



**EDWARD FITZGERALD**  
Cuyahoga County Executive

## **Executive Order No. 02011-0005**

### **Approval Authority to Apply for Grants on behalf of the County and to Release Requests for Competitive Bids, Proposals, and Qualifications**

WHEREAS, Section 3.09(4) of the Cuyahoga County Charter provides that the Cuyahoga County Council may "establish procedures governing the making of County contracts and the purchasing of County supplies and equipment pursuant to competitive bidding;" and,

WHEREAS, the Cuyahoga County Council enacted the County's Contracting and Purchasing Procedures Ordinance in Ordinance No. 02011-0014, as amended; and,

WHEREAS, Section 3.17 of the County's Contracting and Purchasing Procedures Ordinance provides that the "County Executive may apply for and accept grants on behalf of the county without specific approval from the Contracts and Purchasing Board, the Board of Control, or the County Council, provided that any expenditures of grant funds shall be made from funds properly appropriated and any purchases, grants, leases, or loans made using grant funds shall be done in accordance with the provisions of this Ordinance;" and,

WHEREAS, Section 3.12(c) of the County's Contracting and Purchasing Procedures Ordinance provides that the Contracts and Purchasing Board shall review and approve or deny any "contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or other action that does not otherwise require approval by the County Council, Board of Control, or the Contracts and Purchasing Board, but the County Executive determines to submit to the Contracts and Purchasing Board for its consideration, review, and approval or denial;" and,

WHEREAS, I have determined, pursuant to Section 3.12(c) of the County's Contracting and Purchasing Procedures Ordinance, that it is advantageous for the County to first seek the approval of the Contracts and Purchasing Board to apply for grants that either obligate the County to use matching funds or involve the County's choice of grant recipients at the time of application; and,

WHEREAS, I signed Executive Order No. 02011-0002 on September 20, 2011, to delineate all duly authorized designees who I authorized to sign documents on my behalf for the County; and,

WHEREAS, it is necessary to also delineate all the duly authorized designees who can

approve the County's applications for grant funding; who can approve the County's release of Requests for Bids, Proposals, and Qualifications, and any other forms of open, competitive procurement processes; and who can reject all bids, proposals, and other similar submissions.

NOW, THEREFORE, I, Edward FitzGerald, County Executive of Cuyahoga County, Ohio, by virtue of the powers vested in me by the Charter of Cuyahoga County, and the laws of the State of Ohio and Cuyahoga County, do hereby order and direct that:

**SECTION 1. APPROVAL OF GRANT APPLICATIONS.**

**A. County Executive's Chief and Deputy Chiefs of Staff.**

Provided that all applicable County policies and procedures are followed and that any other applicable approvals, if required, are first properly obtained, I authorize the County Executive's Chief and Deputy Chiefs of Staff to approve the County's applications for funds under the conditions set forth in subsections 1 and 2 herein. The Executive's Chief and Deputy Chiefs of Staff shall coordinate all such applications to ensure that the County properly applies for grants without any duplicative efforts or any unintended competition for the same grants by multiple departments/offices within the County.

**1. *No Specific Intended Recipients other than the County.*** I authorize the County Executive's Chief and Deputy Chiefs of Staff to approve and authorize the County's application for all grants where the specific intended recipients, other than the County, are not known at the time of application. This authorization shall extend to grant applications by the County where the County knows the category of grant recipients, but does not know the specific recipient. For instance, the County Executive's Chief and Deputy Chiefs of Staff may approve the County's application for grant funds for the benefit of higher education institutions, so long as the grant money is not geared to a specific university at the time of application. Similarly, the Chief and Deputy Chiefs of Staff may approve the County's application for grant funds targeted at growing a specific industry, so long as no specific company is selected at the time of application.

**2. *No Discretion over Choice of Grant Recipients at Time of Application.*** I authorize the County Executive's Chief and Deputy Chiefs of Staff to approve the County's application for all grants where the County does not have the discretion to select the specific recipients of the grant funds as part of the application process. For instance, if the grant conditions require a certain percentage of the funds to go to the largest municipal corporation in the County, the County Executive's Chief and Deputy Chiefs of Staff may approve and authorize the County's application even though Cleveland is already selected as part of the application process.

**B. The Cuyahoga County Contracts and Purchasing Board.**

Pursuant to Section 3.12(c) of the Contracting and Purchasing Procedures Ordinance, I direct that the following grant applications can only be submitted to the funding authority or entity if the application is first approved by the Contracts and Purchasing Board:

1. **Choice Over Recipients.** If specific recipients of funds are known or must be included with the County's application for grant funding, and the County has the discretion to pick among multiple potential recipients as part of the application process, the choice of the recipients must be made by the Contracts and Purchasing Board. I direct that the County shall first submit the matter for approval by the Contracts and Purchasing Board before applying and committing the County to any specific such recipient.

2. **Matching Funds.** If the grant conditions commit the County to contribute any matching funds, I direct that the County shall first submit the matter for approval by the Contracts and Purchasing Board before applying and committing the County to any such conditions.

**SECTION 2. RELEASE OF REQUESTS FOR BIDS (RFBs), PROPOSALS (RFPs), AND QUALIFICATIONS (RFQs).**

A. **Release of RFBs, RFPs, and RFQs.** Provided that all applicable County policies and procedures are followed and that any appropriate approvals, if required, are first properly obtained, I authorize the County Executive's Chief and Deputy Chiefs of Staff to approve the release of requests for bids, proposals, and qualifications, and any other forms of open, competitive procurement processes on behalf of the County without the need for any other preapprovals.

B. **Rejection of all RFBs, RFPs, and RFQs.** Provided that no award is being made in response to the outstanding RFB, RFP, RFQ, or any other form of open, competitive procurement request, if the contracting authority recommends the rejection of all responses to an RFB, RFP, RFQ, or any other forms of open, competitive request for quotes, I authorize the County Executive's Chief and Deputy Chiefs of Staff to reject all bids, proposals, or other such responses without the need for any other preapproval for such rejection. As may be necessary, the Executive's Chief and Deputy Chiefs of Staff shall consult with the Law Department in taking any such action.

C. **Small Business, Inclusion, and Fair Competition.** In approving the release of any RFBs, RFPs, RFQs, or any other forms of open, competitive procurement, the County Executive's Chief and Deputy Chiefs of Staff shall first consider the possibility of dividing the

request into smaller components when doing so would create a larger pool of potential bidders/contractors/ vendors without reducing the cost-effectiveness of the project/contract/purchase in accordance with Section 4.14 of the County's Contracting and Purchasing Procedures Ordinance.

**SECTION 3. FORM OF APPROVAL.** Any of the approvals authorized by this Executive Order may be completed electronically.

**SECTION 4. EFFECTIVE DATE AND DURATION.** This Executive Order shall go into effect on Monday, December 12, 2011, and shall continue in force until rescinded by me or any of my successors.

I signed this Executive Order on December 8, 2011, in Cleveland, Cuyahoga County, Ohio.

  
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Edward FitzGerald, County Executive