

Minutes

Contracts and Purchasing Board
County Administration Building, 4th Floor
May 6, 2013 11:30 A.M.

I. Call to Order: The meeting was called to order at 11:32 A.M.

Attendees: County Executive Edward FitzGerald
Chief of Staff Matt Carroll
Fiscal Officer Wade Steen
Director Bonnie Teeuwen
Director Lenora Lockett
Councilman Dale Miller
Clerk of the Contracts and Purchasing Board David Merriman

II. Review and Approve Minutes: The minutes were approved as written.

III. Public Comment - There was no public comment.

IV. Contracts and Awards

A. Tabled Items

CPB2013-300

County Prosecutor, submitting a sole source exemption on RQ27058, which will result in an award recommendation to Access Data Group, LLC in the amount of \$12,610.00 for license renewal, maintenance and support of Forensic Tool Kit forensic recovery and examination software.

1. Provide detailed information about why you need to acquire these goods or services:

This request is for the LICENSE RENEWAL of the software currently being used for COMPUTER FORENSIC RECOVERY and EXAMINATION of digital evidence, computer hard drives, and other devices which may contain evidence in criminal investigation being conducted by the Cuyahoga County Prosecutor's Office/Ohio ICAC Task Force.

2. Has your department bought these goods/I.T. services in the past? ☒Yes ☐No

The COMPUTER FORENSIC EXAMINATION program FTK (Forensic Tool Kit) was originally purchased around 2001 and has been renewed for 1-year periods every year since. This purchase was made from AccessData the SOLE SOURCE for the software. During this time the number of licenses purchased has increased to a total of 10 for the FTK program and 3 licenses for the MPE+ (Mobile Phone Examiner) program have been added to the Task Force.

The last renewal was in MARCH 2011 for 5 licenses at the cost of \$4200.00

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

At the time of purchase and presently there are other COMPUTER FORENSIC EXAMINATION programs available at similar cost and yearly renewal expense. One such program is from Guidance Software called EnCase which is available for \$2995.00 plus a yearly maintenance of \$599.00. The ICAC Task Force

currently has 3 licenses for this software as well. It is a best practice in the field of computer forensics to use more than one type of examination software.

There are proprietary pieces to each program that offer features that the other does not, and can be used as a solution when one program fails to recover data. The Task Force primarily uses the FTK product as it is what is taught to examiners taking classes through the State of Ohio Peace Officer Training Academy, and so the majority of examiners statewide use the FTK product.

4. Were alternative goods/I.T. services evaluated?

Other COMPUTER FORENSIC EXAMINATION software that may be available on the market does not have any additional feature or abilities that are not already in the currently owned and used products.

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

This renewal is for a period of one year for all licenses held by the Ohio ICAC Task Force. This purchase came with a free copy of an add-on software.

6. Will this purchase obligate Cuyahoga County to this vendor for future purchases, for example maintenance, licensing or continuing need? ☒Yes ☐No

License renewal is required each year for a period of 1 year. I am working on a 3-year renewal deal that will discount the cost, and will add a license for additional software for each license.

7. Why is the price for this purchase considered to be fair and reasonable:

Refer to #3

The Digital Forensic Examination of evidence completed by the Ohio ICAC Task Force is specific to Law Enforcement. It involves the examination and review of evidence that has been obtained by court ordered search warrant, and the chain of custody is critical to proper evidence handling. This process is very time consuming, and would be cost prohibitive if performed by an outside source.

8. Amount to be paid: \$12,610.00_____

☒X Approve

☐ Disapprove

☐ Hold

B. Scheduled Items

CPB2013-313

Department of Development,

- A) Requesting approval of a contract with C.B. Mullins Construction Company, Inc. for the anticipated cost of \$19,370.00 for Lead Remediation Cases 340-343 at 1493 & 1495 Coutant Street Units 1 - 4 Lakewood. The anticipated start-completion dates are May 6, 2013 - August 4, 2013.

Funding Source: 100% by the U.S. Department of Housing and Urban Development Lead Hazard Remediation Grant passed through County Board of Health.

- B) Requesting approval of a contract with Green Home Solutions, LLC for the anticipated cost of \$8,000.00 for Lead Remediation Case 414 Hodge at 20204 Kings Highway Warrensville Heights. The anticipated start-completion dates are May 6, 2013 - August 4, 2013.

