

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 14, 2009

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Todd Hanks, Ken O'Brien, Tommy Thompson

RESOLUTION NO. 09-1124

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 10, 2009:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on September 10, 2009; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

PUBLIC COMMENT

Refer To Cd Minutes For Entire Record

Victoria Meyers, Poverty Issues For Families

RESOLUTION NO. 09-1125

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0911:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0911 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO'S Increases			
Jobs for Ohio Graduates	JFS Program	22311614-5348	\$ 71,000.00

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09 -1126

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

The Sheriff's Office is requesting that Terry Donaugh attend a Training Class at the Ohio Peace Officers Academy September 8-10, 2009, at the cost of \$321.00 (Fund Number 29131321).

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1127

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM TH MIDWEST INC. DBA TURKEY HILL MINIT MARKETS 711 AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following resolution:

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Genoa Township Trustees that TH Midwest INC. DBA Turkey Hill Minit Markets 711 has requested a new C1 permit located at 7447 SR 3 Genoa TWP Westerville, Ohio 43082, and

Whereas, the Genoa Township Trustees have not filed an objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no

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objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1128

IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION TO GRANT FUNDS TO MAIN STREET DELAWARE, INC:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

WHEREAS, Main Street Delaware has requested a grant from Delaware County in the amount of \$15,000, and

WHEREAS, Delaware County is interested in maintaining a strong and vibrant downtown business community, and

WHEREAS, Main Street Delaware has contributed to the community by preserving, promoting and educating the public about the historic downtown, and

WHEREAS, Main Street Delaware has recently accomplished many significant accomplishments, including earning national accreditation from Heritage Ohio, serving 660 older adults with nearly \$40,000 worth of vouchers for produce, and continuing to beautify the Delaware downtown

Whereas, the Board of County Commissioners of Delaware County approved a grant in the amount of \$5,000 to the Main Street Delaware, Inc in May of 2009, and stated they would consider an additional \$5,000 contribution in August 2009.

THEREFORE BE IT RESOLVED that the Board of County Commissioners approve a supplemental appropriation in the amount of \$5,000 to Org key 10011102 - 5601. The Board also approves a purchase order and voucher in the amount of \$5,000 to the Main Street Delaware, Inc.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Nay

RESOLUTION NO. 09-1129

IN THE MATTER OF SETTING DATE AND TIME FOR FILING APPLICATIONS FOR DESIGNATION OF PUBLIC DEPOSITORY OF ACTIVE AND INACTIVE (PUBLIC) FUNDS FOR DELAWARE COUNTY FOR A FOUR YEAR PERIOD COMMENCING DECEMBER 1, 2009 PURSUANT TO PROVISIONS OF SECTION 135.33 OF THE OHIO REVISED CODE:

It was move by Mr. Hanks, seconded by Mr. Thompson to set **Monday, October 26, 2009, at 2:00 p.m.** at the Commissioners Office, 101 North Sandusky Street, Delaware, Ohio, as the deadline for filing the active and inactive depository designation of County Active and Inactive Funds for a four year period commencing December 1, 2009. The County Treasurer having estimated that the total aggregate of all such active fund public depositories in the County Treasury during this period will not exceed \$50,000,000.00 and that the total aggregate off all such inactive public funds during this period will not exceed \$125,000,000.00

Further, the Board of Commissioners shall designate said depositories.

The Clerk shall give notice of this action to all eligible institutions as provided by Treasurer.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1130

IN THE MATTER OF APPROVING PLAT FOR PREMWOOD SUBDIVISION:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Whereas, the plat for the following developments have been approved by the County Engineer, and

Whereas, the County Engineer recommends that the Commissioners approve the following plat;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the following plat.

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Premwood Subdivision

Situated In The Township Of Liberty, County Of Delaware, State Of Ohio And Being Part Of Farm Lot 13, Quarter-Township1, Township 3, Range 19, In The United States Military Lands. Being A Subdivision Of 5.364 Acres, Being All Of An Original 2.729 Acre Tract And All Of An Original 2.635 Acre Tract Owned By SUMS, Inc. As Recorded In Official Records Volume 908, Page 1291 In Delaware County Recorder's Office. Cost \$12.00

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1131**IN THE MATTER OF APPROVING A REQUEST TO RELEASE A LETTER OF CREDIT FROM P&D BUILDERS FOR LOT 3873 GREIF PARK - P&D BUILDERS PHASE 1:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Re: **Lot 3873 – Greif Park,P&D Builders Phase 1**

In September, 2008, an agreement was entered into with P&D Builders, the developer for the above referenced project. As this project has now been completed to the satisfaction of this office, The Engineer is recommending and requesting approval to return the Letter of Credit being held as construction surety for the project and to release P&D Builders from their responsibility to this project.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1132**IN THE MATTER OF AWARDING THE BID AND APPROVING A CONTRACT WITH DOUBLE Z CONSTRUCTION FOR IMPROVEMENTS FOR GIEHL ROAD OVER LEATHERWOOD RUN BRIDGE REPLACEMENT:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

Whereas, the County Engineer recommends approval of the following;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the following

**DEL-TR82-0.25, Giehl Road Over Leatherwood Run Bridge Replacement
Bid Opening of September 8, 2009**

As the result of the above referenced bid opening, The Engineer recommends that a bid award be made to Double Z Construction of Columbus, Ohio, the low bidder for the project. A copy of the bid tabulation is available for your information.

Also available are two copies of the contract with Double Z for your approval. All documentation (Certification/Affidavit in Compliance with ORC Section 3517.13, Homeland Security Form) along with the Prosecutor's and Auditor's approvals have been obtained.

CONTRACT

THIS AGREEMENT is made this 14th day of September, 2009 by and between Double Z Construction , hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

Double Z Construction
2550 Harrison Road
Columbus, Ohio 43204

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named "DEL-TR82-0.25, Giehl Road over Leatherwood Run Bridge Replacement", and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

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The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed **Five Hundred Twenty-Five Thousand Two Hundred Thirty-Two Dollars and Ninety Cents (\$ 525,232.90)**, subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements
- i. This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1133

IN THE MATTER OF APPROVING AN EASEMENT PURCHASE/MITIGATION AGREEMENT WITH THE PRESERVATION PARKS OF DELAWARE COUNTY IN CONJUNCTION WITH THE SAWMILL PARKWAY PROJECT:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Whereas, the County Engineer recommends approval of the following;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the following:

MITIGATION AGREEMENT

This agreement (Mitigation Agreement) between Preservation Parks of Delaware County (PPD) and the Delaware County Engineer (Client) is to satisfy the mitigation requirements of the Ohio Environmental Protection Agency (OEPA) and the Huntington District of the Army Corps of Engineers (ACOE) for the impacts to Olentangy River tributaries associated with construction of the Sawmill Parkway Extension, ACOE Public Notice # LRH-2005-1435-OLR. The stream mitigation project will consist of permanent protection of approximately 800 feet of tributary streams located in Orange Township, Delaware County, Ohio, parcel #31822002007000 (Site).

