

1 ORDINANCE NO. 2011-549

2
3 SPONSOR Mr. Pry

4
5 DATE January 9, 2012

COMMITTEE Finance

6
7 **An Ordinance amending Section 177.07 of the Codified Ordinances of the County of**
8 **Summit, entitled "Exceptions to Competitive Bidding," to exempt from competitive**
9 **bidding contracts for the acquisition of utilities, equipment, materials, supplies or services**
10 **upon the same financial terms as a contract entered into by another political subdivision**
11 **after a request for proposals or a competitive selection procedure, for the Executive, and**
12 **declaring an emergency.**

13
14 WHEREAS, County Council previously adopted Ordinance No. 2008-179, which, among
15 other things, amended Section 177.07 of the Codified Ordinances of the County of Summit,
16 entitled "Exceptions to Competitive Bidding," to add subsection (a)(10), which exempts from
17 competitive bidding "contracts for utilities, equipment, materials, supplies or services obtained
18 through another county or township as part of a joint purchasing program pursuant to Section
19 9.48 of the Ohio Revised Code;" and

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21 WHEREAS, Article III, Section 3.03 of the County Charter authorizes Council "[t]o
22 establish procedures governing the making of County contracts and the purchasing of County
23 supplies and equipment by competitive bidding;" and

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25 WHEREAS, Article VII, Section 7.01 of the Charter establishes a Department of
26 Purchasing under the authority of the County Executive to exercise responsibility for purchasing
27 pursuant to the procedures established by Council; and

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29 WHEREAS, as a charter county, the County seeks to exercise its home rule powers to
30 establish the most flexible, efficient and economical purchasing system possible; and

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32 WHEREAS, in order to achieve a greater level of flexibility, efficiency and economy in
33 the County's purchasing system, it is necessary to amend Section 177.07 to exempt from
34 competitive bidding contracts for the acquisition of utilities, equipment, materials, supplies or
35 services upon the same financial terms as a contract entered into by another political subdivision
36 after a request for proposals or a competitive selection procedure; and

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38 WHEREAS this Council finds and determines, after reviewing all pertinent information,
39 that it is necessary and in the best interest of the County of Summit to amend Section 177.07 for
40 the aforementioned reasons;

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

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45 SECTION 1

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47 Section 177.07 of the Codified Ordinances of the County of Summit, entitled "Exceptions
48 to Competitive Bidding," is hereby amended as follows:
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4 SECTION 1 (cont'd.)

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6 **"177.07 EXCEPTIONS TO COMPETITIVE BIDDING.**

7 (a) Competitive bidding shall not be required for any contract in any amount for the
8 following purposes:

9 (1) Labor, equipment, materials, supplies or services furnished by one unit of
10 the County to another unit.

11 (2) Contracts with other governmental units.

12 (3) Contracts for emergency repairs or services involving danger to the health
13 and safety of employees or the public.

14 (4) Contracts for unique services or professional services including
15 consultants, attorneys providing legal services, physicians, and financial consultants in
16 connection with the sale of notes and bonds.

17 (5) Contracts for equipment, materials or supplies or services from sole
18 suppliers, single sources or best practical sources. The Executive shall certify that any
19 equipment, materials or supplies or services within this classification are only obtainable
20 from a sole supplier, single source or best practical source.

21 (6) Contracts for utilities, equipment, materials, supplies or services obtained
22 through participation in a contract which the Ohio Department of Administration
23 Services has entered into pursuant to Section 125.04 of the Ohio Revised Code.

24 (7) Contracts for the purchase of utilities, equipment, materials, supplies or
25 services from another party, including a political subdivision, if the purchase of supplies
26 or services from the other party is made upon equivalent terms, conditions, and
27 specifications as contracts for those supplies and services entered into by the Department
28 of Administrative Services, but at a lower price, as authorized by Section 125.04 of the
29 Ohio Revised Code, provided that quotes for said utilities, equipment, materials, supplies
30 or services are obtained from three separate parties prior to entering into such a contract.

31 (8) Contracts for utilities, equipment, materials, supplies or services through
32 the County University and Educational Cooperative and Purchasing Association
33 ("CUE").

34 (9) Contracts for utilities, equipment, materials, supplies or services through
35 the Ohio Department of Transportation Cooperative and Purchasing Program pursuant to
36 Section 5513.01 of the Ohio Revised Code.

37 (10) Contracts for the acquisition of utilities, equipment, materials, supplies
38 or services obtained through another county or township as part of a joint purchasing
39 program pursuant to Section 9.48 of the Ohio Revised Code upon the same financial
40 terms as a contract entered into by another political subdivision of the State of Ohio
41 provided that the contract entered into by the other political subdivision was awarded
42 pursuant to a request for proposals or a competitive selection procedure of that political
43 subdivision.

44 (11) Contracts for utilities, equipment, materials, supplies or services through
45 any other public cooperative purchasing associations, including but not limited to, US
46 Communities, National Intergovernmental Purchasing Alliance, Federal GSA and the
47 Northeast Ohio Sourcing Office, and utility aggregation services.

48 (12) Grant contracts are expressly excluded from the requirements of this
49 Section.

50 (b) Competitive bidding shall not be required for purchase contracts when the amount
51 of the contract does not exceed twenty-five thousand dollars (\$25,000).
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4 SECTION 1 (cont'd.)

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6 (c) Contracts awarded as an exception to competitive bidding pursuant to subsections
7 (a) or (b) hereof shall be noted in the minutes of the Board of Control, and the basis for the
8 exception shall be recited in the minutes.

9 (d) No subcontract to a contract awarded without competitive bidding which exceeds
10 fifty thousand dollars (\$50,000) pursuant to this section, shall be permitted except with prior
11 approval of County Council.

12 (1) Any necessary addition to the original scope of a contract awarded
13 pursuant to this section, the cost of which does not exceed fifteen thousand dollars
14 (\$15,000), may be made upon approval of the Executive.

15 (2) In the event that any addition(s) cumulatively exceed fifteen thousand
16 dollars (\$15,000), but less than fifty thousand dollars (\$50,000), subsequent additions to
17 the original scope of a contract awarded pursuant to this section must be approved by the
18 Board of Control.

19 (3) In the event any addition(s) cumulatively exceed fifty thousand dollars
20 (\$50,000), subsequent additions shall also be authorized by County Council.”

21
22 SECTION 2

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24 This Ordinance is hereby declared an emergency in the interest of the health, safety and
25 welfare of the citizens of the County of Summit, and for the further reason of immediately
26 amending Sections 177.07 of the Codified Ordinances to allow the County to exercise its home
27 rule powers to establish the most flexible, efficient and economical purchasing system possible.

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29 SECTION 3

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

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35 SECTION 4

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37 It is found and determined that all formal actions of this Council concerning and relating
38 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
39 deliberations of this Council and of any of its committees that resulted in such formal action,
40 were in meetings open to the public, in compliance with all legal requirements, including Section
41 121.22 of the Ohio Revised Code.
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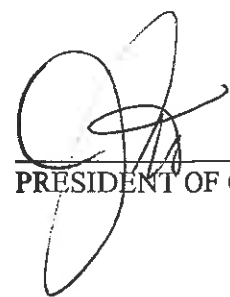
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INTRODUCED December 12, 2011

ADOPTED January 9, 2012


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED January 10, 2012


EXECUTIVE

ENACTED EFFECTIVE January 10, 2012

Voice Vote:11-0: YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee
Prentice, Rodgers, Roemer, Schmidt, Shapiro