Funding Source: 8,000.00 by the U.S. Department of Housing and Urban Development Lead Hazard Remediation Grant passed through County Board of Health. Due to federal grant requirements the Lead Hazard Remediation Grant maximum contribution for this project is \$8,000.00. The homeowner is contributing \$200.00.

- C) Requesting approval of a contract with Berry Insulation Company Lead Remediation Case 425 Collins at 22470 Lakemont Avenue Euclid for the anticipated cost of \$3,960.00. The anticipated start-completion dates are May 6, 2013 - August 4, 2013.
- D) Requesting approval of a contract with Berry Insulation Company for the anticipated cost of \$11,450.00 for Lead Remediation Case 431 Siler at 14117 Ardenall Avenue East Cleveland. The anticipated start-completion dates are May 6, 2013 - August 4, 2013.

Funding Source: 100% by the U.S. Department of Housing and Urban Development Lead Hazard Remediation Grant passed through County Board of Health and Community Development Block Grant Program Funds.

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-314

Department of Information Technology, submitting an amendment to Contract No. CE1200329-01 with Northwoods Consulting Partners, Inc. for maintenance on the Electronic Document Management System for Division of Cuyahoga Job and Family Services for the period 7/1/2012 - 6/30/2013 to change the scope of services, effective 5/13/2013, and for additional funds in the amount not-to-exceed \$17,960.00.

Funding Source: Public Assistance Linkage Funding

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-315

Department of Workforce Development, submitting a contract with PPG Industries, Inc. in the amount not-to-exceed \$2,500.00 for the On-the-Job Training Program for the period 3/11/2013 - 5/31/2013.

Funding Source: Federal Workforce Investment Act (WIA) Funds.

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-316

Office of Procurement & Diversity, recommending an award:
County Sheriff

a) on RQ26246 to Smith's Detection Inc. in the amount of \$86,084.00 for 3-Heimann X-ray Inspection System Hi-Scan 6040ds scanning machines.

Funding Source: 100% by the Internal Service Fund

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-317

Office of Procurement & Diversity, recommending an award:

Department of Public Works

On RQ26753 and enter into a contract with Consolidated Electrical Distributors, Inc. dba Leader Electric Supply (8-4) in the amount not-to-exceed \$90,000.00 for fluorescent and mercury ballasts for various County buildings for the period 6/1/2013 - 5/31/2016.

Funding Source: 100% by General Fund

Note: This item was held at the request of the department.

☐ Approve
☐ Disapprove
☒ Hold

CPB2013-318

Office of Procurement & Diversity, recommending an award:

Fiscal Office

a) on RQ26439 to World Micrographics, Inc. (15-2) in the amount of \$86,940.00. for the purchase of 12-Compact (small footprint) Digital Microforms Desktop Combination Reader/Printer/Scanner.

Funding Source: 100% by General Fund

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-319

Department of Public Safety and Justice Services/Public Safety Grants, submitting an amendment to Agreement No. AG1300056-02 with Bowling Green State University for Regional Urban Search and Rescue training in connection with the FY2010 State Homeland Security Grant Program for the period 3/1/2013 - 3/31/2013 to extend the time period to 5/10/2013 and for additional funds in the amount not-to-exceed \$10,000.00.

Funding Source: FY2010 State Homeland Security Grant Program

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-320

Department of Public Safety and Justice Services/Public Safety Grants, submitting agreements with various political subdivisions for reimbursement of eligible expenses in connection with the FY2010 Urban Area Security Initiative Grant Program:

- a) City of Brook Park in the amount not-to-exceed \$2,850.00 for the period 4/1/2013 - 6/1/2013.
- b) Perry Joint Fire District in the amount not-to-exceed \$5,114.29 for the period 2/1/2013 - 3/31/2013.

Funding Source: 100% by DHS through Ohio Emergency Management Agency

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-321

Department of Public Safety and Justice Services/Public Safety Grants, submitting agreements with various political subdivisions, each in the amount not-to-exceed \$3,000.00, for reimbursement of eligible expenses in connection with the FY2010 State Homeland Security-Law Enforcement Grant Program for the period 3/1/2013 - 6/1/2013:

- a) City of Cleveland
- b) City of Mentor
- c) City of North Olmsted
- d) Lorain County Commissioners

Funding Source: FY2010 State Homeland Security-Law Enforcement Grant Program

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-322

Department of Health and Human Services/Cuyahoga Job and Family Services, recommending an award on RQ27098 and enter into a contract with Opex Corporation, sole source, in the amount of \$11,840.00 for hardware and software maintenance on Opex Model 72/AS7200i scanning system and licensing fees on 1D Barcode, Data Matrix Barcode and Image Edge software for the period 4/6/2013 - 4/5/2014.

