

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0046

Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity and Councilmembers Germana, Jones, Miller and Rogers	An Ordinance approving the Cuyahoga County Purchasing Policy and Procedure Manual, effective 10/1/2011, in accordance with the County's Contracting and Purchasing Procedures Ordinance No. O2011-0014, as amended, and amending Sections 4.5 and 4.6 of said Contracting and Purchasing Procedures Ordinance to comply with this Ordinance, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Executive/Office of Procurement & Diversity has recommended to amend the Cuyahoga County Purchasing Policy and Procedure Manual, effective 10/1/2011; and,

WHEREAS, the revised policy is submitted in accordance with the requirements of Sections 4.5 and 4.6 of the Contracting and Purchasing Procedures Ordinance, which County Council adopted in Ordinance No. O2011-0014, as amended; and,

WHEREAS, the revisions to the Cuyahoga County Purchasing Policy and Procedure Manual also replaces the Request for Proposal (RFP) Manual, adopted December, 2006, and effectively incorporates the relevant provisions set forth therein, thereby eliminating the existence of the Request for Proposal (RFP) Manual as a separate document; and,

WHEREAS, the revised Cuyahoga County Purchasing Policy and Procedure Manual incorporates best practices and the new county government structure; and,

WHEREAS, upon approval, the Office of Procurement and Diversity will provide training on the new Purchasing Policy and Procedure Manual to county employees involved in purchasing for Cuyahoga County; 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 a county development.

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

SECTION 1. The Cuyahoga County Purchasing Policy and Procedure Manual, which is attached hereto, is hereby approved and adopted by County Council pursuant to Sections 4.5 and 4.6 of the Contracting and Purchasing Procedures Ordinance, effective October 1, 2011.

SECTION 2. Sections 4.5 and 4.6 of the County's Contracting and Purchasing Procedures Ordinance, Ordinance No. O2011-0014, as amended in Ordinances O2011-0030, O2011-0033, and O2011-0044, are hereby stricken and replaced with the following provisions:

Section 4.5: County's Purchasing Policy and Procedure Manual

- a) Effective October 1, 2011, all contracts, purchases, sales, and leases shall be approved and done in accordance with the County's Purchasing Policy and Procedure Manual, as adopted and approved by County Council.
- b) Effective January 1, 2012, all contracts, purchases, sales, and leases shall also be approved and done in accordance with the County's Small Business Enterprise (SBE) Program Policies and Procedures, as approved and adopted by County Council. In the interim until January 1, 2012, all contracts, purchases, sales, and leases shall continue to be approved and done in accordance with the County's existent Small Business Enterprise (SBE) Program Policies and Procedures.

Section 4.6: Updates to Purchasing Policy and Procedure Manual

The County Executive, through the Office of Procurement and Diversity, shall continually assess the need for any revisions or updates to the County's Purchasing Policy and Procedure Manual. The County Executive, through the Office of Procurement and Diversity, shall report to County Council on a bi-annual basis beginning on October 1, 2013, and every two years thereafter, regarding the need for any such updates or revisions.

SECTION 3. It is hereby found and determined necessary for this Ordinance to become immediately effective, for the reason that this Ordinance provides for the usual daily and necessary operations of Cuyahoga County government in accordance with the requirements of the Cuyahoga County Charter; therefore, this Ordinance, provided it receives the affirmative vote of at least eight members of County Council, shall become effective immediately; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

SECTION 4. It is found and determined that all formal actions of this County Council meeting relating to the adoption of this Ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place 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 Mr. Miller, seconded by Mr. Jones, the foregoing Ordinance was duly enacted.

Yeas: Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon and Connally

Nays: None

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: September 13, 2011
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: September 27, 2011

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County of Cuyahoga, Ohio

PURCHASING POLICY AND PROCEDURE MANUAL

REVISED OCTOBER 1, 2011

TABLE OF CONTENTS

		Page
<u>SECTION I: INTRODUCTION</u>		
1.01	Purpose	1
1.02	General Statement	1
1.03	Scope	1
1.04	General Policies	1-2
1.05	Small Business Enterprise Program:	2
<u>SECTION II: DUTIES AND RESPONSIBILITIES</u>		
2.01	OPD Responsibilities	3
2.02	Function	3
2.03	Objectives	3-4
2.04	Relations With County Departments	4
2.05	Vendor Relations	4-5
<u>SECTION III: PURCHASING METHODS</u>		
3.01	One-Time Purchase Costing Under \$1,000.00	6
3.02	Full and Open Competition	6-9
3.03	Other Than Full and Open Competition	9-12
<u>SECTION IV: CONTRACTING</u>		
4.01	Contracts	13
4.02	Contract Amendments	13
<u>SECTION V: DISPOSAL OF SURPLUS PROPERTY</u>		
5.01	Disposal of Surplus County Property	14