Obligations of Preservation Parks of Delaware County

With approval from the Preservation Parks Board of Commissioners, PPD will preserve approximately 800 feet of tributary streams in the Olentangy River watershed located in Orange Township, Delaware County, Ohio, Hydrologic Unit Code (HUC) 05060001-120.

PPD, will at its cost, purchase and monitor the mitigation site in accordance with the 401 certification issued by the Ohio EPA on 4/10/2009 to the Delaware County Engineer.

PPD shall not be obligated to commence with the mitigation project until such time as the full mitigation fee, as set forth below, has been paid to PPD.

PPD will provide confirmation of the stream mitigation on behalf of the Client and submit any necessary documentation to satisfy the conditions of the 401 water quality certification pertaining to the Site.

Obligations of the Client

Client will provide a copy of the granted Clean Water Act Section 404/401 certification or letter from the OEPA to demonstrate the approval of the mitigation proposal.

Client agrees to pay PPD \$50,000.00 (hereinafter referred to as "Mitigation Fee") in consideration of the

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approximately 800 feet of stream preservation located on parcel #31822002007000 as recorded with the Delaware County Auditor. The total fee of \$50,000.00 shall be paid within ten (10) business days of the execution of this agreement.

The Mitigation Fee shall cover entire cost of the project. Neither the Client nor PPD shall have any further financial obligation other than the mitigation fee referenced in the Mitigation Agreement.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Nay

RESOLUTION NO. 09-1134

IN THE MATTER OF APPROVING A RESOLUTION AND CONTRACT BETWEEN DELAWARE COUNTY AND ODOT FOR THE HOME ROAD GRADE SEPARATION (THE CSX OVERPASS ON HOME ROAD):

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, the County Engineer recommends approval of the following;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the following:

(Resolution No. 03-610) PID No. 75917
Project No. (2009)

FINAL RESOLUTION

The following Final Resolution enacted by the Board of County Commissioners, County of Delaware, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on 12th day of May, 2003, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

Reconstruction of 0.54 miles of realigned County Road 124 road with full depth asphalt pavement including 102.5' single span concrete I-beam bridge over the CSX Railroad, drainage, retaining walls, traffic control, frontage roads, and maintenance of traffic, lying within Delaware County.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The County agrees to assume and bear one hundred percent (100%) the entire cost of the improvement, less the amount of Federal-aid funds, including Toll Revenue Credit, set aside by the Director of Transportation from funds allocated by the Federal Highway Administration, U.S. Department of Transportation for the financing of this improvement, and further, the County agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.

The County agrees to act as the lead agency for the City of Powell.

The share of the cost of the LPA is now estimated in the amount of Three Million Four Hundred Nineteen Thousand Ninety Six and - - - - 00/100 Dollars (\$3,419,096.00) less previous Right-of-Way paid by County in the amount of Two Million and - - - - 00/100 Dollars (\$2,000,000.00) leaving the balance due in the amount of One Million Four Hundred Nineteen Thousand Ninety Six and - - - - 00/100 Dollars, (\$1,419,096.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

I. That the estimated sum, of One Million Four Hundred Nineteen Thousand Ninety Six and - - - - 00/100 Dollars, (\$1,419,096.00), is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the

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Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

III. That the LPA enter into a contract with the State, and that County Engineer be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

**CONTRACT
(Chapter 5521, Ohio Revised Code)**

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the Board of County Commissioners, County of Delaware, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

Reconstruction of 0.54 miles of realigned County Road 124 road with full depth asphalt pavement including 102.5' single span concrete I-beam bridge over the CSX Railroad, drainage, retaining walls, traffic control, frontage roads, and maintenance of traffic, lying within Delaware County; and

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.

2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.

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3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.

4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of Three Million Four Hundred Nineteen Thousand Ninety Six and - - - - 00/100 Dollars (\$3,419,096.00) less previous Right-of-Way paid by County in the amount of Two Million and - - - - 00/100 Dollars (\$2,000,000.00) leaving the balance due in the amount of One Million Four Hundred Nineteen Thousand Ninety Six and - - - - 00/100 Dollars, (\$1,419,096.00).

5. The County agrees to assume and bear one hundred percent (100%) the entire cost of the improvement, less the amount of Federal-aid funds, including Toll Revenue Credit, set aside by the Director of Transportation from funds allocated by the Federal Highway Administration, U.S. Department of Transportation for the financing of this improvement, and further, the County agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State. The County agrees to act as the lead agency for the City of Powell.

6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:

A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.

B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.

2. The LPA agrees:

A. To keep said highway open to traffic at all times;

B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto, including, but not limited to, Title 23, U.S.C., Section 116;

C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;

D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;

F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

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In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows
Board of County Commissioners County of Delaware
101 North Sandusky Street Delaware, Ohio
43015

Ohio Department of Transportation Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract. LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed on or behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requires in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.

2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.

3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.

4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.

5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the [PA's legislative body.

6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.

7. In accordance with Executive Order 2007-01S, the LPA, by signing this document, certifies: (1) it has reviewed and understands Executive Order 2007-01S, (2) has reviewed and understands the Ohio Ethics and conflict of interest laws, (3) will take no action inconsistent with those laws and this order. The LPA understands that failure to comply with Executive Order 2007-01 S, in itself, grounds for termination of this contract and may result in the loss of other contracts with the State of Ohio.

