



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, NOVEMBER 5, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COUNCIL CHAMBERS – 4TH FLOOR
11:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE OCTOBER 22, 2014 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2014-0241: A Resolution authorizing an amendment to Contract No. CE0900320-01 with Investment Properties, Ltd. for lease of office space located at 1835 Prospect Avenue, Cleveland, for use by Veterans Service Commission for the period 10/1/2009 - 9/30/2014 to extend the time period to 9/30/2019 and for additional funds in the amount not-to-exceed \$1,019,132.40; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
 - b) R2014-0251: A Resolution making an award on RQ24534 to East 22 Redevelopment LLC for lease with an option to purchase County-owned property commonly known as the former Juvenile Court Complex, located at 2210 Cedar Road, Cleveland, for the period 1/1/2015 - 12/31/2059; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.

- c) R2014-0252: A Resolution making an award on RQ31792 to Shook Construction Co. for design-build services for the Emergency Operations Center Project located in the City of Broadview Heights; authorizing the County Executive to negotiate, enter into, and execute an initial contract with Shook Construction Co. in the amount not-to-exceed \$2,148,732.00 for the period 11/12/2014 - 11/12/2016 and to execute all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*



MINUTES

**CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, OCTOBER 22, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COUNCIL CHAMBERS – 4TH FLOOR
11:00 AM**

1. CALL TO ORDER

Chairman Jones called the meeting to order at 11:07 a.m.

2. ROLL CALL

Mr. Jones asked Deputy Clerk Carter to call the roll. Committee members Jones, Germana, Conwell and Miller were in attendance and a quorum was determined. Committee member Simon entered the meeting shortly after the roll call was taken. Councilmember Connally was also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE OCTOBER 1, 2014 MEETING

A motion was made by Mr. Germana, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the October 1, 2014 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2014-0241: A Resolution authorizing an amendment to Contract No. CE0900320-01 with Investment Properties, Ltd. for lease of office space located at 1835 Prospect Avenue, Cleveland, for use by Veterans Service Commission for the period 10/1/2009 - 9/30/2014 to extend the time period to 9/30/2019 and for additional funds in the amount not-to-exceed \$1,019,132.40; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution;

and declaring the necessity that this Resolution become immediately effective.

Mr. Stan Kosilesky, Chief Deputy Engineer, addressed the Committee regarding Resolution No. R2014-0241. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Kosilesky pertaining to the item, which he answered accordingly.

No further legislative action was taken on Resolution No. R2014-0241.

- b) R2014-0242: A Resolution authorizing a revenue generating Utility Agreement with Village of Oakwood for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 18; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Mr. Kosilesky addressed the Committee regarding Resolution No. R2014-0242. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Kosilesky pertaining to the item, which he answered accordingly.

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2014-0242 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss, Chairman Jones adjourned the meeting at 11:45 a.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0241

<p>Sponsored by: County Executive FitzGerald/Department of Public Works on behalf of Cuyahoga County Veterans Service Commission</p>	<p>A Resolution authorizing an amendment to Contract No. CE0900320-01 with Investment Properties, Ltd. for lease of office space located at 1835 Prospect Avenue, Cleveland, for use by the Veterans Service Commission for the period 10/1/2009 - 9/30/2014 to extend the time period to 9/30/2019 and for additional funds in the amount not-to-exceed \$1,019,132.40; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Public Works on behalf of Cuyahoga County Veterans Service Commission recommended an amendment to Contract No. CE0900320-01 with Investment Properties, Ltd. for lease of office space located at 1835 Prospect Avenue, Cleveland, for use by the Veterans Service Commission for the period 10/1/2009 - 9/30/2014 to extend the time period to 9/30/2019 and for additional funds in the amount not-to-exceed \$1,019,132.40; and

WHEREAS, the primary goal of this project is to extend the term of the original Lease for an additional five (5) years at a decreased rent of \$14.50 per square foot; and

WHEREAS, this project is funded 100% by the General Fund; and

WHEREAS, it is necessary that this Resolution 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 entity.

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an amendment to Contract No. CE0900320-01 with Investment Properties, Ltd. for lease of office space located at 1835 Prospect Avenue, Cleveland, for use by the Veterans Service Commission for the period 10/1/2009 - 9/30/2014 to extend the time period to 9/30/2019 and for additional funds in the amount not-to-exceed \$1,019,132.40.

