

AMENDED EXHIBIT A – 2015-436
CHAPTER 177
Board of Control; Contract Procedures

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177.005 PREAMBLE.

This chapter is designed to prevent fraud, collusion, favoritism, conflict of interest and improvidence in the awarding of public contracts. It seeks to focus attention on the public's interest, rather than private interests. It embodies the belief that the public's interest is best served where government services and supplies are obtained through an open, public, competitive process in which the maximum number of contractors are encouraged to participate. The County Board of Control is designed to protect the public from abuse, enforce this chapter with fairness and impartiality and stand guard against wastefulness and self-dealing. The provisions of this chapter shall be interpreted and applied with a view to promoting these overriding principles and purposes.

177.01 BOARD OF CONTROL.

(a) A Board of Control is hereby established to administer the awarding of contracts.

(b) The Board of Control shall consist of the Executive, the President of County Council, the County Fiscal Officer, and the County Engineer, the Chair of the County Council Finance Committee and the Director of the Department of Finance and Budget, or the designee of each. The Executive or the Executive's designee shall serve as chair of the Board and conduct meetings.

(c) The Board shall meet at least twice a month in the Ohio Building.

(d) The Board shall keep a record of its proceedings and shall record its votes by

yea and nay. The Board shall act by majority vote.

(e) Records of the proceedings shall be maintained in the office of the Executive as a public record. A copy of the proceedings shall also be sent to Council and maintained as a public record.

(f) The County Council shall hear any protests or objections which may be filed by an interested party no later than the second regular meeting following the filing of an appeal and make findings and determination as required by law.

(g) On or before June 30, 1993, the Board shall establish written procedures for conduct of its business. If the Board fails to adopt written procedures on or before June 30, 1993, County Council shall establish written procedures for conduct of the Board's business on or before December 30, 1993.

(h) Definitions.

- (1) Professional services. Professional services are services provided by companies or individuals with expert knowledge and expertise in a highly specialized field, wherein the work product can be defined as an intellectual property rather than a physical asset. Professional services are normally provided by experts with specific degrees in higher education, and/or professional certifications. The work products of professional service providers are reports, plans, surveys, engineering drawings, financial plans, case work, bond underwriting and other intellectual properties. Professional services shall also include services rendered on the development of intellectual property and matters related to information technology and data processing due to the specialized knowledge and expertise necessary to provide such services. A professional service contract has a scope of work and cost that is negotiated after selection of the service provider through the RFP process.
- (2) General services. General services are services provided by companies or individuals related to the maintenance, operation, or provision of physical assets and consumable inventories. General services also include various personal support services provided to individuals, such as day care, transportation, and in-home care givers. These services can be characterized as services that are routine in nature, and require minimal training for providers' employees. The scope of work for general services contracts is definable and fixed before advertising for competitive bids. Bid prices are quoted on either a fixed cost or time and material basis.
- (3) Sole source. A provider will be deemed to be sole source if the following criteria are satisfied:
 - A. The product or service is the only item that will produce the desired results or fit the defined need.
 - B. The item is verifiably available from only one source of supply.
- (4) Best practical source. In the event there is more than one provider, the provider can be determined to be the best practical source if one of the following factors or other similar criteria are met:
 - A. Product availability. The vender is the only vendor with a needed item in stock.
 - B. Vendor proximity to the requisitioning location. When taking into consideration the cost of travel to secure goods (such as sand, gravel, concrete) or service (such as towing, emergency road service, emergency medical service), the vendor offers the most economical alternative.
 - C. Timeliness of service in the event of an emergency. The vendor can provide the fastest service or fastest product delivery.

- D. Experience on existing project. The vendor is able to continue providing services in an already existing program or project, implement a new phase of an already existing program or project, or expand an already existing program or project, wherein the vendor has already provided services for the program or project and the vendor has developed a unique understanding of the technical aspects of the program or project, the nature and organizational aspects of the project and /or possesses other specific knowledge of the program or project that other potential vendors do not possess, and the use of said vendor for the continuation, implementation and/or expansion of the program or project is the most expedient and cost effective decision.
- (5) Purchase order. A legally binding document authorizing the purchase of materials, supplies, commodities, fixtures, and furnishings. The document certifies the availability of funds in certain accounts to pay for the items being purchased.
- (6) Purchase contracts. A legally binding document authorizing the purchase of general services. Purchase contracts can also be used in situations where the purchase of materials, commodities, and supplies has unusual circumstances regarding quality, delivery, maintenance or other specifications that require additional notation. The document certifies the availability of funds in certain accounts to pay for the items being purchased. ~~Grant contracts are exempt from the provisions set forth in this chapter.~~
- (7) Purchasing Division. The term Purchasing Division as used in this Chapter shall mean the Executive's Department of Finance and Budget's Division of Purchasing.
- (8) Purchasing Director. The term Purchasing Director as used in this Chapter shall mean the employee within the Purchasing Division who oversees purchases made pursuant to this Chapter.

177.02 AWARDS.

(a) The Board of Control shall consider all recommendations, examine bids to determine compliance with County ordinances, and shall award any competitively bid contract to the lowest responsive and responsible bidder. A bidder shall be considered responsive if his proposal responds to bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give him a competitive advantage. The factors that the Board shall consider in determining whether a bidder on the contract is responsible include the experience of the bidder, financial condition, conduct and performance on previous contracts, facilities, management skills, and ability to execute the contract properly. Additionally, for construction contracts governed by Section 177.14, the additional criteria identified in that Section shall also be used to determine whether a bidder on a contract is responsible. The Board may waive nonmaterial irregularities, omissions or variations in any bid. ~~An office holder~~ The Purchasing Director may not request the Board of Control to award a contract to other than the low bidder unless ~~that office holder~~ the Purchasing Director notifies the low bidder of the intent to do so in writing and by certified mail at least ten (10) days prior to the meeting of the Board at which such request is made. Such notification shall include a description of the procedures and time requirements for filing a protest. If such low bidder files a timely written protest with Council, Council shall conduct a hearing at which the low bidder may present evidence of its responsiveness and responsibility. To be timely, a protest must be filed with Clerk of County Council within five (5) days of receipt by the low bidder of the above required notification.

(b) Bids shall be acted on no later than sixty (60) days after bid opening. The Board shall retain the right to reject all bids submitted. Failure to award a contract within sixty (60) days after bid opening shall constitute rejection of all bids unless an extension is granted by the lowest responsive and responsible bidder with the approval of the County Executive. If the Board rejects all bids submitted, the basis for doing so shall be entered in the

minutes of the Board.

(c) No award shall be made upon any bid package for a project which exceeds, by more than ten percent (10%), the estimate certified for the project unless County Council specifically approves such an award, ~~except those bid awards for contracts with certified estimates under two hundred thousand dollars (\$200,000) may exceed the certified estimates by ten percent (10%) or twenty thousand dollars (\$20,000), whichever is greater.~~

(d) Contracts awarded by the Board shall be submitted to the County Fiscal Officer for certification where required.

