rebate Program in the amount not-to-exceed \$300,000.00 for the period 8/1/2011 - 12/31/2012 to extend the time period to 12/31/2015.

1. Description of Supplies or Services (If contract amendment, please identify contract time period and/or scope change)

The Storefront Renovation Rebate Program assists property and/or business owners within the Urban County to make facade improvements, property upgrades or correct code violations. The improvements create revitalized commercial areas through eliminating blighted conditions. The program offers rebates up to 50% of the project cost for qualified exterior improvements. The program is open to businesses in the 51 Urban County Communities.

Requesting to change the program term from August 1, 2011 – December 31, 2012 to August 1, 2011 – December 31, 2015, effective immediately and; requesting the alternate method allow approved applications to be placed on the Consent Agenda with no additional action required.

2. Estimated Dollar Value and Funding Source(s) including percentage breakdown (If amendment, please enter original contracted amount and additional amount, if any)
Original Contract amount is \$300,000 with no change requested.

3. Rationale Supporting the Use of the Selected Procurement Method

All 51 Urban County communities are eligible to have their storefront owners apply to the program. Bidding the funds would eliminate the availability of the funding to the small business community in all of the 51 eligible communities.

Urban County Communities receive the Storefront applications from the Department of Development. These communities then market the program to their business owners. Interested businesses owners complete the required application and submit all applicable documents to the Department through the city where the property is located. These applications are then evaluated, analyzed and reviewed. The department determines whether the application will be denied or recommended for approval consideration.

Placing the recommended applications on the consent agenda would allow the application approval to be expedited, permitting items, some of which remedy safety violations, all eliminating some blighting influence in the neighborhood, to be resolved in a timely manner.

The program, which is funded annually with Community Development Block Grant and/or General Funds, operates on an ongoing basis.

4. What other available options and/or vendors were evaluated? If none, include the reasons why.
The program is organized to allow any business located in one of the 51 eligible communities the opportunity to obtain funding as the need is determined

5. What ultimately led you to this product or service? Why was the recommended vendor selected?
This service is prescribed by the U.S. Department of Housing and Urban Development as an eligible activity when using Community Development Block Grant funding .

6. Provide an explanation of unacceptable delays in fulfilling the County's need that would be incurred if award was made through a competitive bid.
The work performed on individual storefronts is currently bid by the owner to obtain bids particular to the work required for that individual structure.

7. Describe what future plans, if any, the County can take to permit competition before any subsequent purchases of the required supplies or services.

The Department of Development will continue to provide funding opportunities to the small businesses in the 51 urban county communities.

Wade Steen made a motion to approve the item, Dale Miller seconded, the item was approved.

X Approve
 Disapprove
 Hold

David Merriman announced that he will not be in attendance at the November 26 Board Meeting. The meeting will be Clerked by the Office of Procurement staff. To accommodate Board members who may have holiday travel plans, Mr. Merriman stated that in two weeks the Board will have a discussion to determine the date of the last meeting of the year.

8. Public Comment – Susan Kenney-Falser, Attorney, addressed the Board as it relates to Item No. BC2012-320 stating that the International Services Center did not understand that the RFP protest process was the only form of appeal afforded to them. Ms. Kenney Falser acknowledged that she advised the Agency to come before the Board to make their appeal. It was not meant to delay the award recommendation.
9. Adjournment – Wade Steen made a motion to adjourn, Dale Miller seconded, the meeting was adjourned at 12:08 P.M.