

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0037

Sponsored by: Former County Executive FitzGerald and Councilmember Jones Co-sponsored by: Councilmembers Miller, Conwell, Germana and Hairston and Former Councilmember Connally	An Ordinance amending the County's contracting procedures by amending Chapter 501 of the Cuyahoga County Code, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 3.09(4) of the County Charter provides that the Council may establish the "procedures governing the making of County contracts and the purchasing of County supplies and equipment pursuant to competitive bidding;"

WHEREAS, it is necessary to make other changes to the County's contracting laws to bring them up-to-date and meet the County's needs; 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 the County departments.

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

SECTION 1. Chapter 501 of the Cuyahoga County Code is hereby amended as follows (deletions are stricken; additions are bolded):

1. Section 501.04(A)(1)(a) is amended as follows:

All contracts, purchases, sales, grants provided by the County, or loans provided by the County resulting in the County's expenditure of more than \$500,000.000. **If the transaction does not have an end date, the County shall calculate the anticipated expenditures for purposes of determination of the appropriate approval authority based on a five-year term;**

2. Section 501.04(B)(1) is amended as follows:

All contracts, purchases, sales, grants provided by the County, or loans provided by the County resulting in the County's expenditure of more than \$500.00 but not more than \$500,000.00. **If the transaction does**

not have an end date, the County shall calculate the anticipated expenditures for purposes of determination of the appropriate approval authority based on a five-year term;

3. Section 501.18 is hereby amended as follows:

All expenditures related to any contract, purchase, sale, lease, grant, or loan must be made in accordance with the appropriation and proper warrant provisions of Section 5705.41 of the Ohio Revised Code. Notwithstanding any contrary requirements of the Ohio Revised Code and without regard to the transaction's dollar amount, provided that any prerequisite approvals are obtained pursuant to this Chapter, the County shall be free to utilize any payment methodology approved by the Fiscal Officer, including, but not limited to, the use of credit cards, electronic transfers, p-cards, and vouchers.

In any case in which a contract is entered upon a per unit basis, the head of the department, board, or commission for the benefit of which the contract is made shall make an estimate of the total amount to become due upon such contract, which estimate shall be certified in writing to the Fiscal Officer. Such contract may be entered into if the appropriation covers such estimate, or so much thereof, as may be due during the current year. In such a case, the certificate of the Fiscal Officer based upon the estimate shall be a sufficient compliance with the law requiring a certificate.

4. Section 501.22 is hereby amended as follows:

~~A. County's Purchasing Policy and Procedure Manual. Except as otherwise provided in Chapter 501 of the County Code, all contracts, purchases, sales, or leases shall be done in accordance with:~~

~~1. 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.~~

~~2. 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.~~

~~3. Should any conflict exist between the procedures, requirements, or any other terms of the County's Purchasing Policy and Procedure Manual or any other administrative policies and Chapter 501 of the County Code, the procedures, requirements, and terms of Chapter 501 of the County Code shall prevail.~~

~~B. 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 biennial basis beginning on October 1, 2013, and every two years thereafter, regarding the need for any such updates or revisions.~~

The County Executive shall promulgate regulations to be implemented by the Office of Procurement and Diversity governing purchasing and contracting policies and procedures. The regulations shall be adopted in accordance with Chapter 113 of the County Code.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were 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. Germana, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Gallagher, Schron, Conwell, Jones, Brown, Hairston, Simon, Greenspan
and Germana

Nays: None

County Council Vice-President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: December 9, 2014
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: December 9, 2014

Committee Report/Second Reading: May 12, 2015

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