Section I

INTRODUCTION

1.01 PURPOSE

The purpose of this manual is to provide all county departments and agencies with the policies to be used in the procurement of goods and services; to provide for the fair and equitable treatment of all persons involved in public purchasing by Cuyahoga County; to maximize the purchasing value of public funds; and to provide safeguards for maintaining a procurement system of quality and integrity. The current version of this policy is available for viewing on the county intranet and county website (<http://www.opd.cuyahogacounty.us>).

Please direct any questions regarding the Purchasing Policy Manual to the Office of Procurement & Diversity (OPD) at (216) 443-7200.

1.02 GENERAL STATEMENT

It is the goal of Cuyahoga County to oversee comprehensive purchasing and contracting activities that will provide greater cost-effectiveness, public accountability, efficiency, and government transparency, as well as promote equal economic opportunity.

1.03 SCOPE

The policies outlined in this manual shall apply to all departments and agencies involved with any procurement of goods and services for the County of Cuyahoga.

1.04 GENERAL POLICIES

- A. All elected and appointed officials of the County who participate in the approval of purchases and contracts are personally responsible for becoming familiar with and abiding by all applicable Ohio State Statutes, Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, other pertinent Cuyahoga County Ordinances, and County policies and procedures governing such activities.
- B. The County's goal is to receive maximum value for the public dollar and to purchase in the best interest of the County.
- C. The Director and Purchasing Manager in the Office of Procurement & Diversity shall serve as the authorized Purchasing Agents for the County. It is the Director's responsibility to give leadership in all purchasing and contracting activities for the County.
- D. The Director and/or Purchasing Manager may designate others in the Office of Procurement & Diversity to serve as purchasing agents under the Director's supervision. It is the Director's responsibility to issue regulations and procedures and delegate purchasing responsibilities. Other Department or Agency personnel may also be authorized by their Directors to make purchases of services, supplies and equipment not to exceed \$25,000 for any single purchase. These individuals also must abide by the statutes and policies as stipulated in Section 1.04(A) above.

- E. In accordance with the current Cuyahoga County Ethics Policy, Officials and employees shall not become obligated to any vendor and must not conclude any County transaction from which they may personally benefit.
- F. Purchasing and contracting activities shall be conducted so that vendors will value the County's business and will make every effort to furnish its requirements on the basis of quality, service and price.
- G. Individuals engaged in purchasing and contracting shall promote constructive competition by seeking new bidders/proposers, obtaining several bids/proposals when possible on materials and services purchased, and developing more than one active source of supply for various products and services.

1.05 SMALL BUSINESS ENTERPRISE PROGRAM:

Policy Statement: It is the policy of Cuyahoga County to develop a strategic plan and establish administrative rules and procedures to insure that all businesses participate fully and fairly in Cuyahoga County's procurement and contract awards.

Promotion of Equal Opportunity: No person shall be denied the benefit of, or otherwise discriminated against, on the basis of race, creed, color, national origin, handicap, sex, age, marital status, or sexual orientation in connection with performance, and/or modification of a contract between a vendor or contractor and Cuyahoga County where said contract is paid for, in whole or in part, with monetary appropriations by Cuyahoga County.

Program Objectives: Accordingly, the objective of the SBE Program is to promote and encourage full and open competition in the procurement of goods and services by Cuyahoga County; encourage all of Cuyahoga County's personnel involved with procurement and contracting activities to maintain good faith efforts and follow appropriate purchasing procedures; to protect Cuyahoga County from becoming a passive participant in any unlawful discrimination; and to otherwise spur economic development in the public and private sectors of Cuyahoga County.