SECTION XI: SIGNATURES

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Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1135

IN THE MATTER OF AMENDING THE CHILD CARE PROVIDER CONTRACTS BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS AS LISTED:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, Delaware County contracts with Child Care providers in accordance with state and federal regulations, and

Whereas, the Director of Job & Family Services recommends approval of the following contract amendments;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following contract amendments for Child Care providers:

Little Prep School

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Little Prep School entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly	
Infants	\$ 215.73	\$ 143.90	\$ 6.62	
Toddlers		\$ 190.01	\$ 118.65	\$13.07
Pre-K	\$ 163.44	\$ 79.87	\$ 6.81	
School Age	\$ 94.56	\$ 63.00	\$ 5.75	
Summer	\$ 149.76	\$ 100.33	\$ 7.49	
Before or After	\$ 82.25	\$ 63.00	\$ 5.75	
Before & After	\$ 85.00	\$ 63.00	\$ 5.75	

The Learning Center/Worthington

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and The Learning Center/Worthington entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly	
Infants	\$ 205.46	\$ 137.05	\$ 6.30	
Toddlers		\$ 180.96	\$ 113.00	\$12.45
Pre-K	\$ 155.66	\$ 76.07	\$ 6.49	
School Age	\$ 90.06	\$ 60.00	\$ 5.48	
Summer	\$ 142.63	\$ 95.55	\$ 7.13	

OSU/Buckeye

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and OSU Child Care/ Buckeye entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Infants	\$ 215.73	\$ 143.90	\$ 6.62

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Toddlers	\$ 190.01	\$ 118.65	\$13.07
Pre-K	\$ 163.44	\$ 79.87	\$ 6.81
School Age	\$ 94.56	\$ 63.00	\$ 5.75
Summer	\$ 149.76	\$ 100.33	\$ 7.49

Kindercare/Sawbury Blvd.

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kindercare/Sawbury Blvd. entered into on the 1st day of January, 2009

RATE CHANGES:

	Full Time	Part Time	Hourly
Infants	\$ 215.73	\$ 143.90	\$ 6.62
Toddlers	\$ 190.01	\$ 118.65	\$13.07
Pre-K	\$ 163.44	\$ 79.87	\$ 6.81
School Age	\$ 94.56	\$ 63.00	\$ 5.75
Summer	\$ 149.76	\$ 100.33	\$ 7.49
Before or After	\$ 94.56	\$ 63.00	\$ 5.75

Kindercare/Worthington Woods

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kindercare/Worthington Woods entered into on the 1st day of January, 2009

RATE CHANGES:

	Hourly
Summer School Age	\$ 6.40

Kindercare/Sawmill Rd.

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kindercare/Sawmill Rd. entered into on the 1st day of January, 2009

RATE CHANGES:

	Hourly
Summer School Age	\$ 6.72

Laura Black

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Laura Black entered into on the 1st day of January, 2009

RATE CHANGES:

	Hourly
Toddlers	\$ 4.88

Kindercare/Sawbury Blvd.

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between

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the Delaware County Department of Job and Family Services and Kindercare/Sawbury Blvd. entered into on the 1st day of January, 2009

Carrie Bennett

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Carrie Bennett entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Hourly
Toddler	\$ 4.88

OSU/Buckeye

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and OSU Child Care/Buckeye entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Hourly
Summer School Age	\$ 6.72

YWCA/Whittier

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and YWCA-Whittier entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Am Only	\$ 37.44	\$ 37.44	\$ 5.48
10% discount	\$ 33.72	\$ 33.72	\$ 4.93
Pm Only	\$ 47.21	\$ 47.21	\$ 5.48
10% discount	\$ 42.56	\$ 42.56	\$ 4.93
Am & Pm Only	\$ 73.72	\$ 60.00	\$ 5.48
10% discount	\$ 66.51	\$ 66.51	\$ 4.93
Summer School Age	\$ 142.63	\$ 95.55	\$ 6.40

YWCA/Fouse

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and YWCA-Fouse entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Am Only	\$ 37.44	\$ 37.44	\$ 5.48
10% discount	\$ 33.72	\$ 33.72	\$ 4.93
Pm Only	\$ 47.21	\$ 47.21	\$ 5.48
10% discount	\$ 42.56	\$ 42.56	\$ 4.93
Am & Pm	\$ 73.72	\$ 60.00	\$ 5.48
10% discount	\$ 66.51	\$ 60.00	\$ 4.93
Summer School Age	\$ 142.63	\$ 95.55	\$ 6.40

Tina Millisor

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AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Tina Millisor entered into on the 25th day of February, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Infants	\$ 120.59	\$ 71.11	\$ 2.99
Toddler	\$ 118.55	\$ 65.96	\$ 3.22
Pre-K	\$ 110.05	\$ 69.11	\$ 3.47
Schoolage	\$ 91.93	\$ 57.90	\$ 2.43
Summer	\$ 107.76	\$ 64.02	\$ 2.60

Jelly Bean Junction/Snouffer

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Jelly Bean Junction/Snouffer entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Infants	\$ 226.01	\$ 150.76	\$ 7.56
Toddlers	\$ 199.06	\$ 124.30	\$ 13.70
Pre-K	\$ 171.23	\$ 83.68	\$ 7.14
Schoolage	\$ 99.07	\$ 66.00	\$ 6.03
Summer Schoolage	\$ 156.89	\$ 105.11	\$ 7.04
Before & After	\$ 99.07	\$ 66.00	\$ 6.03
Before or After	\$ 99.07	\$ 66.00	\$ 6.03

Goddard School/W.Olentangy

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and The Goddard School/W. Olentangy St. entered into on the 6th day of March, 2009

<u>RATE CHANGES:</u>	Hourly
Summer School Age	\$ 6.40

Ashley Evener

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 3

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Ashley Evener entered into on the 3rd day of March, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Infants	\$ 122.00	\$ 106.00	\$ 5.00
Toddler	\$ 152.00	\$ 96.00	\$ 4.88
Pre-K	\$ 121.00	\$ 95.00	\$ 5.00
Schoolage	\$ 99.00	\$ 70.00	\$ 6.00
Summer	\$ 122.00	\$ 98.00	\$ 6.00

Journey Christian

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 3

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This amendment, effective June 24, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Journey Christian Academy entered into on the 1st day of January, 2009

<u>RATES ADDED:</u>	Full Time	Part Time	Hourly
Schoolage	\$ 140.00	\$ 95.55	\$ 7.13

Nicole Working

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 3

This amendment, effective January 1, 2009, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Nicole Working entered into on the 1st day of January, 2009.

Article 4. Cost and Delivery of Purchased Services:

(A) Payment Rates: The total amount of services to be reimbursed under this contract is increased from \$35,000 to \$42,000.

Liberty Community Center

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective January 1, 2009, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Liberty Community Center entered into on the 1st day of January 2009.

Article 4. Cost and Delivery of Purchased Services:

(A) Payment Rates: The total amount of services to be reimbursed under this contract is increased from \$175,000 to \$225,000.

LaPetite/7474 Sawmill Pkwy

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective January 1, 2009, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and LaPetite Academy/7474 Sawmill Parkway entered into on the 1st day of January 2009.

