

Minutes

Cuyahoga County Board of Control
County Administration Building, 4th Floor
April 15, 2013 11:00 A.M.

1. Call to Order: The meeting was called to order at 11:05 A.M.

Attendees: County Executive Edward FitzGerald
Councilman Michael Gallagher
Fiscal Officer Wade Steen
Councilman Dale Miller - Alternate
Councilman Pernel Jones Jr.
Director Bonnie Teeuwen
Director Lenora Lockett
Board of Control Clerk David Merriman

Councilman Dave Greenspan was unavailable.

Review and Approve Minutes – Ed FitzGerald made a motion to approve, Wade Steen seconded, the minutes were approved as written.

4. Tabled Items Returned for Review

BC2013-88

County Law Library,

- A) Submitting a sole source exemption on RQ26916, which will result in an award recommendation to West, a Thomson Reuters Business in the amount of \$256,812.00 for electronic legal research and reference database services for library patrons for the period 4/1/2013 - 3/31/2016.
- B) On behalf of the Cuyahoga County Law Library Resources Board, recommending an award on RQ26916 and enter into a sole source contract with West Publishing Corporation dba West, a Thomson Reuters business in the amount not-to-exceed \$256,812.00 for electronic legal research and reference database services for library patrons for the period 4/1/2013 - 3/31/2016.

Funding Source: 100% by the Special Revenue Fund of the Cuyahoga County Law Library Resources Board.

1. What is the product/service that you seek to acquire?

An online plan from Westlaw for Patron Access.

2. Will this purchase obligate Cuyahoga County to this or any other vendor for future purchases, for example, maintenance, licensing or continuing need? Yes No

This purchase is for a 3 year contract for the period 4/1/2013-3/31/2016.

3. Why do you need to acquire these goods or services?

Our patrons and staff need the databases included in the plan for legal reference and research.

4. Why are the requested goods/services the only ones that can satisfy your requirements?

The databases in the patron plan contain unique treatises, practice guides, and forms sets that are written by experts in particular fields of law. West holds the copyright or license on all of these online books, and they are proprietary to the vendor. Although the Law Library purchases online books from many legal resource vendors, as part of maintaining a broad subject matter collection, authors and publishers each treat similar legal issues uniquely and differently. The databases included in the patron plan also include national and state primary law, all of which have been enhanced with West's value-added search engine, digest references, "Related Documents" (formerly known as Results Plus), and KeyCite materials. The Law Library needs the patron databases in order to provide meaningful reference and research assistance to patrons.

5. Were alternative goods/services evaluated?

The Law Library always considers available alternatives from competitive vendors, such as Lexis and BNA Bloomberg, and did so in the present case. As part of contract negotiations with vendor, the Librarian and the Library's Technical Services staff engaged in a sophisticated and lengthy evaluation of all of the Library's existing database holdings from all vendors, including West, to determine which vendor materials would provide the best resources for patrons and staff. However, for the reasons stated in section 5 above, the databases in the proposed patron plan are unique, proprietary, and essential for the Law Library to provide for the diverse reference and research needs of its patrons.

6. Identify specific steps taken to negate need for sole source provider.

Through research of publisher websites and library resource guides, the Librarian ascertained that none of the online books in the proposed patron plan are sold online by other vendors. Although the primary law contained in the proposed patron plan is available in raw form from other vendors, and some of it is also available for free on the Internet, Westlaw compiles and enhances these resources with a value-added search engine, digest references, "Related Documents" (formerly known as Results Plus), and KeyCite materials, none of which are available from any other vendor. As a result, alternative options would not enable the Law Library to provide the caliber of legal reference and research materials necessary to serve the diverse needs of our patrons. See also responses above.

7. Has your department bought these goods/services in the past? Yes and No

The Law Library currently purchases some of the databases in the proposed patron plan, but a few of the databases would be brand new acquisitions. Databases under a current contract were previously purchased as a sole source procurement. The current contract (\$206,812.00) began on March 15, 2010 and expires on March 31, 2013.

8. What efforts have been made or are being made to reduce the Department's reliance on a sole source provider for these goods/services in the future?

See answers in response to items 5-7 above.

9. What efforts were made to get the best possible price?

The Librarian engaged in aggressive negotiations with the vendor's representative for this contract and 2 other contracts currently pending for a) West books and b) a Westlaw online access plan for the Law Library's staff. The Librarian insisted on migrating to West's new product, WestlawNext, and was able to convince the vendor to hold annual price increases to only 5%. The Librarian also pressured the vendor to consider all 3 contracts together when evaluating the Law Library's purchases, despite reductions in the proposed staff plan and the number of books the Law Library hopes to purchase this contract cycle.