SECTION 2. That the County Executive is authorized to execute an amendment and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Resolution 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 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 action 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 _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: October 14, 2014

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0251

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution making an award on RQ24534 to East 22 Redevelopment LLC for lease with an option to purchase County-owned property commonly known as the former Juvenile Court Complex, located at 2210 Cedar Road, Cleveland, for the period 1/1/2015 - 12/31/2059; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County engaged the services of Allegro Realty Advisors (“Allegro”) to conduct an audit of the County’s real-estate needs and come forth with a set of recommendations for the County; and

WHEREAS, Allegro recommended that the County place 13 properties then owned by the County for sale, including the former Juvenile Court Complex located at 2210 Cedar Road, Cleveland, Ohio; and

WHEREAS, the County engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and

WHEREAS, CBRE worked with the County to prepare and issue a request for proposals, RFP # 24534, (the “RFP”) for the real property consolidation project in accordance with the County’s Contracting and Purchasing Procedures Ordinance; and

WHEREAS, the County received a proposal from East 22 Redevelopment LLC, to lease with an option to purchase the land and all buildings and improvements commonly known as the former Juvenile Court Complex located at 2210 Cedar Road, Cleveland, 44115 (the “Property”) in order to apply for and obtain state and federal historic tax credits for the Property for its intended use as a public college preparatory boarding school; and

WHEREAS, the proposal is to lease the Property from the County for forty-five (45) years at \$1.00 per twelve months for rent (exclusive of maintenance and utilities) for the first twenty-four months of the lease term, then the rent shall increase to One Million Dollars per twelve months if East 22 Redevelopment LLC, has not exercised its purchase option by the end of the twenty-fourth month of the lease term.

WHEREAS, if East 22 Redevelopment LLC exercises its purchase option by the end of the twelfth month of the Lease term, the purchase price for the Property shall be \$350,000.00; if East 22 Redevelopment LLC exercises its option after the expiration of the first twelve months of the lease term, the purchase price shall increase \$10,000.00 on the first day of each following month until the closing on the sale of the Property; and

WHEREAS, the County will provide the labor for such ordinary and necessary maintenance and repairs during the term; and,

WHEREAS, it is necessary that this Resolution 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 entity.

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

SECTION 1. That the Cuyahoga County Council hereby awards the lease with an option to purchase the former Juvenile Court Complex to East 22 Redevelopment LLC and authorizes the County Executive to enter into a lease agreement with an option to purchase with East 22 Redevelopment LLC for same.

SECTION 2. That the County Executive or his authorized designee is authorized to (a) take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, a Lease Agreement, Purchase and Sale Agreement, and all documents to be executed by the County thereunder, and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated hereby, in all cases containing such terms and conditions as may be approved by the County's Director of Law, (b) agree to such payments, prorations, credits, deposits, holdbacks, escrows and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions, and (c) prosecute and/or

Clerk of Council

Date

First Reading/Referred to Committee: October 28, 2014

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

[PROPOSED SUBSTITUTE]

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0251

<p>Sponsored by: County Executive FitzGerald/Department of Public Works</p>	<p>A Resolution making an award on RQ24534 to East 22 Redevelopment LLC for lease with an option to purchase County-owned property commonly known as the former Juvenile Court Complex, located at 2210 Cedar Road, Cleveland, for the period 1/1/2015 - 12/31/2059; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Cuyahoga County engaged the services of Allegro Realty Advisors (“Allegro”) to conduct an audit of the County’s real-estate needs and come forth with a set of recommendations for the County; and

WHEREAS, Allegro recommended that the County place 13 properties then owned by the County for sale, including the former Juvenile Court Complex located at 2210 Cedar Road, Cleveland, Ohio; and

WHEREAS, the County engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and

WHEREAS, CBRE worked with the County to prepare and issue a request for proposals, RFP # 24534, (the “RFP”) for the real property consolidation project in accordance with the County’s Contracting and Purchasing Procedures Ordinance; and

~~WHEREAS, the County received a proposal from East 22 Redevelopment LLC, to lease with an option to purchase the land and all buildings and improvements commonly known as the former Juvenile Court Complex located at 2210 Cedar Road, Cleveland, 44115 (the “Property”) in order to apply for and obtain state and federal historic tax credits for the Property for its intended use as a public college preparatory boarding school; and~~

WHEREAS, the County received the original herein approved proposal from Liberty Development Company in contemplation of developing the former Juvenile Court Complex (the “Property”) as a public college preparatory boarding school in collaboration with Campus District, Inc., a non-profit corporation that provides community development services to connect Cleveland’s downtown campuses;

WHEREAS, during the process of negotiations, Campus District, Inc. took the lead and formed East 22 Redevelopment LLC to lease with an option to purchase the Property from the County in order to apply for and obtain state and federal historic tax credits to develop the Property as a public college preparatory boarding school; and

WHEREAS, the proposal is to lease the Property from the County for forty-five (45) years at \$1.00 per twelve months for rent (exclusive of maintenance and utilities) for the first twenty-four months of the lease term, then the rent shall increase to One Million Dollars per twelve months if East 22 Redevelopment LLC, has not exercised its purchase option by the end of the twenty-fourth month of the lease term.