(e) Contracts executed by the bidder and certified by the County Fiscal Officer (if required) shall be submitted to the Executive for execution. Upon execution, the contract shall be filed in the offices of the Executive, ~~with a copy to County Council.~~ The Executive is authorized to administer the performance of the contract, approve payment upon acceptance, and authorize a proper warrant or warrants.

(f) County Council by a two-thirds majority vote of its members may debar a vendor from consideration for contract awards upon a finding based upon a reasonable belief that the vendor has done any of the following:

- (1) Abused the solicitation process by repeatedly withdrawing bids before purchase orders or contracts are issued or failing to accept orders based upon firm bids;
- (2) Failed to substantially perform a contract according to its terms, conditions and specifications within specified time limits;
- (3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, failed to respond and correct matters related to complaints to the vendor or accumulated, repeated or justified complaints regarding performance of a contract;
- (4) Attempted to influence a public employee to breach ethical conduct standards, or any applicable federal, state or local statute or regulation;
- (5) Colluded with other bidders to restrain competition by any means;
- (6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property and any other offense that directly reflects on the vendor's business integrity;
- (7) Been convicted under state or federal anti-trust laws;
- (8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;
- (9) Deliberately or willfully submitted false or misleading information to any authorized County Official in connection with any inquiry done under law;
- (10) Been debarred by another county, state or by any agency or department of the federal government;
- (11) Violated any other responsible business practice or performed in any unsatisfactory manner as determined by Council ~~or County Executive.~~

When County Council by a two-thirds majority vote determines that grounds for debarment exist, the Clerk of Council shall send the vendor a written notice of proposed debarment. If the vendor is a partnership, association, limited liability company or corporation, Council may also debar from consideration for contract awards any partner of the partnership or the members, officers and directors of the association, limited liability company or corporation being debarred. When Council reasonably believes that grounds for debarment exist, the Clerk shall send the individual involved a notice of proposed debarment. The notice of proposed debarment shall indicate the grounds for the debarment of the vendor or individual and the procedure for requesting a hearing. The notice and hearing shall be in accordance with ~~Ohio R.C.~~ Chapter 119 of the Ohio Revised Code. If the vendor or individual does not

respond with a request for a hearing in the manner specified in ~~Ohio R.C.~~ Chapter 119 of the Ohio Revised Code, the Clerk shall issue the debarment decision without a hearing and shall notify the vendor or individual of the decision by certified mail, return receipt requested. The debarment period may be for any length of time determined by Council. Council may modify or rescind the debarment at any time. During the period of debarment, the person so debarred shall not be included on a bidder's list nor shall Council consider for a contract award any partnership, association or corporation affiliated with a debarred entity. After the debarment period expires, the vendor or individual and any partnership, association, limited liability company or corporation affiliated with the individual may reapply for inclusion on bidder lists through the normal application process.

177.03 LOCAL AND DISADVANTAGED BUSINESS PREFERENCE.

(a) Local Business Preference. In determining the low bid for supplies, commodities, materials, equipment, furnishings or general services, and the construction, repair or renovation of public buildings or improvements, the Board of Control shall exercise a preference for local bidders as provided herein. ~~The local preference shall also apply to contracts for the building, repair or renovation of public buildings or improvements.~~

(b) (1) Bidders having established their principal place of business, defined as a business with a significant economic and physical presence in Summit County for two successive calendar years prior to the bid opening date, shall be preferred as lowest if their bid does not exceed by more than three percent (3%), with an upper limit of ~~ten~~ thirty thousand dollars (~~\$10,000~~ \$30,000.00), the apparent lowest bid.

(c) (2) Bidders having established their principal place of business in the State for two successive calendar years prior to the bid opening date may be preferred as lowest if their bid does not exceed by more than two percent (2%) the apparent lowest bid, with an upper limit of twenty thousand dollars (\$20,000.00).

(d) (3) To qualify for local preference, bidders shall state on the bid documents their principal place of business, the business address where work will be administered (post office boxes will not be accepted in lieu of a street address) and the date of establishment. Each bidder shall have only one principal place of business.

(e) (4) Local preferences shall not be applied as provided herein for any bids where prohibited by federal or state laws or regulations.

(f) ~~Local preferences shall only be applied in considering the lowest bid and shall not waive or nullify evaluation of which bidders are responsive and responsible. In no event shall any preference granted herein exceed a maximum of three percent (3%) or ten thousand dollars (\$10,000), whichever is less.~~

~~177.04 DISADVANTAGED BUSINESS PREFERENCE.~~

(a) Disadvantaged Business Preference. In determining the low bid for supplies, commodities, materials, equipment, furnishings or general services, and the construction, repair or renovation of public buildings or improvements, ~~qualifications of bidders,~~ the Board of Control shall exercise a preference for bids from disadvantaged businesses as provided herein.

(b) (1) Bids from disadvantaged businesses may be preferred as lowest if their bid does not exceed by more than three percent (3%) the apparent lowest bid, or ~~ten~~ thirty thousand dollars (~~\$10,000~~ \$30,000.00), whichever is less.

(c) (2) Preference shall not apply as provided in this section where prohibited by State or Federal law or regulation.

(d) ~~No bidder shall receive preferences cumulatively exceeding five percent (5%) or fifteen thousand dollars (\$15,000), whichever is less.~~

~~(e)~~ (3) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~(1)~~(A) "Disadvantaged business" means either a small business (including a sole proprietorship, partnership, corporation or joint venture of any kind) that is owned and controlled by the United States citizens and residents of Ohio who are members of an economically disadvantaged group (which includes minorities, females and persons with disabilities) or any governmentally owned and operated sheltered workshop for the mentally retarded and developmentally disabled located within the State of Ohio.

~~(2)~~(B) "Owned and controlled" means that at least fifty-one percent (51%) of the business is owned by persons who belong to an economically disadvantaged group as provided in subsection ~~(b)(3)(A)~~ ~~(e)(1)~~ hereof, and that such owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership. If the business is a corporation, at least fifty-one percent (51%) of each of the following must be members of an economically disadvantaged group: the board of directors; the principal executive officers; and ownership in shares of every class of stock. If the business is a limited liability company, at least fifty-one percent (51%) of each of the following must be members of an economically disadvantaged group: the members and the principal executive officers. If the business is a partnership, at least fifty-one percent (51%) of each class of partnership interest must be owned by partners belonging to an economically disadvantaged group. If the business is a sole proprietorship, the proprietor must be a member of an economically disadvantaged group and own the entire interest in the capital, assets, profits and losses of the business, not including mortgages and other types of financial arrangements secured by assets or bonds secured by revenues. If the business is a joint venture, at least fifty-one percent (51%) of the joint venture must be controlled by economically disadvantaged persons, one (1) or more of such persons being designated as the joint venture manager, and such persons have an interest in the capital, assets, profits and losses of the joint venture proportionate to their percentage of ownership.