Article 4. Cost and Delivery of Purchased Services:

Payment Rates:

Changes amount reimbursable from \$55,000 to \$70,000

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1136

IN THE MATTER OF AMENDING THE JOB AND FAMILY SERVICES PREVENTION, RETENTION AND CONTINGENCY PLAN:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, the Director of Job & Family Services recommends approval of the following;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following resolution:

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PREVENTION, RETENTION, CONTINGENCY

Whereas, Delaware County Job and Family Services does provide Prevention, Retention, and Contingency services to Delaware County residents who are determined eligible;

And whereas, the execution of these services is dependent upon State and Federal funding:

And whereas, Delaware County Job and Family Services has experienced substantial funding cuts within the Public Assistance Fund;

Due to funding cuts, it is recommended that all services provided by The Prevention, Retention and Contingency services for Delaware County be suspended as of September 2, 2009 . With regard to the following exceptions.

The following Prevention, Retention and Contingency services will continue to be funded;

- 1) **Family Preservation and Reunification Services.** Administered by the Social Services Division. Eligibility to be determined based on previously established criteria.
- 2) **Employment Related Automobile Repair.** Maximum benefit of \$500.00, per 12 month period, for employed individuals with no other available transportation who meet the previously established eligibility requirements.
- 3) **Employment Related Transportation.** Cab or Data transportation provided to employed individuals who have been approved for PRC Automotive Repair and require transportation to and from work while their approved PRC automobile repair(s) are being made. Transportation services not to exceed 5 scheduled work days. Client must have no other source for transportation.
- 4) **Employment Related Clothing.** Maximum benefit of \$100.00 for employed individuals, per 12 month period, who meet the previously established eligibility requirements.

**DELAWARE COUNTY DEPARTMENT OF
JOB AND FAMILY SERVICES
PREVENTION, RETENTION, CONTINGENCY**

INTRODUCTION

The Prevention, Retention, and Contingency (PRC) Program is designed to provide benefits and services to needy families and low-income employed families who are in need of help with essential supports to move out of poverty and become self-sufficient. These supports include nonrecurring short-term, crisis-oriented benefits and, ongoing services that are directly related to the four purposes of the TANF program (reference 45CFR260.20) which do not meet the federal definition of assistance. Nonrecurring short-term assistance addresses discrete crisis situations, which do not provide for needs extending beyond four months. These nonrecurring benefits and services may encompass more than one payment a year, as long as the payment provides short-term relief and addresses a discrete crisis situation rather than meeting ongoing recurrent needs. These benefits and services are consistent with the federal definition of non-assistance as found in 45CFR260.31 (b). The definition of non-assistance includes:

1. Nonrecurring, short-term benefits that:
 - a. are designed to deal with specific crisis situation or episode of need:
 - b. are not intended to meet recurrent or ongoing needs: and
 - c. will not extend beyond four months:
2. Work subsidies (i.e.; payments to employers or third parties to help cover the costs of employer wages, benefits, supervision, and training);
3. Supportive services such as transportation provided to families who are employed or seeking employment;
4. Refundable earned income tax credits;

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5. Contributions and distributions from, Individual Development Accounts (IDA);
6. Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment -related services that do not provide basic income and support.

Assistance through the Delaware County Prevention, Retention, and Contingency Program is provided through the following categories:

- Employment Related Assistance
- Family Preservation and Reunification
- Financial Crisis
- Help Me Grow
- Youth Development Services
- Kinship Care/Navigator
- Pregnancy Prevention Services

DEFINITIONS

As used for this program:

Assistance Group (AG) :

a.) PRC benefits and services are available to a family assistance group (AG) which includes a minor child or pregnant individual as defined in Sections 5108.01 and 5108.06 of the revised code. At a minimum, an eligible family must consist of a minor child who resides with a parent, caretaker-relative, legal guardian, or legal custodian who is legally obligated to support and care for the child (or consist of a pregnant individual). No family is eligible for PRC assistance unless the family includes a minor child who resides with the parent, caretaker relative, legal guardian, or legal custodian. PRC assistance may also be provided to a pregnant individual with no other minor children. The unborn child will be included in the AG and considered in determining financial eligibility if the mother is in the third trimester of pregnancy. A minor child may be connected to more than one assistance group receiving PRC depending upon the service provided and other individuals residing with the minor child. All individuals living in the household that would benefit from the PRC assistance would be counted an Assistance Group.

A child may be temporarily absent from the home in accordance with the time frames established in rule 5101:1-3-04 of the Ohio Administrative Code and still qualify for PRC. During the temporary period, the child is considered to be residing with the parent, caretaker, relative, legal guardian or legal custodian. An eligible family may also consist of a minor child residing with a parent, caretaker relative, legal guardian or legal custodian and other members of the household (who may or may not be related to the minor child) who may significantly enhance the family's ability to achieve economic self-sufficiency.

An assistance group must contain at least one adult (age eighteen or over) and at least one minor child (under age eighteen or under the age of nineteen and a full-time student in a secondary school or in the equivalent level of vocational technical training) who is the natural or adopted child of the adult or is a child for whom the adult has legal or kinship responsibility and who lives with the adult.

b.) **Employment-Related** PRC benefits and services are available to non-custodial parents who provide proof of compliance with child support orders, or who are ordered into an employment program by the court or referred by the child support enforcement agency (CSEA) and are complying with the employment program to find a job; who have a current child support order and the intent to meet his/her financial obligation and who have a current seek-work order and are referred by the CSEA administrative order. The child of the non-custodial parent must reside in Delaware County.

Assistance Group contribution means the amount of liquid resources of the adult in excess of \$200.00. Assistance Group contributions pertain to contingency needs only.

Budget Period means the thirty- (30) calendar day period immediately proceeding the date of application for PRC. The thirty-day budget period is considered when determining financial need. The date used to count back 30 days will be the date the application is date stamped into the agency.

Contingency services are cash payments or vouchers for an emergent need. An emergent need is a condition that threatens the health, safety, or decent living arrangements of an assistance group to the extent that it would prohibit the children from being cared for in their own home or inhibit job preparation, work and marriage. Examples would include utility assistance, shelter expenses, personal expense (clothing, hygiene items), home repair, appliances, furniture, household expenses (bedding vacuum cleaners, cleaning products), and disaster assistance. An * helps identify contingency services under each category of assistance.

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Department means the Delaware County Department of Job and Family Services.

Date of Eligibility will be determined as the date the application is date stamped as received into the agency. This date will be used as a denial date, continuing eligibility date, and budget period date. This date is not the voucher date. The voucher date is the actual date the voucher is written.