Funding Source: 100% by PA (Public Assistance) Linkage.

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-323

Department of Health and Human Services/Cuyahoga Job and Family Services, recommending an award on RQ27039 and enter into a contract with Unitronix Data Systems, Inc. in the amount not-to-exceed \$5,076.92 for licenses, maintenance and software support on the Automated Budget and Calculation Update System for the period 4/1/2013 - 3/31/2014.

Funding Source: 100% by PA (Public Assistance) Linkage.

☒ Approve
☐ Disapprove
☐ Hold

C. Exemption Requests

CPB2013-324

Office of Budget & Management, submitting an RFP exemption on RQ27100, which will result in an award recommendation to Maximus Consulting Services, Inc. in the amount of \$22, 500.00 for development and implementation of the County's indirect cost allocation plan.

Funding Source: General Fund

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

Consulting services to assist OBM in developing and implementing the County's indirect cost allocation plan.

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

\$7,500 a year for three years. Funding is General Fund.

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

OBM collects and compiles all of the source data for the indirect cost plan. We use the services of Maximus to review the plan data for compliance with guidelines and creation of the schedule of charges that are assessed to County budgets annually.

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

OBM has attempted to find other providers of this service. At this time Maximus is the only provider that specializes in public sector cost allocation plans and plan compliance. There are no other vendors known to offer this specialization at a cost effective rate.

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

Maximus has provided consultant services for the indirect cost plan for multiple contract periods and has continued to offer the serves with minimal increase in fees. Maximus is the trusted provider of this unique service and currently prepares the cost plans for 80 of the 88 County governments in Ohio.

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 County General Fund could forgo approximately in \$11 million of chargeback revenue if the plan is not completed on time. Of that amount more than 50% is received as reimbursement revenue from the state and federal government.

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

OBM will evaluate the availability of other vendors when renewing subsequent agreements and solicit proposals when applicable. At this time realistic alternatives to the selected vendor offer the scope of services.

☒ X Approve
☐ Disapprove
☐ Hold

CPB2013-325

Medical Examiner, submitting sole source exemption on RQ27019 which will result in an award recommendation to Life Technologies Corporation in the amount not-to-exceed \$190,348.92 for 1- AB3500 Genetic Analyzer HID; 1-AB9700 PCR System and 5- GeneMapper Licenses IDX for the period 5/1/2013 - 8/1/2013.

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

Provide a detailed description of the product/service.

We are requesting to purchase one (1) AB 3500 Genetic Analyzer, one (1) AB 9700 Thermal Cycler and five (5) GeneMapper ID-X licenses for Forensic DNA Unit. All of these are manufactured and supplied by Applied Biosystems (currently Life technologies).

- AB 3500 Genetic Analyzer is a high thorough genetic analyzer in the capillary electrophoresis of DNA fragment analysis used in forensic DNA casework.
- AB 9700 GeneAmp PCR system is used to amplify DNA from forensic casework samples.
- GeneMapperID-X is the recent DNA data analysis software used in forensic DNA casework.

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

If yes, please provide details regarding future obligations and/or needs.

What is the duration of this purchase, including number of "potential" renewal options?

Check the appropriate box. If yes, provide information regarding the duration of any potential commitments as well as the estimated costs for such commitments.

A service contract is required for the annual planned maintenance of AB 3500 Genetic Analyzer as per our operational requirements of annual maintenance of the instrument. It is the only service contract compatible with our current specifications and accreditation requirements for Forensic DNA casework analysis. It is not an obligation from the vendor but it is our requirement to be able to work on forensic DNA casework samples. In addition, as with other instruments, chemicals and supplies are needed to analyze the samples on the instruments on an on-going basis.

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

Provide information on the main requirement for this purchase. For example, detail the nature of the instructional, research, or community outreach activities for which the purchase is necessary.