SBE Participation Goal:

To ultimately determine an annual overall goal for SBE participation, the Director of OPD will establish a SBE goal for each procurement based on an analysis of market availability and commercially useful function within the contract. The Director of OPD may also waive the SBE goals for particular purchases.

Section II

DUTIES AND RESPONSIBILITIES

2.01 OPD RESPONSIBILITIES

The Office of Procurement & Diversity is responsible for establishing purchasing and contract policies and coordinating the purchasing and contracting procedures for the County. OPD oversees the formal bidding and proposal processes for materials, services, supplies, construction and professional services, as well as contract submission. In addition to purchasing responsibilities, OPD also assists in the disposal of surplus County property. OPD also provides training and guidance for user departments on purchasing and contracting activities.

2.02 FUNCTION

- A. Develop purchasing objectives, training, policies, programs and procedures for the acquisition of materials, equipment, supplies, services, construction and professional services.
- B. Coordinate and monitor purchasing and contracting procedures of user departments.
- C. Initiate reports necessary for analysis of purchasing performance.
- D. Prepare formal bids.
- E. Ensure all purchases are made in accordance with Federal laws, State laws, County Ordinances, and County Policies and procedures.
- F. Provide administration for the County Procurement Card (p-card) program.
- G. Provide assistance in the disposal of surplus County property.
- H. Review contract materials submitted for approval for compliance with county and legal requirements.

2.03 OBJECTIVES

- A. To know and become acquainted with the needs of all departments.
- B. To procure a product or service that will meet the department's requirements and is the best value to the County.
- C. To know the source and availability of needed products.
- D. To write manuals, develop procedures, and provide training and guidance for all departments in meeting their purchasing and contracting needs.
- E. To maintain a registered vendor list and good vendor relations.
- F. To inform departments of market changes, new products, recommended purchasing methods, and other such factors.

- G. To provide guidance and direction for sound purchasing practices throughout all departments of the County.
- H. To exchange ideas and information with other public purchasing agencies in an effort to solve common problems and share best practices.
- I. To develop and apply standardized specifications for use by all departments to improve purchasing practices.
- J. To know and comply with all legal procurement laws and ensure that purchasing personnel comply.
- K. Maintain historical information on contracts.

2.04 RELATIONS WITH COUNTY DEPARTMENTS

- A. Cooperation and understanding between county departments is necessary for the effective operation of the Office of Procurement & Diversity.
- B. OPD shall establish and maintain communication with county departments in order to meet their purchasing requirements.
- C. The purchasing function is a cooperative effort and the mutual benefits derived for the good of the County depend upon this cooperation between departments.
- D. “Field Buyers” are Cuyahoga County Departmental staff that are appointed by their Director to assume similar responsibilities to that of OPD’s purchasing staff. Field Buyers must adhere to procurement policies and laws at the same level of integrity and knowledge as OPD’s purchasing staff.
 - 1) Each Department’s Director shall designate annually at least one (1) Field Buyer to coordinate purchasing activity for their Department. This Field Buyer represents their Department and is personally responsible for becoming familiar with and abiding by all applicable Ohio State Statutes, Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, other pertinent Cuyahoga County Ordinances, and County policies and procedures governing such activities.
 - 2) Changes in Field Buyer designation(s) shall be reported immediately by the user department’s Director (or designee) to the Office of Procurement and Diversity.

2.05 VENDOR RELATIONS

A. INTRODUCTION

Purchasing activities will be conducted so that vendors will value county business and make every effort to furnish the requirements on the basis of quality, service and price. The relationship between the purchaser and seller is one of mutual respect. No contract that proves unsatisfactory to the vendor can be regarded as satisfactory to the buyer.

The County desires to buy only from suppliers who have adequate financial strength, high ethical standards, and a record of adhering to specifications, maintaining shipping promises and giving full measure of services. New sources of supply will be given due consideration as multiple sources of supply are necessary to ensure availability of materials and promote competition.

It is essential to develop and maintain goodwill between the County and its suppliers. The reputation of the County can be promoted by:

- 1) Giving all salespersons a full, fair, prompt, and courteous hearing.
- 2) Keeping competition open and fair.
- 3) Keeping specifications fair and clear.
- 4) Cooperating with the seller and considering their difficulties in providing the service or products.
- 5) Having consistent buying policies and principles.
- 6) Observing strict truthfulness in all transactions and in correspondence.
- 7) Respecting the confidence of the salespersons or their company as to confidential information.
- 8) Keeping free from obligation to any vendor.

