

177.05 ADVERTISEMENT FOR BIDS.

(a) For any purchase of items or services wherein this Chapter requires Council approval, Council must first authorize the Executive to advertise for bids through the Purchasing Division, and such authorization shall include an estimate of the price for the item or services. Upon authorization by Council, the Executive, through the Purchasing Division, shall advertise for bids for items or services one week in a newspaper of general circulation in the County and post the advertisement on the County's website on the world-wide web. Additional advertisement may be made in other newspapers, magazines or journals. For the purposes of this section, "newspapers of general circulation in the County" include the Beacon Journal and the Akron Legal News, Inc., or their successors and assigns. The newspaper advertisement shall be published at least two weeks before the opening of bids and shall include a statement that the notice is posted on the County's website on the world-wide web, the County website's internet address and instructions describing how the notice may be accessed on the County's website.

(b) Council may, in its full discretion, at the time of advertisement authorize execution of a contract upon award by the Board of Control. Contracts awarded by the Board of Control that are required to be approved by Council pursuant to this Chapter, shall not be executed by the Executive unless authorized by Council. If prior authorization to execute a contract has not been enacted, award by the Board of Control shall be contingent upon confirmation by Council.

(c) Every advertisement shall state the place where specifications may be obtained, the place where bids will be received, the day, place and time when bids will be opened, and that the County reserves the right to reject all bids.

(d) Additionally, if the bids are being procured through an online/electronic bid procurement process or system, pursuant to Section 177.06(f), the advertisement shall state that the bids are being received electronically and must be submitted electronically, shall state the name of any outside online/electronic bid procurement process or system used by the County and shall contain pertinent information on how prospective bidders may access and/or enroll in said online/electronic bid procurement process or system to submit a bid online. Said online/electronic bids may take the form of a reverse auction style bid as authorized by Ohio or federal law.

177.06 BID OPENING, SECURITY, RECOMMENDATIONS AND TRANSMITTAL.

(a) Bids shall be submitted sealed, shall be signed by the bidder, shall contain the full name and address of every person or company submitting the bid, and shall contain an affidavit of the corporate form, limited liability company form, partnership form, or individual form of the business entity.

(b) Bids shall comply in all substantial respects with the terms of the bid offer, the specifications and County ordinances.

(c) Each bid in excess of the amount of fifty thousand dollars (\$50,000.00) shall be accompanied by a bid bond signed by a surety company authorized to do business in Ohio, or by a cashier's check or certified check on a solvent bank, which bond or check shall be in an amount not less than three percent (3%) of the amount of the bid. Such bond or check shall be given as security that if the bid is accepted, a contract will be executed in conformity with the bid. Bids less than fifty thousand dollars (\$50,000.00) require no bid bond.

(d) Bids timely received and opened shall be examined by the Purchasing Director.

Recommendations shall then be made and transmitted with the bids to the head of the department, division or office involved.

(e) Upon receipt of bids, the head of the department, division or office involved may make further recommendations and shall transmit the bids back to the Purchasing Director, who shall submit all recommendations and the estimate to the Board of Control for consideration at its next meeting.

(f) The Executive may implement and solicit bids through an online/electronic bid procurement process or system, which shall be used for both the distribution of specifications and other pertinent information and the submission of bids by vendors. The Executive may utilize an online/electronic bid procurement process or system from a third-party vendor unaffiliated with any entities submitting bids or may develop the same. Said online/electronic bid procurement process or system, and all bids submitted through the same, shall comply with all other provisions of this Section 177.06. The online/electronic bid procurement process or system may also be used to solicit quotes where the financial threshold necessitating a competitive bidding process is not met. Said online/electronic bids may take the form of a reverse auction style bid as authorized by Ohio or federal law.