This enabled the Law Library to obtain several complimentary patron and staff databases and the equivalent of a 59% discount on all books it proposes to purchase on a companion contract. This discount is much greater than the 44% discount the Law Library realized under its current 3-year book contract with West.

10. Why is the price for this purchase considered to be fair and reasonable?

See response to question 10 above.

11. Amount to be paid: \$256,812 over 3 years.

Ed FitzGerald made a motion to approve, Dale Miller seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2013-89

County Law Library,

- A) Submitting a sole source exemption on RQ26917, which will result in an award recommendation to West, a Thomson Reuters Business in the amount of \$22,224.00 for electronic legal research and reference database services for library staff for the period 4/1/2013 - 3/31/2016.

- B) On behalf of the Cuyahoga County Law Library Resources Board, recommending an award on RQ26917 and enter into a sole source contract with West Publishing Corporation dba West, a Thomson Reuters business in the amount not-to-exceed \$22,224.00 for electronic legal research and reference database services for library staff for the period 4/1/2013 - 3/31/2016.

Funding Source: 100% by the Special Revenue Fund of the Cuyahoga County Law Library Resources Board.

1. What is the product/service that you seek to acquire?

An online plan from Westlaw for Staff Access.

2. Will this purchase obligate Cuyahoga County to this or any other vendor for future purchases, for example, maintenance, licensing or continuing need? Yes No

This purchase is for a 3 year contract for the period 4/1/2013-3/31/2016.

3. Why do you need to acquire these goods or services?

Our patrons and staff need the databases included in the plan for legal reference and research.

4. Why are the requested goods/services the only ones that can satisfy your requirements?

The databases in the proposed staff plan contain unique statutory and regulatory surveys compiled by experts in particular fields of law. West holds the copyright or license on all of these surveys, and they are proprietary to the vendor. Although the Law Library purchases online surveys of legal issues from other legal resource vendors, as part of maintaining a broad subject matter collection, authors and publishers each treat similar legal issues uniquely and differently. The databases included in the proposed staff plan also include Ohio national and state primary laws, all of which have been enhanced

with West's value-added search engine, digest references, "Related Documents" (formerly known as Results Plus), and KeyCite materials. The Law Library needs the proposed staff databases in order to provide meaningful reference and research assistance to patrons.

5. Were alternative goods/services evaluated?

The Law Library always considers available alternatives from competitive vendors, such as Lexis and BNA Bloomberg, and did so in the present case. As part of contract negotiations with vendor, the Librarian and the Library's Technical Services staff engaged in a sophisticated and lengthy evaluation of all of the Library's existing database holdings from all vendors, including West, to determine which vendor materials would provide the best resources for patrons and staff. However, for the reasons stated in section 5 above, the databases in the proposed staff plan are unique, proprietary, and essential for the Law Library to provide for the diverse reference and research needs of its patrons.

6. Identify specific steps taken to negate need for sole source provider.

Through research of publisher websites and library resource guides, the Librarian ascertained that none of the online surveys in the proposed staff plan are sold online by other vendors. Although the primary law contained in the proposed staff plan is available in raw form from other vendors, and some of it is also available for free on the Internet, Westlaw compiles and enhances these resources with a value-added search engine, digest references, "Related Documents" (formerly known as Results Plus), and KeyCite materials, none of which are available from any other vendor. As a result, alternative options would not enable the Law Library to provide the caliber of legal reference and research materials necessary to serve the diverse needs of our patrons. See also responses above.

7. Has your department bought these goods/services in the past? Yes and No

The Law Library currently purchases a small sub-set of the databases in the proposed staff plan, but a few of the databases would be brand new acquisitions. Databases under a current contract were previously purchased as a sole source procurement. The current contract (\$29,863.00) began on March 15, 2010 and expires on March 31, 2013.

8. What efforts have been made or are being made to reduce the Department's reliance on a sole source provider for these goods/services in the future?

See answers in response to items 5-7 above.

9. What efforts were made to get the best possible price?

The Librarian engaged in aggressive negotiations with the vendor's representative for this contract and 2 other contracts currently pending for a) West books and b) a Westlaw online access plan for the Law Library's patrons. The Librarian insisted on migrating to West's new product, WestlawNext, and was able to convince the vendor to hold annual price increases to only 5%. The Librarian also pressured the vendor to consider all 3 contracts together when evaluating the Law Library's purchases, despite reductions in the proposed staff plan and the number of books the Law Library hopes to purchase this contract cycle. This enabled the Law Library to obtain several complimentary patron and staff databases and the equivalent of a 59% discount on all books it proposes to purchase on a companion contract. This discount is much greater than the 44% discount the Law Library realized under its current 3-year book contract with West.

10. Why is the price for this purchase considered to be fair and reasonable?

See response to question 10 above.

11. Amount to be paid: \$22,224.00 over 3 years

Ed FitzGerald made a motion to approve, Dale Miller seconded, the item was approved.