~~(3)~~(C) "Minority" means ~~African Americans, Native Americans, Hispanics and Southeast Asians~~ an individual who is a member of one of the economically disadvantaged groups identified in Section 122.71 of the Ohio Revised Code.

~~(4)~~(D) "Persons with disabilities" means individuals with a physical or mental impairment that substantially limits one or more of the major life activities of such individuals, individuals with a record of such an impairment, or individuals regarded as having such an impairment.

~~(5)~~(E) "Small business" means any business having twenty-five (25) or fewer employees or less than one million dollars (\$1,000,000) in annual gross sales.

~~(f)~~ (4) Procedure. In order to qualify for preference, bidders must be certified as a disadvantaged business prior to the advertisement for bids or other announcement for quotes by the County, and must actually perform the work or supply the goods or services themselves without the use of subcontractors other than certified disadvantaged businesses. Bidders shall provide in their response to any bid or quote written evidence of their certification by the State of Ohio or appropriate agency of the Federal government that the bidder is currently recognized as a business owned and operated by a minority, female or person with a disability. If no State or Federal agency exists for such certification, then the bidder shall submit, prior to bidding, an affidavit containing such information as the Executive deems necessary to determine if the business is owned and operated by a minority, female or person with a disability, and such affidavit shall be certification thereof.

~~(g)~~ (5) Prohibition; Deceptive Bidding. No person, with purpose to obtain a bid preference as a disadvantaged business, shall knowingly misrepresent that he owns, controls, operates or participates in the operation of a disadvantaged business.

~~(h)~~ (6) Penalty. Whoever violates subsection ~~(b)(6)~~ ~~(g)~~ hereof, is guilty of deceptive bidding, a misdemeanor of the first degree. In addition to the penalty provided by this section or any other penalty provided by law, any person convicted of a violation of subsection ~~(b)(6)~~ ~~(g)~~ hereof, shall forfeit to the County a sum not less than the amount of their bid and shall be debarred from contracting with the County for eight (8) years.

(c) All preferences applied under this Section shall only be applied in considering the lowest bid and shall not waive or nullify evaluation of which bidders are responsive and responsible. In no event shall all preference granted under this Section cumulatively exceed a maximum of thirty thousand dollars (\$30,000.00).

177.041 PURCHASING DOCUMENTS.

(a) All requests for purchases of supplies, commodities, materials, equipment, furnishings or general services shall be submitted to the Department of Purchasing Division on forms authorized by the Department Division. The Department Division will obtain quotes or competitively bid the requested items pursuant to Sections 177.10, 177.11, 177.12 and 177.13. The ~~requisitioning~~ requesting department, office or agency may obtain written quotes if so authorized by the Director of Purchasing Director, and only if the written quotes are recorded and maintained according to the procedures and policies of the Department Division.

(b) Purchase orders and purchase contracts will be issued by the Department Division after approval by the Board of Control and, when necessary, County Council. No individual will authorize work or accept delivery of items without a duly issued purchase order or purchase contract.

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 Department of 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's authorization to advertise for bids pursuant to subsection (a) hereof shall include an estimated price of the items or services.~~ 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.

177.06 BID OPENING, SECURITY, RECOMMENDATIONS AND TRANSMITTAL.

(a) Bids shall be submitted sealed, ~~and~~ shall be signed by the bidder, ~~shall and~~ 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 ~~twenty-five~~ fifty thousand dollars (~~\$25,000~~ \$50,000.00) ~~or more~~ 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, ~~and in no event less than forty-five dollars (\$45.00).~~ 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 ~~twenty-five~~ fifty thousand dollars (~~\$25,000~~ \$50,000.00) require no bid bond.

(d) Bids timely received and opened shall be examined by the Purchasing Director ~~Executive or the Executive's authorized representative.~~ 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.

177.07 EXCEPTIONS TO COMPETITIVE BIDDING.

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

- (1) Labor, equipment, material, supplies or services furnished by one unit of the County to another unit.
- (2) Contracts with other governmental units.
- (3) Contracts for emergency repairs or services involving danger to the health and safety of employees or the public.
- (4) Contracts for unique services or professional services including, but not limited to, consultants, attorneys providing legal services, physicians, appraisers, real estate agents and brokers, and financial consultants in connection with the sale of notes and bonds.
- (5) Contracts for equipment, materials or supplies or services from sole suppliers, single sources or best practical sources. The Executive shall certify that any equipment, materials or supplies or services within this classification are only obtainable from a sole supplier, single source or

best practical source.

- (6) Contracts for utilities, equipment, materials, supplies or services obtained through participation in a contract which the Ohio Department of Administration Services has entered into pursuant to Section 125.04 of the Ohio Revised Code.
- (7) Contracts for the purchase of utilities, equipment, materials, supplies or services from another party, including a political subdivision, if the purchase of supplies or services from the other party is made upon equivalent terms, conditions, and specifications as contracts for those supplies and services entered into by the Department of Administrative Services, but at a lower price, as authorized by Section 125.04 of the Ohio Revised Code.
- (8) Contracts for utilities, equipment, materials, supplies or services through the County University and Educational Cooperative and Purchasing Association ("CUE").
- (9) Contracts for utilities, equipment, materials, supplies or services through the Ohio Department of Transportation Cooperative and Purchasing Program pursuant to Section 5513.01 of the Ohio Revised Code.
- (10) Contracts for the acquisition of utilities, equipment, materials, supplies or services upon the same or more favorable financial terms as a contract entered into by another political subdivision of the State of Ohio provided that the contract entered into by the other political subdivision was awarded pursuant to a request for proposals or a competitive selection procedure of that political subdivision.
- (11) Contracts for utilities, equipment, materials, supplies or services through any other public cooperative purchasing associations, including but not limited to, US communities, National Intergovernmental Purchasing Alliance, Federal GSA and the Northeast Ohio Sourcing Office, and utility aggregation services.
- (12) Grant contracts are expressly excluded from the requirements of this Section.
- (13) Agreements with utility suppliers for electric, gas, water, sewer, hot water and steam utility services for all County owned or operated buildings and operations authorized pursuant to Section 130.06 of these Codified Ordinances.

(b) Competitive bidding shall not be required for purchase contracts when the amount of the contract does not exceed ~~twenty five~~ fifty thousand dollars (~~\$25,000~~ \$50,000.00).

