RESOLUTION NO. 2014-313  *Late Filing*

SPONSOR  Mr. Pry

DATE  June 30, 2014  COMMITTEE  Finance

A Resolution, ratifying a professional service contract with Bank of America, N.A., to provide merchant services and bank card processing services to the Clerk of Courts, for an initial term from 3/1/08 through 4/30/11, and three one-year renewals, from 5/1/11 through 4/30/14, ratifying payments made by the County to Bank of America, N.A., in the amount of $59,559.43, made from 8/11/10 through 4/30/14 and authorizing a renewal (4th of 5) of the contract with Bank of America, N.A. for an additional one-year term, from 5/1/14 through 4/30/15, for an amount not to exceed $150,000.00, all subject to the approval of the Board of Control, for the Clerk of Courts, and declaring an emergency.

WHEREAS, County Council previously adopted Resolution No. 2008-017, confirming an award by the Board of Control of a professional service contract with National City Merchant Services ("National City") to provide merchant services and bank card processing services to the Clerk of Courts; and

WHEREAS, National City was selected after quotes were requested from five vendors; and

WHEREAS, neither Resolution No. 2008-017 nor Board of Control Directive No. 004-08 specified a contract term or amount; and

WHEREAS, the Clerk of Courts agreed to an initial term of three years with National City Merchant Services but the professional service contract was not executed by the County Executive; and

WHEREAS, on October 28, 2008, PNC Financial Services ("PNC") acquired National City Corp. during the financial crisis in 2008; and

WHEREAS, PNC uses Bank of America, N.A. to provide credit card merchant services; and

WHEREAS, on 9/18/09, the County Executive executed the professional service contract with National City and an addendum to the contract substituting Bank of America N.A. ("Bank of America") for National City, for an initial term from 3/1/08 through 4/30/11, with five options to renew for an additional one-year term; and

WHEREAS, Bank of America has provided merchant services and bank card processing services to the Clerk of Courts Office for transactions from 3/1/08 through 4/30/14; and

WHEREAS, from 8/11/10 through 4/30/14, the County made payments to Bank of America in amount of $59,559.43; and

WHEREAS, the County of Summit Court of Common Pleas, General Division has mandated, pursuant to Local Rule 7, that effective August 2014, all case filings shall be done electronically through the Clerk of Courts Office, which will vastly increase the amount of necessary merchant services and bank card processing services due to filing fees; and
WHEREAS, the County of Summit Court of Common Pleas—Domestic Division will similarly mandate electronic filing in January 2015; and

WHEREAS, the Clerk of Courts estimates that the cost for the necessary merchant services and bank card processing services could be as high as $150,000.00 from 5/1/14 through 4/30/15; and

WHEREAS, the failure to renew the professional service contract with Bank of America would adversely affect the ability of Summit County citizens to pay fees, including filing fees, to the Clerk of Courts Office; and

WHEREAS, it is necessary to ratify, subject to the approval of the Board of Control, the professional service contract with Bank of America to provide merchant services and bank card processing services to the Clerk of Courts, for an initial term from 3/1/08 through 4/30/11 and three one year renewals, from 5/1/11 through 4/30/14; and

WHEREAS, it is further necessary to ratify the payments made by the County to Bank of America, subject to the approval of the Board of Control, in the amount of $59,559.43, from 8/11/10 through 4/30/14; and

WHEREAS, it is further necessary to authorize a renewal (4th of 5) of the professional service contract with Bank of America, subject to the approval of the Board of Control, for an additional one-year term, from 5/1/14 through 4/30/15, for an amount not to exceed $150,000.00; and

WHEREAS this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County to ratify the aforementioned professional service contract with Bank America for merchant services and bank card processing services for the Clerk of Courts, for an initial term from 3/1/08 through 4/30/11 and three one-year renewals, from 5/1/11 through 4/30/14, to ratify the payments made by the County to Bank of America in the amount of $59,559.43, made from 8/11/10 through 4/30/14 and to authorize a renewal (4th of 5) of the contract with Bank of America for an additional one-year term, from 5/1/14 through 4/30/15, for an amount not to exceed $150,000.00, all subject to the approval of the Board of Control;

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

SECTION 1

This Council hereby ratifies a professional service contract with Bank of America, N.A., subject to the approval of the Board of Control, to provide merchant services and bank card processing services to the Clerk of Courts, for an initial term from 3/1/08 through 4/30/11 and three one year renewals, from 5/1/11 through 4/30/14. The professional service contract and addendum are attached to this Resolution as Exhibit A and incorporated herein as if fully restated. This Council further ratifies the payments made by the County to Bank of America, N.A., subject to the approval of the Board of Control, in the amount of $59,559.43, from 8/11/10 through 4/30/14.
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SECTION 2

This Council hereby authorizes a renewal (4th of 5) of the contract with Bank of America, N.A., subject to the approval of the Board of Control, for an additional one-year term, from 5/1/14 through 4/30/15, for an amount not to exceed $150,000.00.

SECTION 3

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit, and for the further reason to ratify a professional service contract and renewals of that contract with Bank of America, N.A. to provide necessary merchant services and bank card processing services to the Clerk of Courts and to ratify previous payments made for such services.

SECTION 4

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 5

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 June 16, 2014

ADOPTED June 30, 2014

CLERK OF COUNCIL

APPROVED July 1, 2014

EXECUTIVE

ENACTED EFFECTIVE July 1, 2014

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