Disaster Related Assistance:

Special disaster related funds can be accessed in situations where the Governor of the state of Ohio has designated the county as a disaster area or under a state of emergency. Referrals will come through and be coordinated with the American Red Cross of Delaware County. An AG must still contain a minor child as defined in the plan. An AG must first attempt to access their insurance prior to using the PRC Program. PRC can be used to cover insurance deductibles when other eligibility criteria are met. Disaster Related Assistance is available even if the AG has used the program maximum under the regular PRC program. The Income Eligibility Standard for Disaster Assistance is 200% of the Federal Poverty Guideline. The CDJFS may issue a one-time cash payment and/or services up to \$1,500 per family dwelling using the Disaster Relief funding.

PRC assistance is to be available to eligible families who are victims of a natural disaster and are relocating to Delaware County as a result of the natural disaster. Guidelines of eligibility amounts of assistance are to follow the eligibility guidelines for Disaster Related Assistance.

Eligible Service means the goods or services that may be provided through the particular category of PRC assistance as detailed below.

Financially Eligible means that the AG's combined income and liquid resources for the budget period are equal to or less than the Income Eligibility Standard applicable to the particular category of PRC, or the AG meets one of the other eligibility criteria stated in Appendix A.

Income means all earned and unearned income received by any adult member of the PRC Assistance Group during the budget period. Income shall be reduced by child support, alimony, and child care payments. This includes all income which is normally disregarded when determining eligibility for Ohio Works First or Disability Assistance. All income which is received or expected to be received during the thirty-day budget period is considered when determining financial need.

For cases in which the income cannot be accurately obtained, the implementation of practices that are reasonable and prudent should occur when determining countable income. A signed ODHS 7341, Applicant/Recipient Authorization for Release of Information should be obtained from the applicant for an inquiry. Once the release is received, verification which is obtained by phone must contain clear documentation in the PRC AG record concerning the name and position of the supplier of the information, the date the verification was obtained, the amount of the verified income, and the name of the individual who obtained the verification. More stringent verification is required when PRC benefits and services involve a direct monetary gain by the applicant and opportunities for fraud are prevalent.

Income Eligibility Standard means that percentage of the Federal Poverty Guideline against which the AGs combined income and liquid resources are compared for purposes of determining financial eligibility or ineligibility, or the means tested program which applies. Refer to Appendix A.

Respite care are services designed to provide temporary relief of child-rearing functions which includes services such as crisis nurseries, day treatment, protective day care, and volunteers or paid individuals who provide services within the home.

Residence means resident of Delaware County. Residence is also established by an applicant who is not receiving PRC assistance from another county and entered the county with a verified job in Delaware County.

Liquid Resources means cash, savings and any other asset that is readily convertible to cash

Means-Tested Eligibility means that an AG is eligible for PRC services based upon receipt of another means-tested form of assistance. These types of assistance include OWF Cash Assistance, Food Stamps, Medicaid, WIC, or are eligible for free/reduced lunches through the schools.

Period of Eligibility means the period of time beginning with the date of authorization of eligibility for PRC and ending after the number of days applicable to the particular category of PRC during which goods and services may be authorized by the department.

Time Limit means the amount of time that must elapse between periods of eligibility applicable to the particular category of PRC.

Ineligible Family AG's:

Federal and State law must be adhered to when providing PRC benefits and services. List below are federal and state prohibitions based upon 42 U.S.C. 608, section 431 if PRWORA and the Ohio Revised Code;

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1. No assistance for families without a minor child.
2. No assistance to a single individual, unless such individual is pregnant.
3. No benefits or services to an individual who is not a citizen of the United States or a qualified alien.
4. No assistance for families that fraudulently receive assistance under the OWF, Food Stamp, and PRC programs until full repayment occurs. Ref. 5101.83 of the ORC.
5. No assistance for an individual who is a fugitive felon or a probation or parole violator.
6. For **contingency cases**, assistance groups that do not use their own income and resources to help meet their need or the family caused the emergent need to occur through some action or lack of action on their part. Example: Any presenting need brought on by refusing to accept or quitting a job with out good cause as defined in the Delaware County Workforce Development guidelines. PRC may not be issued if it can be shown through past history that the AG has planned and anticipated a presenting need on an annual basis. The assistance group must apply the Assistance Group contribution toward meeting the need.
7. The Assistance Group must provide verification of their ability to continue to meet the emergent need for which they are requesting PRC assistance.
8. Assistance Groups receiving Employment-Related PRC that without just cause terminate their employment or withdraw from training programs prior to completion shall have the full cost of their PRC assistance calculated as an overpayment and will not be eligible for further PRC assistance until that overpayment is paid in full.

APPLICATION, ELIGIBILITY DETERMINATION, PAYMENT, AND NOTICE

Application for PRC shall be made by an adult member of the Assistance Group. The adult shall complete, sign, and date the applicable PRC Application form (Appendices B, C, and D). Verification of income and currently available liquid resources is required. Verification that the minor child meets the program definition may be required.

Eligibility for PRC will be determined once a completed and signed PRC application is submitted to the Department and all required verifications are received. Eligibility determinations shall be completed not later than ten business days from the date of application, if all required verifications are received. If required verifications are not received by the tenth business day from the date of application (unless a legitimate and unavoidable delay is experienced and communicated to the caseworker by the applicant) or the applicant has otherwise abandoned the application, the application will be denied. In cases where education and training is the goal, the date may be extended until all career assessments are complete.

Income Eligibility

All income that has been received by every adult member of the PRC Assistance Group during the thirty-day budget period and any liquid resources that are readily convertible to cash are considered when determining financial eligibility. This includes all earned and unearned income or liquid resources that are normally exempt or disregarded when determining eligibility for OWF Cash Assistance or Disability Assistance. Income shall be reduced by child support, alimony, and child care payments. Written verification of income, liquid resources, and payments used to reduce income are required. Alternatively, the caseworker may secure and document verbal verifications, if written verifications cannot be secured within time frames necessary to timely determination of eligibility as outlined in this program policy. For any verification which is obtained by phone, there must be clear documentation in the PRC AG record concerning the:

- Name and position of the supplier of the information
- The date the verification was obtained
- The amount of the verified income or expense
- The name of the individual who obtained the verification

A current signed and dated application will act as the release of information when making collateral contacts.

The gross amount of the PRC AG's countable income and liquid resources is totaled and compared to the Financial Eligibility Standard for the assistance group size. If the total is equal to or less than the Financial Eligibility Standard, the Assistance Group is financially eligible. If the totaled amount is above the Financial

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Eligibility Standard, there is no financial eligibility for PRC. If the applicant meets another stated means test for a service or benefit, they are eligible for PRC.

