

RESOLUTION NO. 2009-349

SPONSOR Mr. Pry

DATE September 28, 2009

COMMITTEE Public Safety

An amended Resolution confirming the award by the Board of Control of and ratifying a six-month agreement between the County of Summit and Robert Scarletelli for services as a Radio System Administrator for the City-County Regional 800 MHz trunked radio communication system, from ~~May 11~~, May 1, 2009 through ~~November 10~~, October 31, 2009, in an amount not to exceed \$4,325.00/month or \$25,950.00 for the six-month term of the agreement (the "Administrator Agreement"), and ratifying the County Executive's execution of the Administrator Agreement, for the Executive's Department of Law, Division of Public Safety-Justice Affairs, and declaring an emergency.

WHEREAS, on June 1, 2009, County Council approved Resolution No. 2009-245, which approved the "Regional 800 MHz Radio System User Agreement," for the use and maintenance of a county-wide 800 MHz radio system, and authorizing the County Executive to execute the user agreement for one ten-year term, with one option to renew for an additional five-year term, with any public or private entity that wishes to use the county-wide 800 MHz radio system; and

WHEREAS, a six-month agreement between the County of Summit and Robert Scarletelli for services as a Radio System Administrator for the City-County Regional 800 MHz trunked radio communication system, from ~~May 11~~, May 1, 2009 through ~~November 10~~, October 31, 2009, in an amount not to exceed \$4,325.00/month or \$25,950.00 for the six-month term of the agreement, was executed effective ~~May 11~~, May 1, 2009 (the "Administrator Agreement"); and

WHEREAS, the County of Summit, the City of Akron and other users will pay the costs of the Administrator Agreement; and

WHEREAS, the ratification of the Agreement and the County Executive's execution of the Administrator Agreement by the Board of Control and County Council is required; and

WHEREAS, the Board of Control ratified and awarded the Administrator Agreement at its September 9, 2009 meeting; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to confirm the award by the Board of Control of the Agreement and to ratify the Administrator Agreement and the County Executive's execution of the Administrator Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

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SECTION 1

The award by the Board of Control of a six-month agreement between the County of Summit and Robert Scarlatelli for services as a Radio System Administrator for the City-County Regional 800 MHz trunked radio communication system, from ~~May 11~~, May 1, 2009 through ~~November 10~~, October 31, 2009, in an amount not to exceed \$4,325.00/month or \$25,950.00 for the six-month term of the agreement (the "Administrator Agreement"), is hereby confirmed. The Administrator Agreement and the County Executive's execution of the Administrator Agreement is hereby ratified.

SECTION 2

This Resolution is hereby declared to be an emergency in the interest of the health, safety and welfare of the citizens of the county of Summit, Ohio, and for the further reason is that it is necessary for the transfer of real property owned by the County of Summit to the Township of Springfield.

SECTION 3

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

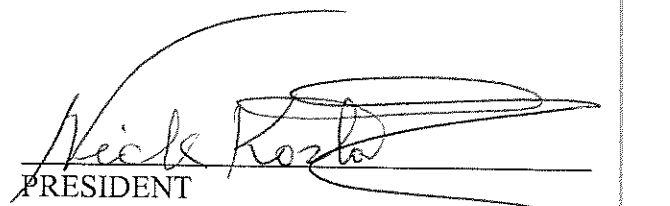
SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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.

INTRODUCED September 14, 2009

ADOPTED September 28, 2009


CLERK OF COUNCIL


PRESIDENT


EXECUTIVE

ENACTED EFFECTIVE September 28, 2009

Voice Vote: 8-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Prentice, Schmidt, Smith ABSENT: Shapiro, Poda, Rodgers

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AGREEMENT

THIS AGREEMENT made on the 11th day of May, 2009, by and between the County of Summit (County), as authorized by County Council Resolution No. 2006-209, and Robert Scarletelli, hereinafter referred to as the RADIO SYSTEM ADMINISTRATOR.

WITNESSETH:

WHEREAS, the County, as Co-Owner of the Radio System, and on behalf of the Radio System, desires to engage the RADIO SYSTEM ADMINISTRATOR as an independent contractor to render certain professional services with regard to the rebanding of the City-County Regional 800 MHz trunked radio communication system and certain selected administrative matters;

WHEREAS, the RADIO SYSTEM ADMINISTRATOR is willing to provide said services for the considerations and upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions and terms to be kept and performed, it is agreed between the parties hereto as follows:

SECTION 1 SCOPE OF SERVICES

The RADIO SYSTEM ADMINISTRATOR shall provide the necessary services with regard to the following matters as directed by the SCEMEC:

RADIO SYSTEM ADMINISTRATOR will provide the system with professional services with regard to rebanding the City-County Regional 800 MHz trunked radio communication system and other related administrative matters, including those activities included, but not limited to those enumerated in Exhibit "A" attached hereto and incorporated herein. RADIO SYSTEM ADMINISTRATOR shall work under the general direction of the SCEMEC. Although the SCEMEC is interested primarily in the RADIO SYSTEM ADMINISTRATOR's end work product, the RADIO SYSTEM ADMINISTRATOR will be available for such times and hours as are mutually agreeable.

SECTION 2 COMPENSATION

The County agrees to compensate the RADIO SYSTEM ADMINISTRATOR for the performance of work specified in this Agreement as follows:

During the term of this Agreement, RADIO SYSTEM ADMINISTRATOR shall receive as compensation \$4,325.00 monthly, not to exceed a term of six months, payable upon presentation of invoices documenting the services provided. Said invoices shall show when the work was performed and the nature of the work performed.

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SECTION 3

Any change in the scope of work shall be performed under the terms of a written supplementary agreement signed by all parties.

SECTION 4

The RADIO SYSTEM ADMINISTRATOR warrants that his services hereunder shall be of professional quality consistent with generally accepted industry standards for the performance of such services.

SECTION 5

The parties agree that they will make no claim or charge for delays or hindrances from any cause.

SECTION 6

Neither the County nor the RADIO SYSTEM ADMINISTRATOR shall assign, sublet, or transfer its interest to this AGREEMENT without the express written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto. RADIO SYSTEM ADMINISTRATOR shall not participate in any state pension or retirement program and shall not participate in any other programs or benefits available to County employees.

SECTION 7

The term of this AGREEMENT shall be month to month commencing May 1, 2009, not to exceed six months. The AGREEMENT may be terminated by either party by giving the other party 30 days written notice. Immediately upon receipt of such notification, the RADIO SYSTEM ADMINISTRATOR shall cease all work unless such notification states otherwise.

Compensation due the RADIO SYSTEM ADMINISTRATOR in the event of termination shall be as mutually determined by parties and the RADIO SYSTEM ADMINISTRATOR based upon fees incurred for work performed. The RADIO SYSTEM ADMINISTRATOR shall make no claim for additional compensation by reason of such termination.

SECTION 8

The RADIO SYSTEM ADMINISTRATOR shall comply with all federal, state and local laws and ordinances.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in duplicate the day and year first above written.

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RADIO SYSTEM ADMINISTRATOR

Robert Scarlatelli
Robert Scarlatelli

COUNTY OF SUMMIT

Russell M. Pry
Russell M. Pry, Executive PD Date

APPROVED AS TO FORM:

Richard E. Dobbins 6/11/09
Richard E. Dobbins Date
Director, Department of Law