

1 ORDINANCE NO. 2011-480

2
3 SPONSOR Mr. Pry

4 November 21, 2011

5 DATE _____

6 COMMITTEE Finance

7 **An Ordinance amending Section 177.08 of the Codified Ordinances of the County of**
8 **Summit, entitled "Professional Service Contracts," to exempt appraisers performing**
9 **services for the Fiscal Officer under Section 5713.01 of the Ohio Revised Code from the**
10 **process set forth in Section 177.08, for the Fiscal Officer, and declaring an emergency.**

11
12 Whereas, Chapter 177 of the Codified Ordinances of the County of Summit governs the
13 County contract procurement process; and

14
15 Whereas, Section 177.08 of the Codified Ordinances of the County of Summit, entitled
16 "Professional Service Contracts," provides the process to be undertaken by the Executive when
17 procuring professional services on behalf of the County, specifically, that the Executive shall
18 request and evaluate proposals from persons or entities that are qualified to perform said
19 professional services; and

20
21 Whereas, Section 177.08 further provides an exception to the process set forth in that
22 Section for attorneys, financial advisors and physicians given the highly-skilled and professional
23 nature of the services rendered by those individuals and their fiduciary relationship with the
24 County, provided that contracts with such individuals are still approved by the Board of Control
25 and this Council, where applicable; and

26
27 Whereas, Section 5713.01 of the Ohio Revised Code contains a similar exemption from
28 competitive bidding or competitive proposals for the services of appraisers used in conjunction
29 with the Fiscal Officer's duties as the assessor for the County; and

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31 Whereas, given the highly-skilled and professional nature of the services rendered by
32 appraisers for the Fiscal Officer and the fiduciary nature of the relationship between the appraiser
33 and the Fiscal Officer, the Fiscal Officer has requested that appraisers used in the assessment of
34 real property also be exempt from the process set forth in Section 177.08; and

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36 Whereas, this Council finds and determines, after reviewing all pertinent information,
37 that it is necessary and in the best interest of this Council to amend Section 177.08 to exempt
38 appraisers used in conjunction with the Fiscal Officer's duties as assessor for the County from
39 the process set forth in that Section;

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41 NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit,
42 State of Ohio, that:

43
44 SECTION 1

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46 Section 177.08 of the Codified Ordinances of the County of Summit, entitled
47 "Professional Service Contracts," is hereby amended as follows:

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49 **177.08 PROFESSIONAL SERVICE CONTRACTS.**

50 (a) The Executive shall accept and compile qualification statements from any
51 person or business entity seeking to obtain the award of any service contract which is
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4 SECTION 1 (cont'd.)

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6 exempt from competitive bidding pursuant to Section 177.07(a)(4), including, but not
7 limited to, accountants, architects, appraisers, auditors, consultants, engineers,
8 construction project managers and surveyors. The hiring of attorneys providing legal
9 services, financial advisors in connection with the sale of notes and bonds, appraisers
10 performing services for the Fiscal Officer under Section 5713.01 of the Ohio Revised
11 Code and physicians for the County is expressly excluded from the process set forth
12 herein. Provided, however, that the award of any such contract must be approved by the
13 Board of Control, and where required by Council. This list shall be updated at least
14 annually.

15
16 (b) Qualification statements shall include the education, experience, skills,
17 personnel, equipment and any relevant information which aids in evaluating the person or
18 business entity.

19
20 (c) The Executive may, at any time, solicit qualification statements from any
21 person or business entity as may be necessary.

22
23 (d) Upon determination by the Executive that professional or unique services
24 are necessary for a specific purpose, the Executive may request proposals to be
25 submitted. Each request for a proposal shall set forth the nature and extent of the services
26 to be provided, any terms and conditions required, and the duration. The Executive shall
27 notify at least five of the persons or business entities who have submitted qualification
28 statements pertaining to the services to be provided, unless less than five persons or
29 business entities have submitted qualification statements pertaining to the services to be
30 provided, in which case all persons or business entities who have submitted qualification
31 statements pertaining to such services shall be contacted. Provided, however, that where
32 the professional services to be provided are twenty-five thousand dollars (\$25,000) or
33 less, the Executive may solicit three written quotes and make the award based upon those
34 quotes.

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36 (e) Any person or business entity may submit a proposal, which states the scope
37 of services to be provided and terms or conditions. No person or business entity shall be
38 excluded from submitting a proposal.

39
40 (f) The Executive shall review proposals received, negotiate compensation to
41 be paid, and submit a recommendation to the Board of Control. The Executive may
42 submit more than one recommendation. The Board may reject any or all proposals and
43 may direct the Executive to submit additional proposals. The Executive may request
44 additional proposals and may modify, in any respect, the request for proposals.

45
46 (g) The Board of Control may award a contract which shall be in writing
47 certified pursuant to Ohio R.C. 5705.41 and any amendments thereto. Any professional
48 contract awarded by the Board of Control for compensation in an amount exceeding
49 twenty-five thousand dollars (\$25,000) shall be approved by County Council. No such
50 contract shall be approved by Council before a copy of the contract has been filed with
51 the Clerk of Council, unless this requirement is dispensed with on a given contract by a
52 vote of at least two-thirds of the members of County Council; and no such contract shall

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4 SECTION 1 (cont'd.)

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6 be executed by the Executive until so approved. Where Council suspends the rules
7 pursuant to this section the professional services contract shall be filed with the Clerk of
8 Council within sixty days.
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10 In the event that any County elected officeholder proposes to have the County
11 contract with a person or business entity for professional services and the aggregate of the
12 proposed contract and any other contracts between the County and that person or
13 business entity during that calendar year for services to that officeholder's department
14 would exceed twenty-five thousand dollars (\$25,000), and where no additional
15 competitive quotes or bids had been taken for the project, the proposed contract may be
16 awarded only upon express authorization of County Council. Additional proposals may
17 be submitted by the Executive for any contract when an award is not approved.
18

19 (h) In the event that any addition(s) cumulatively exceed fifteen percent
20 (15%) or fifteen thousand dollars (\$15,000), whichever is greater, subsequent additions
21 shall also be authorized by the Board of Control, executed by the Executive, and certified
22 pursuant to Ohio R.C. 5705.41 and any amendments thereto.
23

24 (i) In the event any addition(s) cumulatively exceed thirty percent (30%) of the
25 original contract amount, or twenty-five thousand dollars (\$25,000), subsequent additions
26 shall also be authorized by County Council.
27

28 SECTION 2

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30 This Ordinance is hereby declared to be an emergency in the interest of the health, safety
31 and welfare of the citizens of the County of Summit and for the further reason that it is necessary to
32 immediately amend said Section to provide for the proper procurement of the services of an
33 appraiser for calendar year 2012.
34

35 SECTION 3

36
37 Provided this Ordinance receives the affirmative vote of eight members, it shall take effect
38 immediately upon its adoption and approval by the Executive; otherwise it shall take effect and be
39 in force at the earliest time provided by law.
40

41 SECTION 4

42
43 It is found and determined that all formal actions of this Council concerning and relating to
44 the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
45 deliberations of this Council and any of its committees that resulted in such formal action were in
46 meetings open to the public, in compliance with legal requirements, including Section 121.22 of the
47 Ohio Revised Code.
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INTRODUCED November 7, 2011

ADOPTED November 21, 2011


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED November 22, 2011


EXECUTIVE

ENACTED EFFECTIVE November 22, 2011

Voice Vote:10-0: YES:Crawford, Feeman, Kostandaras, Kurt
Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro. Absent: Comunale