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

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

- (1) Any necessary addition to the original scope of a subcontract awarded as part of a contract pursuant to this subsection, the cost of which does not exceed fifteen thousand dollars (\$15,000), may be made upon approval of the Executive.
- (2) In the event that any addition(s) to any subcontract cumulatively exceed fifteen thousand dollars (\$15,000), but less than fifty thousand dollars (\$50,000), subsequent additions to the original scope of a subcontract awarded as part of a contract pursuant to this subsection must be approved by the Board of Control.
- (3) In the event any addition(s) to any subcontract awarded as part of a contract pursuant to this subsection cumulatively exceed fifty thousand

dollars (\$50,000), subsequent additions shall also be authorized by County Council.

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), ~~where required~~ 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 ~~twenty five~~ fifty thousand dollars (\$25,000-\$50,000.00) or less, the Executive may solicit three written quotes and make the award based upon those quotes.

(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 ~~twenty five~~ fifty thousand dollars (\$25,000-\$50,000.00) shall be approved by County Council. No such contract shall be approved by Council before a copy of the contract has been filed with the Clerk of Council, ~~unless this requirement is dispensed with on a given contract by a vote of at least two thirds of the members of County Council; and no such contract shall be executed by the Executive until so approved. Where Council suspends the rules pursuant to this section the professional services contract shall be filed with the Clerk of Council within sixty days.~~

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 ~~twenty-five~~ fifty thousand dollars (~~\$25,000~~ \$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 that any addition(s) cumulatively exceed fifteen percent (15%) or fifteen thousand dollars (\$15,000), whichever is greater, subsequent additions shall also be authorized by the Board of Control, executed by the Executive, and certified pursuant to Ohio R.C. 5705.41 and any amendments thereto. In the event additions to a professional services contract cumulatively exceed fifteen percent (15%) or fifteen thousand dollars (\$15,000), 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 any addition(s) cumulatively exceed thirty percent (30%) of the original contract amount, or twenty five thousand dollars (\$25,000), subsequent additions shall also be authorized by County Council. In the event additions to a professional services contract cumulatively exceed thirty percent (30%) or twenty-five thousand dollars (\$25,000) 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.

177.09 INSURANCE PROGRAMS.

(a) The County's ~~hospitalization~~ medical, vision, dental and prescription drug insurance benefit plans, and life insurance plans shall be procured by a request for proposals process as set forth in Section 177.08-

~~(b) Proposals shall be sought for hospitalization insurance and life insurance at least once every three (3) years unless otherwise directed by Council.~~

177.10 PURCHASE CONTRACTS AND LEASES OF PERSONAL PROPERTY — EXCEEDING \$25,000.

(a) ~~Purchase contracts exceeding \$50,000.00. Whenever a~~Any purchase for supplies, commodities, materials, equipment, furnishings or general services are required by any department, division or office that exceeds the amount of fifty thousand dollars (\$50,000.00), ~~an estimate of the total cost for such item shall be made only through the Purchasing Division, following approval by the Board of Control and Council, by the head of the department, division or office. Such estimate shall be certified to the Executive. Any purchase which exceeds the amount of fifty thousand dollars (\$50,000.00) cost so certified which exceeds twenty five thousand dollars (\$25,000) shall be expended only upon a written contract entered into in accordance with the procedures established in Section 177.05.~~

(b) ~~Purchase contracts less than \$5,000.00. Any supplies, commodities, materials, equipment, furnishings or general services required by any department, division or office for which the cost exceeds five thousand dollars (\$5,000.00) but is equal to or less than fifty thousand dollars (\$50,000.00), may be purchased through the Purchasing Division by written contract upon authorization by the Board of Control, only after the Purchasing Director has sought and obtained three written quotes for the same. Such contracts shall be presented for certification pursuant to Section 5705.41 of the Ohio Revised Code and any amendments thereto and warrant issued upon order of the Executive.~~

~~Any supplies, commodities, materials, equipment, furnishings or general services, for which the cost does not exceed five thousand dollars (\$5,000) may be provided by purchase order approved by the Purchasing Director, without obtaining either competitive bids or three~~

written quotes for the same. Such order shall be presented for certification pursuant to Section 5704.41 of the Ohio Revised Code and any amendments thereto.

~~(b)~~(c) Leases of personal property. Whenever equipment, machinery, furnishings, vehicles or similar property is required by any department, division or office, which may be obtained by lease or lease-purchase together with or without options for maintenance, repair or supply, an estimate of the total cost of a lease-purchase for such item shall be made by the head of the department, division or office, and such estimate shall be certified to the Executive.

- (1) Any cost so certified which exceeds twenty-five thousand dollars (\$25,000) on an annual basis, shall be expended only upon a written agreement authorized by Council.
- (2) Council may authorize lease agreements as provided by subsection (b) hereof in the manner provided by Sections 177.01 through 177.07.
- (3) Any cost certified pursuant to subsection (a) hereof which does not exceed twenty-five (\$25,000) per year for a term of up to five (5) years may be expended upon a written agreement authorized by the Board of Control.

~~(e)~~(d) Renewals. Competitively bid contracts for general services and leases of personal property, where such contract or lease provides for its renewal and where the cost of each renewal is defined in the original contract or lease, may be renewed for up to five successive annual terms upon authorization by the Board of Control.

(e) Additions to purchase contract. In the event additions to a purchase contract cumulatively exceed fifteen percent (15%) or fifteen thousand dollars (\$15,000), 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. In the event additions to a purchase contract cumulatively exceed thirty percent (30%) or twenty-five thousand dollars (\$25,000) 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.

177.11 PURCHASE OF DATA PROCESSING OR INFORMATION SYSTEMS TECHNOLOGY. RESERVED. PURCHASE CONTRACTS NOT EXCEEDING \$25,000 \$50,000.00.

(a) Applicability. This Section shall apply to the purchase of all data processing and information systems technology goods, materials or services, including, but not limited to, hardware, software and network used by all County elected office holders, appointing authorities, offices, departments, boards, commissions, and agencies of the County of Summit funded in whole or in part with County funds.

(b) Definitions.

(1) “IT Board” shall mean the County Information Technology Board established by Article VIII of the County Charter, which has the sole authority to oversee, and to recommend all contracts to the Executive for, the planning, acquisition, implementation and operation of all data processing and information systems technology by the Office of Information Technology.

(2) “Office of Information Technology” shall mean the office established by Article VIII, Section 8.03 of the County Charter.

(3) “CIO” shall mean the Chief Information Officer established by Article VIII, Section 8.04 of the County Charter who heads the Office of Information Technology.

(4) “Purchase of data processing or information system technology” means a contract for professional services, a purchase contract for goods, materials or services, a

purchase order for goods, materials or services, or any other purchase of goods, materials or services, which relates to data processing or information systems technology.

(c) Purchases. In addition to the requirements for the approval of purchases set forth elsewhere in this Chapter, the following rules shall to the purchase of data processing and information systems technology:

(1) Any purchase of data processing or information systems technology that exceeds the amount of fifty-thousand dollars (\$50,000.00) shall be approved by the IT Board.