B. Vendors desiring to sell goods and services to the County are encouraged to register with the Office of Procurement & Diversity. Vendor registration can be accessed through the OPD Internet site at www.opd.cuyahogacounty.us

C. ETHICAL CONSIDERATIONS

In any consideration of public responsibilities, there must be understanding and agreement with reference to the ethics of public purchasing. Vendors are expected to comply with the current Cuyahoga County Vendor Ethics Policy. The Ohio Ethics Law and related statutes of the Ohio Revised Code also establish a uniform standard of conduct for all citizens who serve as public officials or employees. (See Divisions (D) and (E) of Section 102.03 of the O.R.C. and Division (A) of Section 2921.43 of the O.R.C.)

D. CONTRACTS SUBJECT TO ORDINANCES

All County contracts are subject to all applicable County ordinances, including, but not limited to, the Cuyahoga County Ethics Ordinance, Cuyahoga County Inspector General Ordinance, and the Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, and the successful bidder shall comply with all such ordinances as an integral part of all County contracts. Copies of all County ordinances are available on the County Council's web site at <http://council.cuyahogacounty.us/>.

E. COMPLAINTS AGAINST VENDORS

All complaints concerning vendor performance shall be specific in nature, put in written form and submitted to the Purchasing Manager. OPD will acknowledge receipt of complaints, investigate complaints, and provide a written response to complaints.

Section III

PROCUREMENT METHODS

3.01 ONE-TIME PURCHASE OF SUPPLIES, EQUIPMENT OR SERVICES COSTING UNDER \$1,000.00

The County may make direct purchases for a one-time purchase of goods/equipment/services, under \$1,000.00. Informal competitive bidding is encouraged for these types of purchases. For purchases under \$500.00, Departments can make payment directly by Office Voucher or purchase using a p-card in accordance with Cuyahoga County's Procurement Card Policy and Procedures. For purchases of or greater than \$500.00, but less than \$1,000.00, the purchase must be approved by the appropriate purchase approval authority and can be paid using a Department form approved by OPD.

"Split-invoicing" is not permitted, either by ordering more than \$1,000.00 worth of goods or services and directing the vendor to submit more than one invoice, each under \$1,000.00, or by ordering the same items or service in quantities of less than \$1,000.00 on a regular basis during a one-year period.

3.02 FULL AND OPEN COMPETITION

Full and open competition procurement methods encourage competitive pricing, maximum participation by vendors, promotes transparency and accountability, and increases awareness of available options. As such, full and open competition procurement methods shall be the default procurement selection.

A. Informal Competitive Bidding

For those goods or services estimated between \$1,000 and \$25,000, the informal competitive bidding process shall be completed at the department level, unless exempt from competitive bidding. Informal competitive bidding requires the solicitation of a minimum of three (3) quotes (more than three (3) quotes are encouraged). When there are more than three (3) vendors registered in a particular commodity code, the selection of the three (3) vendors to be solicited shall be done on a rotating basis among all registered vendors. Whenever possible, vendors shall be rotated so that quotes are solicited from the previous awardee and two (2) vendors on the list not previously solicited from that commodity code. Solicitation of local vendors is encouraged (when available) and at least one (1) quote is required to be solicited from a Small Business Enterprise (SBE) vendor (when available).

Upon review of the quotes received, an award shall be made at the department level to the lowest and best bidder. Past vendor performance is taken into consideration when determining the lowest and best bidder. Based on the goods and services being purchased, the award will be made by completing either a department order or a contract, as appropriate.

"Split-invoicing" is not permitted, either by ordering more than \$25,000 worth of goods or services and directing the vendor to submit more than one invoice, each under \$25,000, or by ordering the same items or service in quantities of less than \$25,000 on a regular basis during a

one-year period. For correctional institution food purchases, OPD has a separate informal competitive bidding process.

In very rare instances, informal competitive bidding may not be deemed possible by the user Department. In these instances, **before** any purchase is made, the Department Field Buyer shall consult with OPD on how best to proceed.