Approve
 Disapprove
 Hold

5. Scheduled Items for Review

BC2013-101

Department of Development, requesting approval of an Economic Development Loan to STL GP-3, Corporation in the amount not-to-exceed \$500,000 to complete Phase III renovations of the former St. Luke's Manor Project, located at 11311 Shaker Boulevard in Cleveland for productive use; authorizing the Director of Development to execute the loan documents, amendments, subordination agreements and other instruments and agreements, with such parties that may be required or appropriate to effectuate the loan.

Funding Source: Cuyahoga County Western Reserve Funds

Ed FitzGerald made a motion to approve, Pernel Jones Jr. seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2013-102

Department of Law, submitting an amendment to Contract No. CE1200426-01 with Giffen & Kaminski, LLC for legal representation of Cuyahoga County before the Human Resource Commission Hearing Officers and the Human Resource Commission for additional funds in the amount not-to-exceed \$100,000.00.

Funding Source: General Funds

Ed FitzGerald made a motion to approve, Michael Gallagher seconded, the item was approved.

Approve
 Disapprove
 Hold

BC2013-103

Department of Information Technology, recommending an award on RQ26945 and enter into a contract with OneLink Technical Services, LLC in the amount of \$185,138.51 for maintenance on Hyland OnBase Software Products for the period 8/1/2012 - 12/31/2015.

Funding Source: General Funds

Ed FitzGerald made a motion to approve, Michael Gallagher seconded, the item was approved.

Approve
 Disapprove
 Hold

6. Other Business

BC2013-104

Department of Public Works, requesting approval of an alternative procurement process which will result in an award recommendation to Factory Authorized Dealers in the amount not-to-exceed \$150,00.00 for vehicle and equipment repairs, parts and service for the period 4/15/2013 - 4/14/2015. (Board of Control Ordinance No. O20011-0044, Section 4.4.(b)(16)).

Funding Source: Road and Bridge Funds, Sanitary Sewer District Funds, Facility Internal Service Funds, and Airport Operation Funds.

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

The Department of Public Works is requesting a two year exemption from competitive bidding for vehicle and equipment repairs, parts, and service by using the closest and best “factory authorized” dealer that is registered and approved by the County that meets the needs of the department for the period of April 15, 2013 – April 14, 2015.

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

Amount not to exceed \$150,000. Funding sources are the Road and Bridge Funds, Sanitary Sewer District Funds, Facility Internal Service Funds, and Airport Operation Funds.

3. Rationale Supporting the Use of the Selected Procurement Method (include state contract # or GSA contract # and expiration date)

Section 4.4(b) 15 and 4.4(d) provides for the exemption from competitive bidding when approved by the Board. In order to maintain a safe and reliable fleet and equipment, the Department of Public Works uses “Factory Authorized” dealers for parts, service, and repairs. This ensures compliance with equipment and vehicle warranties. This exemption will allow repairs, parts and service to be procured timely and efficiently. Vehicles and equipment will be placed back into service quickly and this will decrease vehicle and equipment downtime and increase productivity in the department. Billable hours will increase and this will bring more revenue to the department. Additionally, costly and timely diagnostic quotes will be avoided. On many occasions, repairs, parts, and service require the dealer to diagnose the problem before a quote can be generated. Current guidelines require three quotes and this requires a down vehicle or piece of equipment to be transferred to three dealers for quotes, which delays the repairs and increases the final cost of the repair. This exemption request will allow the Department to take the vehicle or equipment to the nearest “factory authorized” dealer that meets the department’s needs for repair, parts or service.

4. What other available options and/or vendors were evaluated? If none, include the reasons why. Only Factory authorized dealers are considered.

5. What ultimately led you to this product or service? Why was the recommended vendor selected?

The decision to decrease vehicle and equipment downtime and the corresponding increase in revenue was the ultimate decision for this request. Additionally this will lead to a decrease in vehicle and equipment critical purchase requests at weekly CPB meetings.

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.

Downtime decreases productivity and in the Sanitary division this leads to a decrease in revenue.

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

Public Works fleet and equipment are used in extreme conditions and due to the nature of the work - vehicles and equipment will break down and require repairs, service, and parts. Reducing downtime will generate more productivity and revenue for the County. Factory authorized dealers must be used for warranty reasons and factory authorized dealers have qualified and trained employees with the latest equipment. This will ensure that the County receives efficient, safe, and quality parts, service and repairs .

Ed FitzGerald made a motion to approve, Pernel Jones Jr. seconded, the item was approved.

Approve
 Disapprove
 Hold

7. Public Comment – There was no public comment.

8. Adjournment – Ed FitzGerald made a motion to adjourn, Michael Gallagher seconded, the meeting was adjourned at 11:19 A.M.