WHEREAS, if East 22 Redevelopment LLC exercises its purchase option by the end of the twelfth month of the Lease term, the purchase price for the Property shall be \$350,000.00; if East 22 Redevelopment LLC exercises its option after the expiration of the first twelve months of the lease term, the purchase price shall increase \$10,000.00 on the first day of each following month until the closing on the sale of the Property; and

WHEREAS, the County will provide the labor for such ordinary and necessary maintenance and repairs during the term; and,

WHEREAS, it is necessary that this Resolution 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 entity.

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

SECTION 1. That the Cuyahoga County Council hereby awards the lease with an option to purchase the former Juvenile Court Complex to East 22 Redevelopment LLC and authorizes the County Executive to enter into a lease agreement with an option to purchase with East 22 Redevelopment LLC for same.

SECTION 2. That the County Executive or his authorized designee is authorized to (a) take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, a Lease Agreement, Purchase and Sale Agreement, and

all documents to be executed by the County thereunder, and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated hereby, in all cases containing such terms and conditions as may be approved by the County's Director of Law, (b) agree to such payments, prorations, credits, deposits, holdbacks, escrows and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions, and (c) prosecute and/or defend any actions or proceedings that may be necessary or advisable relative to any of the foregoing matters.

SECTION 3. That the Director of Public Works is authorized to administer the project through its milestones and be responsible for any ongoing approval rights under the Lease.

SECTION 4. That all documents to be executed in connection with the transactions contemplated herein be subject to the Law Director's approval as to legal form and correctness.

SECTION 5. It is necessary that this Resolution become immediately effective for the usual daily operation of the County, the preservation of public peace, health, or safety in the County, and any additional 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 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 action 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 _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President _____
Date

County Executive _____
Date

Clerk of Council _____
Date

First Reading/Referred to Committee: October 28, 2014
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0252

<p>Sponsored by: County Executive FitzGerald/Departments of Public Works and Public Safety and Justice Services</p>	<p>A Resolution making an award on RQ31792 to Shook Construction Co. for design-build services for the Emergency Operations Center Project located in the City of Broadview Heights; authorizing the County Executive to negotiate, enter into, and execute an initial contract with Shook Construction Co. in the amount not-to-exceed \$2,148,732.00 for the period 11/12/2014 - 11/12/2016 and to execute all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, pursuant to Chapter 504 of the Cuyahoga County Code, the Department of Public Works issued a Request for Qualifications (RFQ31792) and received statements of qualifications from design builders for the Emergency Operations Center project to be located in the City of Broadview Heights, Ohio; and

WHEREAS, the County evaluated the qualifications and proposals of the design builders who responded to the RFQ and RFP and Shook Construction Co. received the highest rankings; and

WHEREAS, due to the complexity of the project and the scope involved, it is not possible to determine with a reasonable amount of certainty the maximum not-to-exceed value of the contract with Shook Construction Co. before completion of additional work on the project; and

WHEREAS, it is necessary to authorize Shook Construction Co. to proceed with the work necessary, including, but not limited to, providing for pre-construction and construction services including preparation of construction documents; abatement and demolition of the site; and

WHEREAS, Council has determined to award an initial contract to Shook Construction Co. for an amount not-to-exceed \$2,148,732.00; and

WHEREAS, the final definitive contract with Shook Construction Co. shall be subject to County Council's approval; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that the time-sensitive project can continue proceeding on schedule and that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. That the Cuyahoga County Council hereby makes an award on RFQ31792 to Shook Construction Co. for design-build services for the Emergency Operations Center Project located in the City of Broadview Heights and authorizes the County Executive to negotiate, enter into, and execute an initial contract with Shook Construction Co. in the amount not-to-exceed \$2,148,732.00 for the period 11/12/2014 – 11/12/2016. To the extent that any exemptions, if any, are necessary under the County Code and contracting procedures, they shall be deemed approved by the adoption of this Resolution. The final negotiated terms of the contract, including the maximum not to exceed amount and risk management protections, shall be subject to the approval of the Law Director, but in no event shall the maximum amount exceed the herein authorized \$2,821,868.00.

SECTION 2. That the final definitive contract with Shook Construction Co. shall be subject to Council's approval.

SECTION 3. That the County Executive is hereby authorized to execute a contract and all other documents, as approved to legal form and correctness by the Director of Law or his designee, in accordance with this Resolution.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Resolution 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 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 action 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 _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: October 28, 2014

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__