



MINUTES

CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING
THURSDAY, SEPTEMBER 8, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

1. CALL TO ORDER

The meeting was called to order by Chairman Jones at 11:08 a.m.

2. ROLL CALL

The Clerk called the roll. Committee members Jones, Germana, Miller and Rogers were in attendance and a quorum was determined. Committee member Conwell was absent.

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to excuse Ms. Conwell's absence.

3. APPROVAL OF MINUTES FROM THE SEPTEMBER 1, 2011 MEETING

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the September 1, 2011 meeting with an amendment to Item 6 replacing "\$5,000,000.00" with "\$5,500,000.00, per year."

4. PUBLIC COMMENT RELATED TO THE AGENDA

There was no public comment.

5. MATTERS REFERRED TO COMMITTEE

- a) O2011-0044: An Ordinance amending Ordinance No. O2011-0014, as amended in Ordinance Nos. O2011-0030 and O2011-0033, which enacted a Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, and declaring the necessity that this Ordinance become immediately effective.

Majeed Mahklouf, Law Director and Jeff Mowry, Chief Information Officer, addressed the Committee regarding amendments to Ordinance No. O2011-0044. Discussion ensued.

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Section 2.17 of Ordinance No. O2011-0044 to read as follows: *"In the event of an emergency, as determined by the County Executive in his or her discretion, or when the County Executive determines that it is advantageous to the County to have a special meeting, the Contracts and Purchasing Board may conduct a meeting with less notice than that required by Section 2.14 of this Ordinance. For any special or emergency meeting, in addition to the notice requirements of Section 2.14, the Board shall also send notice to all news media organizations that request to be notified of such meetings. A meeting may be conducted with less than twenty-four (24) hours only to respond to an emergency, as determined by the County Executive in his or her discretion, concerning which immediate official action is required, and the notice and agenda shall state the nature of the emergency requiring such action."*

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to amend Ordinance No. O2011-0044 by adding Sections 3.10(a)(9) and (10) as follows:

"(9) Any other contract, contract amendment, change order, purchase, sale, lease, grant made by the County, loan made by the County, exemption, procedure, or other action that requires approval by the County Council pursuant to any other provision of this Ordinance or any other County Ordinances.

(10) Any other contract, purchase, sale, lease, grant made by the County, loan made by the County, or any exemption, procedure, or other action within the process of completing any such contract, purchase, sale, lease, grant, exemption, or loan that does not otherwise require Council approval, but the County Executive, Board of Control, or Contracts and Purchasing Board determines to submit to Council for its consideration, review, and approval or denial."

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Ordinance No. O2011-0044 by adding Section 3.19 as follows:

"All information technology purchases by the County, its officers, departments, offices, agencies, boards, commissions, courts, or other authorities of the County shall be coordinated with the County's Chief Information Officer and approved by him/her, in accordance with the procedures and policies established by his/her office, before being submitted for approval to the appropriate approval authority under Sections 3.10, 3.11, or 3.12 of this Ordinance."

A motion was made by Mr. Germana, seconded by Mr. Miller and approved by unanimous vote to amend Section 4.4 of Ordinance No. O2011-0044 by inserting the word "veterinary," between "medical," and "financial" in the list of professional services.

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to amend Section 4.4(d) of Ordinance No O2011-0044 by inserting the word "16," between "4.4(b)(9)," and "and 17".

A motion was made by Mr. Germana, seconded by Mr. Rogers and approved by unanimous vote to amend Section 3.9 of Ordinance No. O2011-0044 by renumbering the existing language as Section 3.9(a) and by adding a new Section 3.9(b) to read as follows: *"Purchases made under a requirements, supplies, or other contract under which multiple purchases are to be made, such as an office supply contract or a county printing contract,*

shall not require additional individualized approvals by the County Council, Board of Control, or the Contracts and Purchasing Board so long as the contract under which the purchases are to be made is properly approved under this Ordinance.

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Section 2.9 of Ordinance No. O2011-0044 to read *"A motion to approve or disapprove any item before the Contracts and Purchasing Board shall require the affirmative vote of any three (3) or more members. Amendments to items before the Contracts and Purchasing Board and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present."*

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Section 2.16 of Ordinance No. O2011-0044 to read *"The Contracts and Purchasing Board may, by vote of 2/3 of members present and a minimum of three (3) affirmative votes, allow consideration of items not included in the agenda published at or prior to the deadline provided for in Section 2.14 of this Ordinance."*

Mr. Miller introduced a verbal amendment on the floor.

A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Sections 4.7 and 4.8 of Ordinance No. O2011-0044 by adding a new Section 4.7(n) to read *"Whether the bidder has had the professional license of any of its principals or employees revoked for malfeasance or misfeasance."*, renumbering the existing Section 4.7(n) as Section 4.7(o), and deleting Section 4.8(g).

On a motion by Mr. Miller with a second by Mr. Germana, Ordinance No. O2011-0044 was considered and approved by unanimous vote to be referred to the full Council agenda, as amended.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

There was no public comment.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Rogers, with a second by Mr. Miller, the meeting was adjourned at 12:39 p.m., without objection.