(2) Any purchase of data processing or information systems technology that does not exceed the amount of fifty-thousand dollars (\$50,000.00) shall be made only upon the written approval of the CIO or the CIO's designee.

(3) The approvals required by subsections (1) and (2) above, shall be obtained prior to any contract for the purchase of data processing and/or information systems technology being submitted for approval to the Board of Control and Council, where applicable, except where exigent circumstances dictate otherwise and, in such event, the purchase shall be approved by the IT Board or the CIO or the CIO's designee as soon as practicable thereafter.

~~Any supplies, commodities, materials, equipment, furnishings or services, including professional service contracts, required for which the estimated cost pursuant to Section 177.10(a) does not exceed twenty five fifty thousand dollars (\$25,000 \$50,000.00), may be purchased through the Purchasing Division provided by written contract upon authorization by the Board of Control except as provided by Section 177.12. Such contracts shall be presented for certification pursuant to Ohio R.C. 5705.41 and any amendments thereto and warrant issued upon order of the Executive. For purchases made pursuant to this section which are between five thousand dollars (\$5,000) and twenty five fifty thousand dollars (\$25,000 \$50,000.00), the Director of Purchasing Director must seek and obtain three written quotes.~~

177.12 RESERVED. PURCHASE CONTRACTS NOT EXCEEDING \$5,000.

~~Any supplies, commodities, materials, equipment, furnishings or services, including professional service contracts, required for which the estimated cost pursuant to Section 177.10(a) does not exceed five thousand dollars (\$5,000) may be provided by purchase order approved by the Purchasing Director, without obtaining either competitive bids or three written quotes for the same. Such order shall be presented for certification pursuant to Ohio R.C. 5704.41 and any amendments thereto.~~

177.13 PURCHASES EXCEEDING AGGREGATE \$25,000 \$50,000.00 ANNUALLY.

Any purchases made by the County at the request of an individual County elected officeholder from any single vendor which exceed ~~twenty five~~ fifty thousand dollars (~~\$25,000~~ \$50,000.00) in the aggregate in any calendar year, and where no additional competitive quotes or bids have been taken for the project, shall be made only upon authorization of County Council. Additional proposals may be submitted by the Executive for any contract when an award is not approved.

177.14 CONSTRUCTION CONTRACTS.

(a) Upon authorization by Council, which authorization shall include recitation of an estimated cost of proposed services, the Executive, through the ~~Department of Purchasing Division~~, shall advertise and accept ~~bids proposals~~ for the erection, repair, alteration or rebuilding of a public building, institution, bridge, culvert or improvement, that is estimated to cost in excess of fifty thousand dollars (\$50,000.00), in accordance with the procedures established in Section 177.05. For the erection, repair, alteration or rebuilding of a public building, institution, bridge, culvert or improvement, that exceeds five thousand dollars (\$5,000.00) but does not exceed fifty thousand dollars (\$50,000.00), the Purchasing Director

must seek and obtain three written quotes. For any such project, the cost of which is five thousand dollars (\$5,000.00), or less, the Purchasing Director is not required to obtain either competitive bids or three written quotes for the same.

(b) Contracts authorized by subsection (a) may be made through the solicitation of an aggregate bid from a general contractor or may be made through the solicitation of separate bids for work and materials from multiple prime contractors relating to the erection, repair, alteration or rebuilding of a public improvement.

(c) Contracts authorized by subsections (a) and (b) hereof, with the exception of those below five thousand dollars (\$5,000), shall be awarded by the Board of Control. The following factors may be considered by the Board in determining whether a bid is the best bid: For any contract procured through competitive bid, which is therefore in excess of fifty thousand dollars (\$50,000.00), the Board of Control shall consider the responsibility of the bidder. In order for any bidder submitting a bid for a construction contract under this Section to be considered responsible, the bidder shall meet each of the following criteria:

- ~~(1) Whether bidder's work force is drawn mainly from area residents;~~
- ~~(2) Experience of bidder's work force;~~
- ~~(3) Continuity of the bidder's work force;~~
- ~~(4) The bidder's participation in a bona fide apprenticeship program;~~
- ~~(5) Length of participation by the bidder in a bona fide apprenticeship program;~~
- ~~(6) The number of years a bidder has been in the construction, renovation or repair business;~~
- ~~(7) Bidder's familiarity with the project;~~
- ~~(8) Bidder's record on similar construction projects;~~
- ~~(9) Whether bidder generally experiences cost overruns;~~
- ~~(10) Bidder's compliance with completion deadlines;~~
- ~~(11) Bidder's bonding record;~~
- ~~(12) Bidder's compliance with Workers Compensation laws;~~
- ~~(13) Bidder's compliance with unemployment compensation laws;~~
- ~~(14) Bidder's compliance with federal and state prevailing wage laws;~~
- ~~(15) Bidder's compliance with the Fair Labor Standards Act; and~~
- ~~(16) Bidder's compliance with fringe benefit contribution requirements.~~

- (1) The contractor shall identify three (3) public works projects that are each within seventy five percent (75%) of the bid estimate for the Public Project that were successfully completed by the contractor within the last five (5) years.
- (2) The contractor shall certify that it will employ supervisory personnel on the Public Project that have five (5) or more years' experience in the specific trade needed for the Public Project.
- (3) The contractor shall certify that, in the last five (5) years, it has not been penalized or debarred from any public works project for certified payroll records violations or any violation of the Fair Labor Standards Act.
- (4) The contractor shall certify that it has not been debarred from any public works projects for any prevailing wage violations; or been found (after all appeals) to have violated prevailing wage laws more than three (3) times in the last five (5) years.
- (5) The contractor shall certify that it is in compliance with Ohio's Drug Free Workplace Program, including but not limited to, maintaining a substance abuse

policy that governs its personnel who will work on the Public Project and shall provide evidence of the same.

- (6) The contractor shall certify that it has not been debarred from any public contract, federal, state, or local, in the past five (5) years for any reason other than those set forth in subsections (3), (4) and (5), above.
- (7) The contractor, for a licensed trade contract or fire safety contract shall certify that the contractor is licensed pursuant to Chapter 4740 of the Ohio Revised Code as a heating, ventilating and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, hydronics contractor or certified by the State Fire Marshall pursuant to Section 3737.65 of the Ohio Revised Code, and shall provide evidence of the same.
- (8) The contractor shall certify that it has not had any professional license revoked in the past five (5) years in the State of Ohio or in any other state.
- (9) The contractor shall certify that it has no final judgments against it that have not been satisfied at the time of certification.
- (10) The contractor shall certify that it has complied with all applicable unemployment and workers compensation laws for the three (3) years preceding the date of its certification.
- (11) The contractor shall certify that it will notify the Income Tax Authority of the city, village, township or joint economic development district where the Public Project is located, prior to beginning work on the Public Project, of any independent contractor(s) or subcontractor(s) and/or IRS Form 1099 employee(s) that will be used on the Public Project.
- (12) The contractor shall certify that it will use construction employees on the Public Project who were trained in a state or federally approved apprenticeship program, or who are currently enrolled in a state or federally approved apprenticeship program, or who have at least four (4) years of experience in their particular trade.
- (13) The contractor shall certify that it and its subcontractors or any other contractor performing work on the Public Project pursuant to a contract with the contractor shall pay the prevailing wage rate and comply with the other provisions set forth in Ohio's Prevailing Wage Law, R.C. 4115.03 through 4115.16, and O.A.C. 4101:9-4-01 through 4101:9-4-28. This includes, but is not limited to, the filing of certified payroll reports.
- (14) The contractor shall certify that it will make its best efforts to secure and utilize construction employees primarily from Summit County and, secondarily, from counties that are contiguous to Summit County. In the event the DFA is financing a Public Project in another county, the contractor shall certify that it will make its best efforts to secure and utilize construction employees primarily from the County in which the Public Project is situated and from contiguous counties.