B. Formal Competitive Bidding

For those goods or services estimated to exceed \$25,000, a formal competitive bidding process shall be done unless exempt from the competitive bidding process. The formal competitive bid shall be advertised in accordance with applicable Cuyahoga County ordinances, state laws, and federal laws. The standard of award is the lowest and best bidder in accordance with all applicable requirements, including current county ordinances. The award recommendation will be made to the governing authority. The award will result in completion of a purchase order or contract, as appropriate.

C. Formal Competitive Bidding - Construction Projects

Construction services estimated to exceed \$25,000 will be procured using a formal competitive bidding process. The construction bid will be advertised in accordance with applicable Cuyahoga County Ordinances, and state laws, and federal laws. The standard of award is the lowest and best bidder in accordance with all applicable requirements, including the current county ordinances. The award recommendation will be made to the governing authority. The award will result in the completion of a contract prepared by the user department for approval by the governing authority.

D. Informal Request for Proposal (RFP)

For goods and services estimated at \$25,000 or less, the informal RFP process may be used if the goods/services are exempt from the informal competitive bidding process and/or it is determined to be advantageous to the County. RFPs generate multiple ideas for projects and allow vendors who have both unique solutions to problems and expertise to provide the service. Price alone is not the sole determining factor; a firm's expertise, experience, ability to grasp the problem and propose a clear solution, and level of commitment to the project must also be considered. RFPs are also issued when no clear price can be affixed to a project until completion, where the criterion is more subjective, or where no detailed specifications are available. The user department will be responsible for writing, soliciting (from a minimum of 3 vendors), collecting, and evaluating the RFP. The Department will make the award recommendation. The award will result in a contract approved by the governing authority.

E. Formal Request for Proposal (RFP)

For goods and services estimated to exceed \$25,000, the formal RFP process may be used if the goods/services are exempt from the formal competitive bidding process and/or it is determined to be advantageous to the County. RFPs generate multiple ideas for projects and allow vendors who have both unique solutions to problems and expertise to provide the service. Price alone is not the sole determining factor; a firm's expertise, experience, ability to grasp the problem and propose a clear solution, and level of commitment to the project must also be considered. RFPs are also issued when no clear price can be affixed to a project until completion, where the criterion is more subjective, or where no detailed specifications are available. The formal RFP

will be advertised in accordance with applicable county ordinances, state laws, and federal laws. It will be issued and collected by the Office of Procurement and Diversity. OPD also acts in advisory capacity to the user department. The user department will write, evaluate, and make the award recommendation. The award will result in a contract approved by the governing authority.

F. Request for Qualifications (RFQ) - Professional Design Services (per O.R.C. 153.65)

RFQs are used to limit the pool of potential vendors to those most highly qualified within a specific discipline. They are used when the marketplace provides many potential providers and the project requires a high level of special expertise. This process asks vendors in specific disciplines to submit a summary of their qualifications to undertake certain tasks in order to obtain a general understanding of a potential vendor's project history, skills and abilities. The RFQ will be advertised in accordance with applicable county ordinances, state laws, and federal laws. It will be issued and collected by the Office of Procurement and Diversity. OPD also acts in advisory capacity to the user department. The user department will write the RFQ and evaluate the submittals. The submittals are scored and only those scoring at or above a preset level or a specified number of firms are invited to submit cost proposals. The user department will negotiate the contract(s). The final award(s) will take the form of contract(s) approved by the governing authority. In general, the RFQ process for professional design services shall be done in accordance with Sections 153.65 through 153.71 of the Ohio Revised Code. However, in accordance with the county ordinance, the county may deviate from this process if it is deemed to be advantageous to the county.

G. Request for Qualifications (RFQ) - Other than Professional Design Services

RFQs are used to limit the pool of potential vendors to those most highly qualified within a specific discipline. They are used when the marketplace provides many potential providers and the project requires a high level of special expertise. This process asks vendors in specific disciplines to submit a summary of their qualifications to undertake certain tasks in order to obtain a general understanding of a potential vendor's project history, skills and abilities. The RFQ will be advertised in accordance with applicable county ordinances, state laws, and federal laws. It will be issued and collected by the Office of Procurement and Diversity. OPD also acts in advisory capacity to the user department. The user department will write the RFQ and evaluate the submittals. The submittals are scored and only those scoring at or above a preset level or a specified number of firms are invited to submit cost proposals. Evaluation of proposal(s) is completed and the final award(s) will take the form of contract(s) approved by the governing authority.