Means-tested Eligibility

If the PRC Assistance Group receives any of the following means-tested benefits, they are eligible for PRC Assistance:

OWF Cash Assistance, Food Stamps, Medicaid, WIC, Free/Reduced Lunches.

If the Assistance Group is eligible, the caseworker will determine the amount of the Assistance Group Contribution for Contingency categories only. The Assistance Group must agree to apply the Assistance Group Contribution toward the need in order to be eligible for payment by the Department. Once eligibility for PRC is established and the eligible service(s) and cost(s) are identified, the caseworker will submit the completed application and verifications for supervisory review and approval. The amount paid by the Department shall reflect the Assistance Group Contribution when applicable. Upon supervisory approval, payment authorization forms are submitted to the Fiscal Department for payment. The Fiscal Department makes payment to the vendor within thirty calendar days of receipt of an approved payment authorization. In no case is payment for PRC services made to a member of the Assistance Group.

If it is determined that an application for PRC is approved, the Department shall mail or otherwise deliver the ODHS 4074, Notice of Approval of Your Application for Assistance. If it is determined that an application for PRC is denied, the Department shall mail or otherwise deliver the ODHS 7334, Notice of Denial of Your Application for Assistance.

Necessary CRIS-E entries and documentation will be made by the caseworker at the time of authorization.

Allegations that persons have fraudulently misrepresented their income or resources for purposes of gaining eligibility for PRC will be investigated through the usual overpayment protocols of the Department. Overpayments for persons found to have, in fact, fraudulently misrepresented their income and resources will be pursued for collection by the Department.

HEARINGS

Assistance Groups whose PRC application has been denied or who have been found to have committed fraud and charged with an overpayment have the right to Department and State Hearings as detailed in the Public Assistance Manual.

INELIGIBLE SERVICES

Services available through the PRC program are detailed under each category of the program, below. In no case are medical expenses authorized, except for pre-pregnancy family planning services, pre-employment screening, and non-Medicaid covered services.

Assistance Groups must have received an approval letter and an approved voucher prior to receiving the services for which they are applying. Services that have already been provided will not be considered for PRC funding. This will not apply to applications for past due rent, mortgages, and utilities.

LIMITATIONS OF FUNDING: Services provided under the Prevention, Retention, Contingency Program will be based on availability of federal and state funds to cover the services.

No person(s) shall on the grounds of race, color, national origin, disability, age or religion, be excluded from participation or be denied benefits of, or be otherwise subjected to discrimination under any program, service or benefit authorized or provided by Delaware County Department of Job and Family Services.

CATEGORIES AND AMOUNTS OF ASSISTANCE

EMPLOYMENT RELATED ASSISTANCE

Employment related assistance is designed to assist individuals to become employable, employed, or to retain employment. This category of PRC is administered through the Delaware Workforce Development Unit of Job & Family Services, with financial eligibility or other means tested eligibility, as stated in Services or Benefits Chart, determined by the PRC worker.

Assistance Groups receiving Employment-Related PRC that without just cause terminate their employment or withdraw from training programs prior to completion shall have the full cost of their PRC assistance calculated as an overpayment and will not be eligible for further PRC assistance until that overpayment is paid in full.

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Monetary Limit

Assistance through this category is limited to \$500.00 within a 12 month period of eligibility. Additional funds are available at the discretion of the Director or Assistant Director. If a change occurs during the time limit, eligibility must be re-determined. There is a maximum of 1 month car payment and 3 months of auto insurance. A PRC application for car repairs requires 2 estimates that have been prepared within 30 days of the PRC application. One estimate may be waived if the car is inoperable or needs to be towed in order to obtain an estimate. In situations where the cost of the repair exceeds the value of the car, PRC will be denied. PRC will not make payment for unauthorized repairs. PRC will pay for prior approved services only.

Financial Eligibility Standard

185 % of the Federal Poverty Guideline or means tested programs as stated in Appendix A.

Available Services

The following services are available through Employment Related Assistance: This list is not all-inclusive. Refer to list of Services and Benefits Chart. If an individual receives assistance with automobile needs, they must prove possession of a driver’s license, insurance, and ownership of the automobile.

If a person requests assistance with education/training they must complete an assessment and evaluation process following the Workforce Investment Act criteria. This will demonstrate an ability to succeed in the education/training program. Applicants for education/training may be required to complete activities to prepare them for the initial education/training request (i.e. require a GED before entering a more advanced program; require basic skill review before entering a more advanced program; have childcare and transportation arranged; have ability to meet all financial obligations).

Transportation (Employment Related Only)

- Automobile repairs
- Lease payments
- Bus tickets
- Cab fare
- Gas vouchers
- Car payment
- Car insurance
- Driver’s Education
- Car registration/Tags
- Job Preparation services
- Texts books and supplies

Employment Related Services

- Necessary tools
- Work Support Retention Services
- Required safety equipment
- Necessary/Required clothing
- Telephone deposit
- Ergonomic equipment
- Job Retention Services
- School and certification fees
- Diversion Benefit
- Incentives

FAMILY PRESERVATION AND REUNIFICATION SERVICES

Family preservation and reunification services are administered through the Social Services division of the agency. They are designed to address:

- _ family crises that could lead to the removal of children from their homes
- _ the reunification of families following the removal of their children

Requirements

A requirement of eligibility for Family Preservation and Reunification/TANF Services is that the Assistance Group has active involvement with the Children Services division of the Department. An adult family member, his or her designee, or a Public Children Services Agency representative applying on behalf of a child may make application. The completion and submission of the Family Preservation and Reunification Services PRC application shall also be required. A self-declaration of income by the customer will be used to determine the income eligibility.

Monetary Limit

Assistance through this category is limited to \$1000 per 18-month period of eligibility.

Financial Eligibility Standard -

300% of the Federal Poverty Guideline or within the guidelines of Service and Benefit Chart. The Director or his designee may waive the Financial Eligibility Standard in other cases in this category.

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Available Services

The following services are available through the Family Preservation and Reunification Services category: This list is not all-inclusive.

***Shelter costs:**

Heating fuel or utility deposits, including reconnect fees
Emergency housing
Home repairs
Security deposit
Cooking fuel, water, sewage payment
Rent, including late fees
Mortgage Payment, including late fees

***Other Household Costs:**

Furniture
Telephone installation
Household items
Necessary Clothing

Family Services

Parent Education
Respite Care (see definitions)
Home Health Aide Services
Homemaker services
Mentorship services
Therapeutic counseling
Kinship Care
Unruly Youth
Juvenile Diversion
Case Management
Emergency Food
Transportation

Applicants for rent assistance must have been issued an Order to vacate Premises or a letter from the landlord stating they must vacate the Premises. In the event that the applicant needs to relocate to utilize subsidized housing, a letter from the current landlord stating they will not accept subsidized housing will be required.