In order to ensure that a bidder meets and will continue to meet the above criteria during the term of the construction project, any person or entity submitting a bid shall include in that person or entity's bid an affidavit certifying that it meets each of the above criteria, will continue to meet each of the above criteria during the term of the construction contract, and shall attach to said affidavit any information or documents required by said criteria. A notice of the above criteria shall be included with the plans and specifications for the project to be constructed that are made available to any potential bidders. Additionally, the contract entered into between the County and the prevailing bidder shall contain provisions requiring the prevailing bidder to abide by said criteria during the term of the contract.

(d) Any necessary alteration or addition to the plans, drawings, representations, bills of materials, specifications of work or estimates of cost, the cost of which does not exceed three percent (3%) of the total contract amount, may be made upon field approval by the applicable administrative department director or authorized representative. Field approvals shall be submitted for review by the Executive who may authorize payment of necessary and reasonable costs in writing which shall be certified pursuant to Ohio R.C. 5705.41 and any amendments thereto.

(e) In the event additions to a construction contract cumulatively exceed fifteen percent (15%) or fifteen thousand dollars (\$15,000), 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.

(f) In the event additions to a construction contract cumulatively exceed thirty percent (30%) or twenty-five thousand dollars (\$25,000) 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.

(g) In the event of immediate danger involving the health and safety of property, employees or the public arising during the performance of a contract which requires modification of performance, the provisions hereof shall not prohibit necessary modifications; however, payment of necessary and reasonable costs attributable to such modification shall be made only upon authorization of the Board of Control or the Council as provided herein.

(h) Notification of any emergency modification pursuant to subsection (g) hereof, shall be provided by the Executive to Council.

(i) The County Executive may execute a Project Labor Agreement ("PLA") with the Tri-County Building and Construction Trades Council, its successor, or any union that is a member of the Council, or its successor, for the construction of any capital improvement in the County of Summit where the total construction cost exceeds \$500,000.

177.15 REAL PROPERTY ACQUISITION.

(a) Upon the determination by the Executive that the acquisition of real property, or any interest therein, is necessary for County operations or is otherwise in the public interest, the Executive shall advertise and solicit proposals for real property. Said advertisement shall include (i) a statement of the intended use of the real property, (ii) the size, nature and characteristics of the real property desired, and (iii) any special considerations that must be met in order for the County to acquire the real property. The Executive shall also deliver to the Clerk of Council a copy of said advertisement.

(b) Following the receipt of proposals, the Executive shall evaluate the proposals and may begin negotiations to acquire the real property, or any interest therein, with the owner(s) of one or more of the proposed properties, provided, however, that prior to the commencement of negotiations, the Executive shall provide written notification to the Clerk of Council of the intent to begin negotiations.

(c) Following negotiations, the Executive shall present a written agreement for the purchase or lease of real property, or any interest therein, signed by the seller or lessor, to the Board of Control, together with (i) a statement of the intended use of the real property, (ii) a description of the size, nature and characteristics of the real property, (iii) an appraisal of the property in the event of a purchase and (iv) a comparison of the real property to be acquired with any other proposals received by the Executive. The Board of Control may approve the execution of an agreement for the purchase or lease of the real property, or any interest therein, or may reject the proposed agreement.

(d) Upon approval by the Board of Control, as set forth above, the Council may authorize, by resolution, the Executive to execute any agreement for the purchase or lease of real property, or any interest therein. No agreement for the purchase or lease of real property shall be executed by the Executive without the authorization of Council.

(e) Any real property, or any interest therein, for which no monetary or other consideration of value is given by the County, may be acquired by the County by order of the Executive only and does not need the approval or authorization of the Board of Control or Council. Such acquisition shall be exempt from the requirements of Section 177.15(a) to (d).

(f) Nothing contained herein shall be applied or construed to limit or condition the exercise of the power of eminent domain as set forth in Ohio R.C. Chapter 163. The power of eminent domain shall be exercised in accordance with Ohio R.C. Chapter 163 upon the determination of necessity by resolution of Council.

(g) No provision herein shall be construed to bind or require the County to acquire any real property in the event that the Executive determines the proposals submitted are unsatisfactory or the negotiations are no longer in the best interest of the County.

(h) In lieu of subsections (a) and (b), above, the Executive may enter into a professional service contract pursuant to Section 177.08 of these Codified Ordinances with a real estate agent or broker to assist the Executive in identifying real property for acquisition and negotiating the terms of any acquisition. In such event, the Executive shall obtain the approval of Council to purchase or lease the property in that manner and to enter into the professional service contract, including approval of any fee or commission amounts or structure, prior to the real estate agent or broker providing services to the County. Any professional service contract approved under this subsection shall be approved by the Board of Control and Council prior to the commencement of services by the real estate agent or broker, regardless of the amount of any fees or commissions. Additionally, the Executive shall comply with the provisions of subsection (c) and (d), above, in presenting to the Board of Control and Council any negotiated purchase or lease agreement obtained pursuant to this subsection, and shall obtain the approval of the Board of Control and Council of the same.

177.16 SALE OF COUNTY REAL PROPERTY.

(a) Upon determination by the Executive that the sale of real property or any interest therein is in the best interest of the County, the Executive shall obtain an appraisal of the real property to be sold and submit to Council a proposed resolution authorizing the Executive to advertise the sale of said real property or any part thereof and solicit sealed bids for the purchase of the same. Said proposed resolution may set forth the minimum bid, if any, and any necessary terms or conditions of the sale.

(b) Upon passage of the resolution authorizing the Executive to advertise the sale of the real property and solicit sealed bids for the purchase of the real property, the Executive shall advertise, in a newspaper of general circulation in the County at least once a week for two weeks, the sale of the real property, a description of the real property to be sold and an address and contact name for the submission of sealed bids for the purchase of the property. The Executive shall submit a copy of the advertisement to the Clerk of Council prior to publication.