H. Revenue Generating Procurements (including revenue generating leases)

Except in the case of the sale of land, revenue generating procurements shall be procured using the RFP process.

I. Real Property

Real property actions must be initiated by the Department of Public Works and done in accordance with current county ordinances. Real property includes land and buildings.

1) Leases of Real Property (RFP)

Any lease of office or storage space in a facility not owned by the County shall be procured using the RFP process.

2) Lease of County Real Property - Revenue-Generating (RFP)

Lease of space in County-owned property shall be procured using the RFP process.

3) Sale of Land (Bid)

Sale of County-owned real property shall be done using the formal competitive bidding process.

3.03 OTHER THAN FULL AND OPEN COMPETITION

While the following purchasing methods are allowed, they are not the preferred procurement methods. Other than full and open competition procurement methods inhibit Cuyahoga County from being aware of all available options and can prevent Cuyahoga County from realizing and benefiting from a competitive process. As such, written justification submitted to the Office of Procurement and Diversity is needed when utilizing other than full and open competition procurement methods.

A. Sole Source Purchases

The county ordinance outlines specific circumstances which allow for purchases without competitive bidding for goods and services limited to a single supplier. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process. The written justification shall include a proposed plan to reduce/eliminate the County's dependence on the sole source. If it is not possible to reduce the County's dependence on the sole source, the written justification shall detail the reasons why such reduction/elimination is not possible.

B. Government Purchases

The county ordinance allows for purchases without competitive bidding when the purchase is from the federal government, a state, another county or contracting authority from another County, a board of education, a township, or a municipal corporation. Each contracting authority may have its own requirements for purchase. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

C. State Contract Purchases

The county ordinance allows the county to participate in certain contracts into which the State of Ohio Department of Administrative Services has entered for the purchase of various supplies, services, and equipment. A list of state contracts can be obtained on the Internet by visiting the website for the Ohio Department of Administrative Services at www.procure.ohio.gov or by contacting OPD. State contract purchases also include contracts from the Ohio Department of Transportation. The desired contract must be made open to participation by cooperative purchasing members. Also, each contracting authority may have its own requirements for

participation. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

D. Lower than State Contract Purchases

The county ordinance allows the County to purchase supplies or services from another party, including political subdivisions, instead of through participation in State Contracts, when the other party can provide the supplies or services under equivalent terms, conditions, and specifications, but at a lower price than on State Contract. As such, the county shall provide notice on its website in accordance with procedures outlined by OPD of each intent to purchase off state contract in order to verify that the state contract pricing is advantageous to the County. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

E. Government Cooperative Purchasing

The county ordinance allows for participation in the following government cooperative purchasing program:

1) Federal Contracts

The county ordinance allows for purchases without competitive bidding from contract offerings from the federal government that are available to a political subdivision. The desired contract must be made open to cooperative purchasing. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

2) Joint Purchasing Programs

The county ordinance allows for purchases without competitive bidding from contract offerings from joint purchasing programs operated by or through a national or state association of political subdivisions in which the county is eligible for membership. The desired contract must be made open to cooperative purchasing. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

F. Contract Amendments

During the course of a contract, the user department may seek to do a contract amendment based on its determination that there is a desire or need for changes to the scope of work/services, extensions of time (including exercising an option written into the original contract), and/or the addition of funds. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

G. RFP Exemptions

The user department may seek an exemption from the RFP process for rare instances in which the user department feels that proceeding with a RFP process is not advantageous to the county. Also, RFP exemptions are required for vendors named in grant applications that were not selected using a county authorized purchasing process. The county ordinance provides for an approval process for RFP exemptions. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

H. Community Rehabilitation Programs (CRP)

Ohio Revised Code chapters 125.60 to 125.6012 establishes the “Office of Procurement” (*This office is unrelated to Cuyahoga County’s OPD*) for CRPs who provide Ohio citizens with work-limiting disabilities for gainful employment experience and to enable government offices to obtain suitable, high-quality products and services. Departments are encouraged to become familiar with the items and services available from CRPs. The county ordinance allows for purchases without competitive bidding from CRPs. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

I. Public Utility (911 System)

The county ordinance allows for purchases without competitive bidding in accordance with Ohio Revised Code Section 4931.41(f). For purchases meeting this requirement, no justification is required.