177.08 PROFESSIONAL SERVICE CONTRACTS.

(a) The Executive, through the Purchasing Director, shall accept and compile qualification statements from any person or business entity seeking to obtain the award of any service contract which is exempt from competitive bidding pursuant to Section 177.07(a)(4), including, but not limited to, accountants, architects, appraisers, auditors, consultants, engineers, construction project managers and surveyors. The hiring of attorneys providing legal services, financial advisors in connection with the sale of notes and bonds, appraisers performing services for the Fiscal Officer under Section 5713.01 of the Ohio Revised Code, real estate agents or brokers in connection with the acquisition or sale of real property owned or to be acquired by the County, and physicians for the County is expressly excluded from the process set forth herein. Provided, however, that the award of any such contract must be approved by the Board of Control, and when in excess of fifty thousand dollars (\$50,000.00), by Council. This list shall be updated at least annually.

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

(c) The Executive, through the Purchasing Director, may, at any time, solicit qualification statements from any person or business entity as may be necessary.

(d) Upon determination by the Executive that professional or unique services are necessary for a specific purpose, the Executive may request proposals to be submitted. Each request for a proposal shall set forth the nature and extent of the services to be provided, any terms and conditions required, and the duration. The Executive shall notify at least five of the persons or business entities who have submitted qualification statements pertaining to the services to be provided, unless less than five persons or business entities have submitted qualification statements pertaining to the services to be provided, in which case all persons or business entities who have submitted qualification statements pertaining to such services shall be contacted. Provided, however, that where the professional services to be provided are fifty thousand dollars (\$50,000.00) or less, the Executive may solicit three written quotes and make the award based upon those quotes, and, where the professional services to be provided are five

thousand dollars (\$5,000.00) or less, the Executive may make the award upon obtaining one quote.

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

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

(g) The Board of Control may award a contract which shall be in writing certified pursuant to Ohio R.C. 5705.41 and any amendments thereto. Any professional contract awarded by the Board of Control for compensation in an amount exceeding fifty thousand dollars (\$50,000.00) shall be approved by County Council. No such contract shall be executed by the Executive until so approved.

In the event that any County elected officeholder proposes to have the County contract with a person or business entity for professional services and the aggregate of the proposed contract and any other contracts between the County and that person or business entity during that calendar year for services to that officeholder's department would exceed fifty thousand dollars (\$50,000.00), and where no additional competitive quotes or bids had been taken for the project, the proposed contract may be awarded only upon express authorization of County Council. Additional proposals may be submitted by the Executive for any contract when an award is not approved.

(h) In the event additions to a professional services contract cumulatively exceed fifteen percent (15%) or fifteen thousand dollars (\$15,000.00), whichever is greater, of the original contract amount, subsequent additions or deletions in any amount shall be authorized by the Board of Control, executed by the Executive, and certified pursuant to Ohio R.C. 5705.41 and any amendments thereto.

(i) In the event additions to a professional services contract cumulatively exceed thirty percent (30%) or twenty-five thousand dollars (\$25,000.00) whichever is greater, of the original contract amount, subsequent additions or deletions in any amount shall be approved by County Council after the change is authorized by the Board of Control.

(j) The Executive may, in his or her discretion, request proposals for services pursuant to this Section using the online/electronic bid procurement process or system authorized under Section 177.06(f), provided, however, that the provisions of this Section 177.08 shall otherwise govern the request and submission of proposals.

**177.18 SALE, TRANSFER OR DISPOSAL OF PERSONAL PROPERTY ~~NOT~~
~~CUMULATIVELY EXCEEDING \$25,000.00.~~**

(a) Notice of availability of personal property. Departments wishing to dispose of personal property shall ~~must~~ send an itemized list, a signed declaration of surplus inventory with an estimate of fair market value, and a statement of condition to the Purchasing Division which shall:

(1) Place the personal property on the County's internal website as being available to other County offices ~~circulate such list to all County offices.~~ County offices ~~can~~ may select property from the list and request to have it transferred.

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(2) Place Any personal property on the County's website for one week as available for transfer to other local governments; and

(3) Place any personal property remaining after such selections on the County's website for one week as available for transfer to eligible non-profits pursuant to subsection (i) shall be declared surplus property by order of the County Executive and be disposed of in accordance with Sections 177.18 and 177.19.

(4) Any personal property remaining shall be identified to the County Executive who may declare by Executive Order that the personal property is surplus that is not needed for public use and shall be disposed of in accordance with this Section.

(b) Necessary approvals are based upon fair market value of personal property.