(c) Following the receipt and review of sealed bids, the Executive shall present a proposed real estate sales agreement, in writing, signed by the highest bidder, to the Board of Control, together with a copy of the appraisal and copies of all other bids received by the Executive. The Board of Control may approve the execution of the proposed sales agreement by the Executive or may reject the proposed sales agreement.

(d) Upon approval by the Board of Control, as set forth above, the Council may authorize the Executive, by resolution, to execute the proposed sales agreement. The Executive shall also submit to Council a copy of the appraisal and copies of the proposed sales agreement and all bids received by the Executive. No agreement for the sale of County-owned real property, or any part thereof, shall be executed by the Executive without the authorization of Council.

(e) County-owned real property, or any part thereof, that is not necessary for County operations, may be sold, transferred or otherwise disposed of by the Executive, only after authorization of Council, to any non-profit corporation for hospital, charitable, scientific, educational, recreational, or low to moderate-income housing purposes or to the United States, the State of Ohio or any of its agencies or political subdivisions, municipal corporations, townships, or any other governmental subdivision, or the Summit County Land Reutilization Corporation without complying with the provisions of subsections (a) through (d) of this Section.

(f) The Executive may sell any real property owned by the County with a value of \$2,500.00 or less, as appraised on the tax duplicate by the Fiscal Officer, without complying with subsections (a) through (e), above. In the case of such property, the Executive may solicit bids from the adjacent property owners for the purchase of the property, with the minimum bid being the appraised value on the tax duplicate, and the winning bid being the maximum amount bid. The method of soliciting said bids shall be through written notice, by certified and regular mail to all adjacent property owners at their tax mailing address, of the County's intent to sell said property, the adjacent property owner's right to submit a bid for the property, the minimum allowable bid, the method and location of submission of a bid and the date by which the adjacent property owners must submit a bid, being no sooner than thirty (30) days from the date of the mailing of the notice. Following submission and review of the bids, the Executive shall obtain the approval of the Board of Control and the County Council to complete the sale of said real property to the highest bidder.

(g) In lieu of subsections (a) and (b), above, the Executive may enter into a professional service contract pursuant to Section 177.08 of these Codified Ordinances with a real estate agent or broker to assist the Executive in selling any County-owned real property or interest therein. In such event, the Executive shall obtain the approval of Council to sell the property in that manner and to enter into the professional service contract, including approval of any fee or commission amounts or structure, prior to the real estate agent or broker providing services to the County. Any professional service contract approved under this subsection shall be approved by the Board of Control and Council prior to the commencement of services by the real estate agent or broker, regardless of the amount of any fees or commissions. Additionally, the Executive shall comply with the provisions of subsection (c) and (d), above, in presenting to the Board of Control and Council any negotiated real estate sales agreement obtained pursuant to this subsection, and shall obtain the approval of the Board of Control and Council of the same.

177.17 LEASING OF COUNTY PROPERTY.

(a) Upon the determination of the Executive that any real property, including land, buildings, public improvements or other improvements or any part thereof, owned by the County is not necessary for County operations, the Executive shall submit to Council a proposed resolution authorizing the Executive to solicit offers for the lease of the real property or any part thereof, and to negotiate terms and conditions with any person or entity that submits an offer to lease.

(b) Upon passage of the resolution authorizing the Executive to solicit offers for the leasing of the real property or any part thereof, the Executive shall advertise, in a newspaper of general circulation in the County at least once a week for two weeks, the availability of the real property for lease, a description of the real property to be leased and an address and contact name for the submissions of offers. The Executive shall submit a copy of the advertisement to the Clerk of Council prior to publication.

(c) Following the receipt of offers, the Executive may negotiate the terms and conditions of a proposed lease with any person or entity submitting an offer and shall present a proposed lease agreement, in writing, signed by the potential lessee, to the Board of Control, together with copies of all other offers received by the Executive. The Board of Control may approve the execution of the proposed lease agreement by the Executive or may reject the proposed lease agreement.

(d) Upon approval by the Board of Control, as set forth above, the Council may authorize the Executive, by resolution, to execute any proposed lease agreement. The Executive shall also submit to Council copies of the proposed lease agreement and all offers received by the Executive. No agreement for the lease of County-owned real property, or any part thereof, shall be executed by the Executive without the authorization of Council.

(e) County-owned real property, or any part thereof, that is not necessary for County operations, may be leased by the Executive, only after authorization by the Council, to any non-profit corporation for hospital, charitable, scientific, educational, or recreational purposes or to the United States, the State of Ohio or any of its agencies or political subdivisions, municipal corporations, townships, or any other governmental subdivision, without complying with the provisions of subsections (a) through (d) of this Section.

(f) In lieu of subsections (a) and (b), above, the Executive may enter into a professional service contract pursuant to Section 177.08 of these Codified Ordinances with a real estate agent or broker to assist the Executive in leasing any County-owned real property or interest therein. In such event, the Executive shall obtain the approval of Council to lease the property in that manner and to enter into the professional service contract, including approval of any fee or commission amounts or structure, prior to the real estate agent or broker providing services to the County. Any professional service contract approved under this subsection shall be approved by the Board of Control and Council prior to the commencement of services by the real estate agent or broker, regardless of the amount of any fees or commissions. Additionally, the Executive shall comply with the provisions of subsection (c) and (d), above, in presenting to the Board of Control and Council any negotiated lease obtained pursuant to this subsection, and shall obtain the approval of the Board of Control and Council of the same.

177.18 SALE OR DISPOSAL OF PERSONAL PROPERTY NOT CUMULATIVELY EXCEEDING \$15,000 \$25,000.00.

(a) Departments wishing to dispose of personal property must send an itemized list with an estimate of value and statement of condition to the ~~Department of Purchasing Division~~ which shall circulate such list to all County offices. County offices can select property from the list and have it transferred. Any personal property remaining after such selections shall be declared surplus property by order of the County Executive and be disposed of in accordance with Sections 177.18 and 177.19.

(b) Sale as authorized by subsection (a) hereof shall be conducted by the Executive, through the ~~Department of Purchasing Division~~, 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.

(c) Sale 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. In the event no bids are received, the Executive, through the ~~Department of Purchasing Division~~, may hold such property for resale at a subsequent time or may declare such property as salvage and dispose of such property for the salvage value thereof, if any.

(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) A department of the County may, with the approval of the Executive, 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 good cause as to why a public auction or sealed bid is not warranted to dispose of surplus equipment.

(g) The County of Summit Engineer may, at his discretion, dispose of or recycle construction and demolition debris as defined by Ohio R.C. 3714.01 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.

**177.19 SALE OR DISPOSAL OF PERSONAL PROPERTY
CUMULATIVELY EXCEEDING ~~\$15,000~~ \$25,000.00.**

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 ~~fifteen~~ twenty-five thousand dollars (\$15,000 \$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 ~~Department of 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.