J. Emergency and Unforeseen Time Sensitive Mission Critical Purchases

Emergency Purchases: The county ordinance outlines specific circumstances and procedures for emergency purchases. Written justification in the required format shall be submitted by the user department as far in advance as possible so that a course of action can be determined.

Unforeseen Time Sensitive Mission Critical Purchases under \$25,000.00: As part of its Rules of Procedure, the Contracts and Purchasing Board shall adopt procedures governing the Board’s approval of unforeseen time sensitive mission critical purchases under \$25,000.00. Such procedures may allow for the Board’s preapproval of certain purchases and/or post-purchase approvals, provided that the Board sets forth the conditions under which the purchase may be made and how the Board will approve it.

K. Legal Notice (as applicable: Sheriff sales, Treasurer delinquent taxes, Auditors advertisements...)

Legal notices for competitive bidding, RFPs, or RFQs shall be in accordance with the county ordinance. The notice shall be published at least two (2) weeks and one (1) day prior to the bid/RFP/RFQ opening. If there is to be a pre-bid/pre-proposal meeting or required site visit, the notice shall be published at least 3 weeks plus 1 day prior to the bid/RFP/RFQ opening. All other mandated public notices will be published according to the specific provisions within the Ohio Revised Code. If required, the user department will provide written justification to OPD and allow sufficient time for evaluation and determination of a course of action.

L. County Procurement Exemptions (County policy only)

If required, the user department will provide written justification to OPD and allow sufficient time for evaluation and determination of a course of action that may include proceeding with a competitive process.

- 1) County print shop (typically no justification required)
- 2) ISC media services (typically no justification required)
- 3) Other internal services (i.e., computer training, safety training) (typically no justification required)
- 4) Sole source items that appear on an official administrative list developed by the Office of Procurement & Diversity and approved by the Contracts and Purchasing Board (no justification required)

Section IV

CONTRACTING

4.01 **CONTRACTS**

- A. A contract is a written agreement between Cuyahoga County or a department or agency of Cuyahoga County government with a third party to purchase, exchange or use goods, services, or property; or any such agreement to sell, exchange or supply goods, services, or property. This includes agreements and grant documents between the County and federal, state or local government. Purchase Orders and Department Orders are within the definition of a contract.
- B. As pertains to this policy, a contract does not include an employment contract with the County or a contract entered into as settlement of litigation.
- C. No contract, agreement, license, purchase order, memorandum of understanding, lease or any potentially binding document shall be signed by unauthorized County Officials or personnel. In order to protect the interest of Cuyahoga County, a contract must be executed by the County Executive (or designee) before compensation of services or products can be provided.
- D. All contracts to which Cuyahoga County is a party to, must be in writing. Any modifications or amendments to the terms of executed contracts must be in writing. No important general change may be made which alters the essential identity or main purpose of the original contract or is of such importance as to constitute a new undertaking.
- E. A contract must be executed before compensation can be provided. The County cannot pay for any goods or services provided prior to the execution of the contract. Goods or services provided prior to the commencement of a contract shall be deemed to be included in the contract and payment shall be in accordance with the terms of the contract.
- F. No payments shall be made until the materials, supplies, equipment or services have been delivered and accepted and the work completed to the full satisfaction of the County.
- G. It is a violation of county policy to knowingly allow a contractor to continue working on a contract that is no longer valid.

4.02 **CONTRACT AMENDMENTS**

- A. Required contract amendments include changes to the scope, extensions of time (including as an option written into original contract), and the addition of funds.
- B. A contract amendment must be submitted for approval before the expiration date of the existing contract.

Section V

DISPOSAL OF SURPLUS COUNTY PROPERTY

5.01 **METHODS OF DISPOSAL OF SURPLUS COUNTY PROPERTY**

Ohio Revised Code Section. 307.12 permits Ohio counties to dispose of unneeded, obsolete or unfit vehicles, machinery, equipment, and supplies using a variety of methods. The user department shall coordinate the disposal of surplus county property with the Department of Public Works. In accordance with Ohio Revised Code Section 307.12, OPD assists with the disposal of surplus county property using the following methods:

- Public auction or by sealed bid
- Internet auction
- Private sale
- Donation