(1) Item or lot of surplus property equal to \$25,000.00 or less in fair market value. Where an individual item or lot of surplus property has an estimated fair market value, as determined by the Executive, of \$25,000.00 or less, it may be sold, transferred or otherwise disposed of by Executive Order through the Purchasing Division, as provided by this Section.

(2) Item or lot of surplus property exceeding \$25,000.00 in fair market value. Where an individual item or lot of surplus property has an estimated fair market value, as determined by the Executive, exceeding \$25,000.00, the Executive, with the approval of Council, may sell or transfer such property, through the Purchasing Division, as provided by this Section.

(b) (c) Sale of surplus property. Sale as authorized by subsection (a) (b) hereof shall be conducted by the Executive, through the Purchasing Division by the following methods:

(1) Sale of surplus property by on-site auction. The Executive may conduct an on-site auction, which , and shall be advertised in at least one newspaper of general circulation in the County at least ten days prior to the date of the sale auction. (e) Sale The auction shall be conducted by open or sealed bids, with or without minimum bid, for cash or upon terms and with security as determined by the Executive. (d) Sales shall be to the highest bidder who meets the requirements of the terms of the sale auction. In the event no bids are received, the Executive, through the Purchasing Division, may hold such surplus property for resale at a subsequent time or may declare such property as salvage and dispose of such surplus property for the salvage value thereof, if any.

(2) Sale by internet auction.

A. The County may sell surplus property by internet auction. A notice of the sale of surplus property by internet auction shall be posted continuously throughout the calendar year on the County's web site. The notice shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than five days, including Saturdays, Sundays and legal holidays.

B. Conduct of internet auction of surplus property. The Executive shall establish a minimum price that will be accepted for a specific item or lot and may establish any other terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment and sales tax. Such information shall be provided on the internet at the time of the auction and may be provided before that time upon request, if available.

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(d) Scrap or salvage. Where the Executive has declared that County personal property is not needed for public use or is obsolete or unfit for the use for which it was acquired and that the property has no value beyond scrap or salvage value, it may be scrapped or salvaged.

~~(e) A report of all sales specifying property sold and the proceeds shall be filed in the office of the Executive as a public record.~~

~~(f) (e) A department of the County~~ The Executive may, with the approval of the Executive Council, dispose of personal property under this section, which is not needed for public use, without conducting a public auction or sealed bids provided the ~~department shows~~ Council finds good cause as to why a public auction or sealed bid is not warranted to dispose of surplus equipment.

~~(g) (f)~~ The County of Summit Engineer may, at his discretion, dispose of or recycle construction and demolition debris as defined by Ohio R.C. Section 3714.01 of the Ohio Revised Code which is not needed for public use without conducting a public auction or sealed bids provided the Engineer obtains a commercially reasonable salvage or scrap value for the construction debris.

~~(g) (h)~~ Transfer of Surplus Personal Property to Governmental Authority, Public Board or Commission. Any personal property no longer necessary for public use or any surplus personal property may be transferred to any governmental authority, public board or commission upon authorization by the Executive.

~~(h) (i)~~ Donation of Surplus Personal Property to Tax-Exempt Nonprofit Organization. Personal property no longer necessary for public use, or any surplus property, may be transferred to any eligible nonprofit organization located in the County of Summit that is exempt from federal income taxation pursuant to 26 U.S.C. §§ 501(a) and (c)(3).

(1) Notice of interest. Any nonprofit organization desiring to obtain donated property under this section shall submit a written Notice of Interest to the County Executive which shall include the following information:

A. Proof that the organization is a nonprofit organization that is located in the County of Summit (or the State of Ohio pursuant to Section 177.21(b)(2)) and is exempt from federal income taxation pursuant to 26 U.S.C. §§ 501(a) and (c)(3);

B. A description of the organization's primary purpose;

C. A description of the type or types of property the organization needs; and

D. The name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent.

(2) List of nonprofit organizations. The County Executive shall maintain a list of all nonprofit organizations that notify the County of their desire to obtain donated property and are determined to be eligible. This shall be done in accordance with the requirements set forth in this section and in the donation programs guidelines and procedures to be established by Purchasing Division.