The DNA unit's caseload has increased multifold due to acceptance of rape kits from Cleveland. Also, many police departments have joined the lab to use our services. Due to this multifold increase in DNA unit's case load, more instrumentation and data analysis software licenses are required to handle the current work load. Having another 3500 Genetic Analyzer and 9700 Thermal Cycler will enable the DNA unit to analyze increased number of samples to expedite the turnaround time. In addition, 5 additional analysts/technicians were added to handle the increase in caseload, therefore additional GeneMapperID-X licenses are required so that multiple people can perform data analysis in DNA casework and issue reports.

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

What are the unique features of the product or service that are not available in any other product or service? Provide specific, quantifiable factors/qualifications.

Provide specific, quantifiable factors/qualifications.

Provide specific details on the compelling functional and/or technical reasons why the requested good or service is the only one that can satisfy the requirement. Indicate any features of the product or service that cannot be provided by an alternative product or service. In enumerating the unique aspects of the product or service, provide quantifiable details on the factors and/or qualifications that make the good or service distinctive. If the good or service is patented or copyrighted, provide the supporting information such as patent number or copyright holder.

All DNA technologies used in forensic casework have to be approved by the National DNA Index System, FBI. The requested instruments and software manufactured by Life Technologies have been approved by NDIS. All these are highly specialized instruments and software used in forensic DNA casework. The DNA department already has one 3500 Genetic Analyzer, three GeneAmp PCR Systems and one GeneMapper ID-X software license. These have been validated, and DNA analysts have been already trained and competency tested on the instruments and the software. Purchasing another 3500 Genetic Analyzer, AB 9700 GeneAmp PCR system and additional GeneMapperID-X will eliminate the need of extensive validation studies, and training and competency testing of analysts on other platforms, and therefore, will save a lot of time and resources.

6. Were alternative goods/services evaluated? If yes, what were they and why were they unacceptable? Please be specific with regard to features, characteristics, requirements, capabilities and compatibility. If no, why were alternatives not evaluated?

Provide names of alternate sources that were considered and specific reasons why each one was rejected. If other options were not evaluated, indicate the basis for not considering available alternatives.

No, other instruments were not evaluated because all DNA technologies used in forensic casework have to be approved by the National DNA Index System, FBI. AB Genetic Analyzers, AB 9700 GenAmp PCR System and GeneMapper ID-X are the only detection instruments and software which fulfill these requirements.

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

Provide specific information regarding methods of search, geographic areas searched, and time-frame of search for alternate providers. If no efforts were made to identify and/or locate alternate goods/services, identify rationale for acceptance of sole source.

The requested instruments and software are manufactured and supplied only by Life Technologies.

8. Has your department bought these goods/services in the past? ☒ Yes ☐ No

If yes, who was the contractor/supplier and was the requirement competitively bid or sole source? What was the last date and price paid for goods/services?

Indicate whether the department has previously acquired the same goods or services. If the department has purchased the same goods or services, indicate if the purchase was based on a competitive process or a sole source. NOTE: If the same goods or services had been previously purchased based on a competitive process, provide additional details regarding why a sole source request is being made for this purchase. If the same goods or service had been previously purchased, indicate the date of last purchase and the price paid.

- These purchases were previously made as a sole source through Applied Biosystems, now Life Technologies.
- (1) AB3500 Genetic Analyzer and (1) GeneMapper ID License was purchased in December 2011 for \$129,874
- (1) AB9700 GeneAmp PCR was purchased approximately 10 years ago, price unknown.

9. 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?

Describe specific steps, and/or alternate solutions under consideration.

The requested instruments and software are manufactured and supplied only by Life Technologies.

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

Identify any initiatives made with the vendor to obtain the most favorable pricing. For example,

indicate if any quotes or discounted pricing was requested from the vendor. Additionally, if discounts or special pricing was provided please indicate the amount of the discounts as a percentage of the original or published selling price. If any other value added services such as training or extended warranty were provided, please provide details on those services.

There is no competitive pricing available as this is a sole sourced item. Please see #11

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

Indicate any price comparisons or other benchmarks against which the vendor's price was evaluated. For example, if a professional service, are the hourly rates comparable to those available for providers of similar services? If no price comparisons were made, please explain.

There are no other companies that manufacture this equipment and so a price comparison was not completed, we do however, maintain a very good working relationship with this vendor and believe them to be a fair and reasonable vendor. The vendor has discounted the AB3500 by over 23%.