Note: Services provided through the category of Family Preservation and Reunification Services may be funded through TANF, Title IV-B, or local funds. Assistance Groups must be PRC eligible, that is, contain an adult and minor child and meet financial eligibility standards for the category, in order that TANF funds are used. The Department will, however, use its discretion in selecting funding sources for these cases. Cases that are not PRC eligible will be funded through IV-B or local dollars.

FINANCIAL CRISIS

Services to address financial crises are administered through the Family Unit and/or PRC worker. They are designed to address:

- financial crises resulting in an inability of the family to provide for basic needs that may lead to homelessness or otherwise threaten the well-being of their children or inhibit job preparation, work and marriage.

Requirements

Application for assistance because of financial crisis must be made by an adult family member. Application shall be made by the completion and submission of the PRC Application.

Monetary Limit

Assistance through Financial Crisis will be limited to \$500.00 within a 12 month period of eligibility.

Financial Eligibility Standard

150% of the Federal Poverty Guideline or as stated within the guidelines of the Service and Benefit Chart. We will not pay late fees. PRC will pay for prior approved services only.

Available Services

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The following services are available through the Financial Crisis category: This list is not all-inclusive.

***Shelter costs:**

Emergency housing
Heating fuel or utility deposits, including reconnect fees
Mortgage payment
Rent
Security deposits
Cooking fuel, water, sewage payment
Home Repairs
Furniture

***Other Household Costs:**

Household items
Necessary clothing
Furniture
Family services- will not be used against PRC limit
Parenting Education
Respite Care
Home Health Aide Services
Homemaker Services
Mentorship services
Therapeutic counseling- Transition counseling
Basic Life Skill Training/advocacy- ABLE services

Applicants for rent assistance must have been issued an Order to vacate Premises or a letter from the landlord stating they must vacate the Premises. In the event that the applicant needs to relocate to utilize subsidized housing, a letter from the current landlord stating they will not accept subsidized housing will be required.

FORECLOSURE ASSISTANCE PROGRAM

Delaware County Department of Job and Family Services (DCDJFS) will provide foreclosure assistance to the residents of Delaware County by providing a one-time payment of up to \$3000 to the mortgage lending institutions to cover delinquent mortgage payments and possible fees associated with the payment of the delinquent mortgages in order to prevent foreclosure. In addition to the financial payment, foreclosure assistance will include supporting services such as personal financial management and mortgage lending practices. The foreclosure assistance will be limited to the availability of funds.

The following eligibility requirements apply for this program:

1. The assistance/household group's property must be their primary residence
2. The gross income of the assistance/household group must be less than or equal to 300% of the Federal Poverty Level (FPL).
3. The assistance/household group must provide the following documents: 1) a notice of foreclosure from the lender; or 2) a statement from the lender that their mortgage is delinquent; or 3) delinquent information deemed appropriate by DCDJFS.

HELP ME GROW

The Help Me Grow Program is administered through the Family and Children First Council. Help Me Grow includes the Welcome Home visits for newborns, Early Start, and Early Intervention services. A self-declaration of income by the customer will be used by the Delaware County Department of Job and Family Services and/or the Help Me Grow Program to determine the income eligibility for TANF funding. Specifics of the program are included in the plan document as submitted and approved by the Ohio Department of Job and Family Services. Financial standard is 300% of poverty.

THE WELCOME HOME PROGRAM

The Welcome Home Program provides a supportive home visit to families bringing home a newborn child for the first time. The skilled visitor gives information about the health of the new mother and baby and makes referrals to additional services and community supports as needed. The visitor conducts developmental screening and assessment procedures for the child. Families are provided practical information about feeding, bathing, diapering, childhood illness, and child development. Families are provided information about how to introduce siblings to the new baby. The service promotes early literacy by discussing the importance of literacy skills and by providing baby's first book to the family. Financial standard is 300% of poverty.

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EARLY START(Help Me Grow)

The Early Start Expansion Program is administered by the Family and Children First Council. The program provides family focused casework activities through an intensive home visitation program. Casework activities will provide screening of child health and development, an individualized service plan, information and referral, and case management/service coordination. Program activities will also address family self-sufficiency through addressing the stresses of participating in work and education and training activities. Goals of the program will be to promote family stability and to support the parent's transition to employment.

The eligible population for Early Start Expansion will be families with children under the age of three and/or a pregnant woman who are income eligible up to 300% of poverty or who are receiving any other means tested program as outlined in the means-tested definition. Refer also to the Services and Benefits Chart.

The application for Ohio Works First Cash Assistance or other means-tested applications will serve as the application for the Early Start Expansion. Eligibility for the PRC program will be determined by the Assistance Group as defined in the Services and Benefits Chart. Referrals will be made to the Early Start Coordinator by designated staff in the Delaware County Department of Job and Family Services. At the time of enrollment, families must be receiving Ohio Works First Cash Assistance, or be eligible for Early Start Expansion PRC. Families will be eligible for services until their youngest child turns three years of age. Ongoing eligibility for Early Start will be based on 300% of poverty or eligibility for a means-tested program as outlines in the means-tested definition.

Continued receipt of Early Start services does not preclude eligibility for other categories of PRC assistance. Receipt of Early Start services will not count towards time limits attached to other categories of PRC assistance.

EARLY INTERVENTION SERVICES (Help Me Grow)

The Early Intervention Program provides services to families with children birth to three where the child is diagnosed as having a developmental delay. It provides resources for screening and diagnostic assessment. It provides ongoing home visiting services that provide family support to assist families in coping with physical or cognitive needs of their children during the first three years of a child's life. Families are provided information and guidance about working with the child as well as therapeutic intervention. The child is provided specialized services to meet the child's specific needs and assures that the family has a primary service coordinator. Financial standard is 300% of poverty. Receipt of Early Start services will not count towards time limits attached to other categories of PRC assistance.

YOUTH DEVELOPMENT SERVICES

The Delaware County Department of Job and Family Services, through involvement in various community partnerships (i.e. school systems, Big Brothers/Big sisters, Juvenile Court, JOG, Family and Children First Council, chambers of commerce) has identified a need for programming which will provide vulnerable at-risk-youth with an opportunity for positive development through various asset building experiences. Receipt of Early Start services will not count towards time limits attached to other categories of PRC assistance.