(3) Priority list. The Executive shall establish by Executive order a list of eligible nonprofit organizations that shall be given priority with respect to an item's donation. The Executive shall specify the reasons why the organizations are given priority. If no County of Summit nonprofits are eligible to receive donated personal property, or no County of Summit nonprofits express an interest in receiving donated

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personal property, the Executive may solicit nonprofits located elsewhere in the State of Ohio in accordance with this section.

(4) Compliance with Ohio ethics laws. The sale or donations listed under subsection (b) shall comply with the provisions of Chapters 102 and 2921 of the Ohio Revised Code, with respect to the ethics of selling or donating property to a nonprofit organization of which an interested county official, any member of the official's family, or any business associate of the official is a trustee, officer, board member, or employee.

(5) Additional requirements. The Executive may set further requirements by Executive Order for transfers under this section in accordance with the Ohio Revised Code and these Codified Ordinances.

177.19 SALE OR DISPOSAL OF PERSONAL PROPERTY CUMULATIVELY EXCEEDING \$25,000 RESERVED.

~~Upon determination of the Executive that the sale or disposal of personal property owned by the County is in the best interest of the County and that the property has an estimated fair market value as determined by the Executive cumulatively exceeding twenty five thousand dollars (\$25,000.00), the Executive shall recommend to Council the sale of such property, and Council may authorize the sale of such property by the Executive, through the Purchasing Division, as provided by Section 177.18(b) through (e).~~

~~The Executive may, with the approval of Council, sell or dispose of personal property under this section, which is not needed for public use, without conducting a public auction or sealed bids provided Council adopts a Resolution finding good cause as to why a public auction or sealed bid is not warranted to dispose of surplus equipment and authorizing the sale or disposal.~~

177.20 TRANSFER OF PERSONAL PROPERTY RESERVED.

~~(a) — Transfer of Surplus Personal Property to Governmental Authority, Public Board or Commission. Any personal property no longer necessary for public use or any surplus personal property may be transferred to any governmental authority, public board or commission upon authorization by the Executive.~~

~~(b) — Donation of Surplus Personal Property to Tax Exempt Nonprofit Organization. Personal property no longer necessary for public use, or any surplus property, may be transferred to any eligible nonprofit organization located in the County of Summit that is exempt from federal income taxation pursuant to 26 U.S.C. §§501(a) and (c)(3).~~

~~(1) — Notice of interest. Any nonprofit organization desiring to obtain donated property under this section shall submit a written Notice of Interest to the County Executive which shall include the following information:~~

~~A. — Proof that the organization is a nonprofit organization that is located in the County of Summit (or the State of Ohio pursuant to Section 177.21(b)(2)) and is exempt from federal income taxation pursuant to 26 U.S.C. §§501(a) and (c)(3);~~

~~B. — A description of the organization's primary purpose;~~

~~C. — A description of the type or types of property the organization needs; and~~

D. — The name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent.

(2) — List of nonprofit organizations. The County Executive shall maintain a list of all nonprofit organizations that notify the County of their desire to obtain donated property and are determined to be eligible. This shall be done in accordance with the requirements set forth in this section and in the donation programs guidelines and procedures to be established by the Purchasing Division.

(3) — Priority list. The Executive shall establish by Executive order a list of eligible nonprofit organizations that shall be given priority with respect to an item's donation. The Executive shall specify the reasons why the organizations are given priority. If no County of Summit nonprofits are eligible to receive donated personal property, or no County of Summit nonprofits express an interest in receiving donated personal property, the Executive may solicit nonprofits located elsewhere in the State of Ohio in accordance with this section.

(4) — Compliance with Ohio ethics laws. The sale or donations listed under subsection (b) shall comply with the provisions of Chapters 102 and 2921, of the Ohio Revised Code, with respect to the ethics of selling or donating property to a nonprofit organization of which an interested county official, any member of the official's family, or any business associate of the official is a trustee, officer, board member, or employee.

(5) — Additional requirements. The Executive may set further requirements by Executive Order for transfers under this section in accordance with the Ohio Revised Code and these Codified Ordinances.