(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 ~~Executive's Department of 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.

177.21 EXEMPT CONTRACTS.

(a) Approval of Board of Control not Required. The following contracts shall not require the approval of the Board of Control :

- (1) Grant contracts; and
- (2) Contracts which are funded by State of Ohio or federal pass-through dollars, for which the County has no discretion in selecting the vendor.

(b) Approval of County Council Required. All grant contracts with an organization exceeding twenty-five thousand dollars (\$25,000) in the aggregate in any calendar year shall require the approval of County Council. All contracts with a vendor exceeding twenty-five thousand dollars (\$25,000) in the aggregate in any calendar year which are funded by the State of Ohio or federal pass-through dollars, for which the County has no discretion in selecting the vendor, shall also require the approval of County Council.

177.22 ADVERTISEMENT OF COUNTY'S PROCUREMENT PROCEDURES.

The County Executive is hereby directed to advertise on the County's website ~~on the world wide web~~, providing information to individuals and businesses concerning the County's procurement procedures. This information should include, but not be limited to, steps required in the bidding process for contracts for the procurement of goods, professional services procedures (~~qualification statements and price~~), Board of Control procedures and County Council requirements relating to purchases. The Executive may include other information that will aid persons and companies in doing business with the County.

177.23 PURCHASES NOT EXCEEDING \$1,000.

(a) The following types of purchases, provided they do not exceed one thousand dollars (\$1,000), shall be exempt from the requirement that the availability of funds be pre-certified by the County Fiscal officer:

- (1) Subscriptions, publications and bulletins;
- (2) Conference and seminar registration fees for approved travel;
- (3) Airline tickets for approved travel;
- (4) Training expenses and approved training;
- (5) Reimbursement of personal cash expenditures;
- (6) Licenses, permits and fees;
- (7) Memberships;
- (8) Mileage reimbursements;
- (9) Shipping, freight and postage;

- (10) Utility refunds;
- (11) Uniform allowance purchases;
- (12) Travel expenses;
- (13) Hotel expenses;
- (14) Meal expenses;
- (15) Juvenile restitution payments;
- (16) Hospitality items;
- (17) Veteran's burial expenses;
- (18) Advertising;
- (19) Office supplies, and equipment, supplies for maintenance and cleaning, computer supplies and photocopier supplies;
- (20) Mediation fees.
- (21) Emergency repairs of equipment or vehicles;
- (22) Fees for interpreting services;
- (23) Fees for services rendered to the Juvenile Court by an attorney for the Attorney Help Desk program.

(b) Any person authorized to make a purchase under subsection (a) of this section shall, within seven (7) business days of the receipt of an invoice, prepare and file with the County Executive an electronic or written signature list for approval and submission to the County Fiscal officer, containing an expenditure voucher with an original itemized vendor's invoice specifying the purpose, amount of the expenditure, the date of the purchase, the specific appropriation item from which the expenditure is to be made, and such additional information as the Fiscal Officer may require.

(c) The exemptions in this section shall remain in force until this section is repealed by ordinance. The addition or deletion of the types of purchases stated in paragraph (a) shall require the amendment of this section by ordinance.

(d) The Fiscal officer is authorized to establish policies and procedures to implement this section.

(e) A violation of the policies and procedures established by the Fiscal Officer to implement this section shall be cause for the Fiscal Officer to restrict or eliminate a County office's right to make purchases under paragraph (a) of this section.

177.24 EXPENDITURES FOR HOSPITALITY ITEMS NOT EXCEEDING \$2,000 ANNUALLY.

(a) The following County entities are authorized to expend an amount not to exceed two thousand dollars (\$2,000) per year for hospitality items for employee training, organization strategic planning meetings and meetings of boards and commissions without obtaining the approval of County Council:

- (1) County Executive;
- (2) County Council;
- (3) County Prosecutor;
- (4) County Fiscal Officer;
- (5) County Clerk of Courts;
- (6) County Engineer;
- (7) County Sheriff;
- (8) All divisions of the Court of Common Pleas;
- (9) Other County offices, agencies, departments, boards, commissions or other public bodies established under the County Charter or these Codified Ordinances.

(b) All expenditures by the County entities listed in paragraph (a) exceeding two thousand dollars (\$2,000) per year for hospitality items for employee training, organization strategic planning meetings and meetings of boards and commissions shall be approved by County Council.

(c) All expenditures for hospitality items for purposes other than employee training, meetings or organization strategic planning meetings shall be approved by County Council.

~~177.25 MOVING OHIO FORWARD GRANT PROGRAM; PROCUREMENT OF
DEMOLITION AND ASBESTOS ASSESSMENT AND REMEDIATION
SERVICES.~~

~~(a) Purpose. The County Executive's Department of Community and Economic Development has been authorized, pursuant to Resolution 2012-310 of this Council, to serve as a subrecipient and administrator of the Ohio Attorney General's Moving Ohio Forward Grant Program funds from the Summit County Land Reutilization Corporation, and is further authorized by that Resolution to enter into subrecipient agreements to pass through the Moving Ohio Forward Grant Program funds to municipalities and townships in the County. Pursuant to those subrecipient agreements, the municipalities and townships are responsible for administering the demolition projects funded by the Moving Ohio Forward Grant Program, including the procurement of demolition, asbestos assessment and asbestos remediation services. However, pursuant to those agreements, the County may procure vendors to perform those services, establish a cost for services with those vendors, enter into a master pricing agreement with those vendors and permit the municipalities and townships that serve as subrecipients to utilize the vendors and pricing established by the master pricing agreement. The purpose of this Section is to establish the method and process for procuring the demolition, asbestos assessment and asbestos remediation services from the aforementioned vendors.~~

~~(b) Procurement. Pursuant to Section 177.08(a) through (e) of this chapter, the Executive may issue a request for proposals and receive proposals for demolition, asbestos assessment and asbestos remediation services associated with the Moving Ohio Forward Grant Program that would be made available to subrecipient municipalities and townships under a master pricing agreement. Upon receipt of proposals, the Executive shall review the proposals, negotiate compensation and submit a recommendation for one or more vendors pursuant to Section 177.08(f) of this chapter. Specifically, the request for proposals may request per housing unit or per unit of measurement (i.e. square footage) pricing, or any combination thereof. The recommendation to the Board of Control will be a recommendation to enter into a master pricing agreement with the vendor(s) that would be made available to subrecipient municipalities and townships. Any award of a master pricing agreement approved by the Board of Control shall be approved by Council prior to execution by the Executive.~~

~~(c) Master Pricing Agreement. Any master pricing agreement approved pursuant to this Section shall be entered into by the Executive and, pursuant to Section 9.48 of the Ohio Revised Code, all subrecipient municipalities and townships of the Moving Ohio Forward Grant Program may participate in the master pricing agreement for demolition projects performed under their control without any additional fee being paid to the County.~~