12. Amount to be paid: _____\$190,348.92 _____

Note: The item's detail summary was amended to reflect the item caption.

☒X Approve
☐ Disapprove
☐ Hold

D. Consent Agenda

CPB2013-326

Office of Human Resources recommending an award on RQ25972 and enter into an agreement with Soza Fitness, LLC for exercise/fitness and weight management services for the period 4/1/2013 - 3/31/2016.

Funding Source: This project is requires \$0.00 dollars.

Note: This item was held pending Ethics registration and completion.

☐ Approve
☐ Disapprove
☒X Hold

CPB2013-327

Department of Public Safety and Justice Services/Public Safety Grants, submitting an amendment to a grant agreement with Ohio Emergency Management Agency for the FY2010 State Homeland Security Program Region 2 Search and Rescue Team Build Out project for the period 8/1/2010 - 3/31/2013 to extend the time period to 6/30/2013; no additional funds required.

Funding Source: FY2010 SHSP Regional Build is passed through to Cuyahoga County from the Ohio Emergency Management Agency (OEMA) and the Department of Homeland Security (DHS).

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-328

Department of Public Safety and Justice Services/Public Safety Grants, submitting an agreement with Westshore Council of Governments for the purchase of equipment, valued in the amount of \$16,950.00, for the FY2008 State Homeland Security Grant Program for the period 9/1/2008 - 3/31/2011.

Funding Source: The project is 100% FY 08 State Homeland Security Program funded and is passed through to Cuyahoga County from the Department of Homeland Security (DHS) through Ohio Emergency Management Agency (OEMA).

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-329

Public Safety Grants, submitting an agreement with Westshore Council of Governments for the purchase of equipment, valued in the amount of \$1,462.50 for the FY2007 Urban Area Security Initiative Grant Program for the period 7/1/2007 - 9/30/2010.

Funding Source: 100% FY 07 Urban Area Security Initiative grant funded and is passed through to Cuyahoga County from the Department of Homeland Security (DHS) through Ohio Emergency Management Agency (OEMA).

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-330

Department of Health and Human Services/Division of Children and Family Services, submitting amendments to various contracts and a memorandum of understanding, by changing the name of the provider from Catholic Charities Services Corporation to Catholic Charities Corporation:

Contracts

A) No. CE1300041-01 for adoption services for the period 1//1/2013 - 12/13/2014.

B) No. CE1100623-01 dba Parmadale for placement services for the period 10/1/2011 - 12/31/2013.

C) No. CE1200167-01 dba St. Martin de Porres Family for Community Wraparound Care Coordination and Family Youth Advocacy Services for the period 4/1/2012 - 6/30/2013.

D) No. CE1200173-01 dba Parmadale for Community Wraparound Care Coordination and Family Youth

Advocacy Services for the period 4/1/2012 - 6/30/2013.

E) No. CE1200188-01 dba Parmadale for Family to Family Neighborhood System of Care services 4/1/2012 - 6/30/2014.

Memorandum of Understanding

F) dba St. Martin de Porres Family Center for Cuyahoga Tapestry System of Care Provider Services Network for the period 1/1/2013 - 12/31/2013.

Funding Source: Catholic Charities Corporation - Adoption 100% by the General Fund (Health and Human Services Levy).

Catholic Charities Corporation (Parmadale) Board and Care- 29% by Federal and 71% by the General Fund (Health and Human Services Levy).

Catholic Charities Corporation dba St. Martin de Porres Family Center - Family to Family Neighborhood – 43.7% Federal and 56.3% by the General Fund (Health and Human Services Levy).

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-331

Office of Procurement & Diversity, presenting voucher payments for the week of May 6, 2013.

☒ Approve
☐ Disapprove
☐ Hold

CPB2013-332

Department of Development, presenting voucher payments between 04/25/2013 to 04/30/2013.

☒ Approve
☐ Disapprove
☐ Hold

V. Other Business

The agenda was amended to introduce the following time sensitive/mission critical purchase item:

Presented by Don Jerle, Department of Public Works:

Recommending a payment on RQ27555 to Elmans Company in the amount of \$850.00 for a new radiator.

The full allotment of time sensitive mission critical purchase funds available to the Department was restored.

☒ Approve

____Disapprove
____Hold

- VI. Public Comment – There was no public comment.
- VII. Adjournment: The meeting was adjourned at 11:48 A.M.