Delaware County Department of Job and Family Services may offer services that include opportunities for children and youth to participate in a variety of structured or unstructured activities whose purpose is to help them develop their potential and grow into healthy, educated, responsible and productive adults in the future. Programs may include activities designed to transmit social values and customs, to facilitate learning, and to elicit and stimulate leadership potential. Some of the activities may include counseling, peer support, mentoring, supervised recreational activities, and purchase of school supplies. The goal of this program is to prevent out of wed-lock pregnancy.

SMART PARENTS GUIDE TO RAISING MIDDLE SCHOOL AGED CHILDREN

The Smart Parents Guide to Raising Middle School Aged Children is a training program for parents and middle school aged children that assists parents who are overwhelmed by the increasing pressures and responsibilities of raising preadolescent children. The sessions provide the parents with the support and skills needed to ensure their success in keeping their families together. Sessions are offered to children to help them understand adolescence. Parents and children will improve skills in communication, understanding and problem solving. Through improved communication, youth may be diverted from risky behavior such as out of wedlock pregnancies, legal and emotional problems and academic challenges.

PREGNANCY PREVENTION PROGRAMS

The goal of the Pregnancy Prevention Programs is to prevent out-of-wedlock births among teens in Delaware County.

JUVENILE DIVERSION

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The Juvenile Diversion Program is provided by the Juvenile Court. This program is designed to keep unruly children out of the Court system and at home. This is accomplished through such activities as school liaisons, a suspension alternative program, parent education, and a supportive group program for unruly girls.

One goal of the Juvenile Diversion program is to prevent out-of-wedlock births among teens in Delaware County. Receipt of Juvenile Diversion services will not count toward time limits attached to other categories of PRC assistance

ACCESS TO BETTER CARE INITIATIVE

The Delaware County Department of Job & Family Services will distribute TANF funds, specifically designated to the ABC initiative, through the Delaware County Family & Children First Council. The services to be provided may include prevention and early intervention, early screening and assessment, treatment, and/or service coordination efforts to families with non-behavioral, multi-need children. Non-behavioral shall be defined as multi-need children who do not have a substance abuse or mental health condition. Children who are in receipt of OWF, Food Stamps, or Medicaid are considered to meet the income eligibility criteria for PRC direct ABC services. Either an approved application form for OWF, Food Stamps, or Medicaid assistance or the PRC application will serve as the eligibility application for these services and will be maintained in the OWF, Food Stamp, or Medicaid case file. The receipt of Access to Better Care services will not count toward a family's eligibility limit for any other PRC services. Services under this category shall be considered non-assistance.

SCHOOL CLOTHES PROGRAM (TANF goal #1)

The Delaware County Department of Job and Family Services will provide school clothes for families in Delaware County. Eligible children must be school age, ages 5 to 18, and Delaware County residents having received Food Stamp benefits for a specified time period. Notification letters with detailed instructions are mailed to each identified potentially eligible family. Eligible families are required to come into the Department to pick up vouchers which may be redeemed for clothing at one of two different vendors no later than a specified date.

- A. Prior obtaining of PRC for other related items will not affect the receipt of these specific services. Future eligibility for regular PRC will not be affected due to receipt of these specific funds.
- B. Applicants ineligible for these services are listed in 1,3,4, and 5 as identified in the PRC plan under Ineligible AGs.

Exceptions to Category Limitations:

While it is not the intent to encourage or routinely grant exceptions to the PRC Plan, the Delaware County Department of Job and Family Services does recognize that there are occasional, extraordinary circumstances that may warrant issuance of PRC in excess of the dollar limitation or more frequency in a specific category allowed. Any exception to this plan shall specifically be reviewed and approved by the Director or the Director's designee. Sufficient documentation shall be maintained in the case file as to why a plan exception was granted.

Delaware County Department of Job and Family Services agrees to implement the Prevention, Retention, and Contingency Program as written above.

Effective September 2, 2009

Mona Reilly, Director Delaware County Department of Job and Family Services

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1137

IN THE MATTER OF APPROVING A REDUCTION OF APPROPRIATIONS FOR JOB AND FAMILY SERVICES:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Reduce Appropriations

22411602/5348

JFS PRC/Client Services \$ (40,000.00)

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1138

RESOLUTION TO AMEND THE REQUEST FOR PROPOSALS (RFP) / REQUEST FOR BIDS BY THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND THE DELAWARE

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COUNTY BOARD OF DEVELOPMENTAL DISABILITIES FOR TRANSPORTATION (TAXI) SERVICES :

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

PREAMBLE

WHEREAS, the Board of County Commissioners, Delaware County, Ohio ("Board") on August 17, 2009 approved Resolution # 09-1022 permitting the Delaware County Department of Job and Family Services ("DCDJFS") and the Delaware County Board of Developmental Disabilities ("DCBDD") (individually "Agency", collectively "Agencies") to jointly solicit bids for transportation (taxi) services ; and,

WHEREAS, pursuant to the same resolution, the Board approved the Request for Proposals (RFP)/Request for Bids Package ("RFP") to be used by the Agencies to solicit bids; and,

WHEREAS, the RFP now needs to be amended.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD AS FOLLOWS:

The RFP is amended as follows:

SECTION 1. EXTENSION OF TIME TO SUBMIT BIDS/PROPOSALS AND AWARD DATE

Throughout the Notice and RFP, the following dates are extended:

- A. Proposal due date, time, and location and public opening date and time is extended until September 22, 2009, 1:00 pm local time, in Room 214, Hayes Administration Building.
- B. Intent to award date is extended until September 29, 2009.
- C. Contract effective date is estimated to commence November 1, 2009.

All other dates, times and locations mentioned in the RFP remain unchanged.

SECTION 2. REQUIREMENT OF PERFORMANCE BOND IS WAIVED

The Notice and RFP require the successful bidder to provide a performance bond. Pursuant to R.C. § 307.89, the requirement of a performance bond is hereby waived. In lieu of the performance bond the successful bidder shall be required, as a condition to entering a contract, to guarantee faithful performance of all things to be done under the contract.

All other bonding requirements mentioned in the RFP remain unchanged.

SECTION 3. INVOICES

Invoices shall be submitted to the respective Agency requesting the transportation services. Invoices shall meet the requirements as set forth in the RFP and/or any other requirements as specified by the respective Agency to be invoiced. Invoices shall be submitted to the person designated by each respective Agency to receive invoices related to the Contract.

All other invoicing requirements mentioned in the RFP remain unchanged.

SECTION 4. ADOPTION

All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board 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.

SECTION 5. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1139

SETTING BID OPENING DATE AND TIME FOR BID PACKAGE 1-GENERAL TRADES; BID PACKAGE-2 HVAC; BID PACKAGE 3-PLUMBING; BID PACKAGE 4-ELECTRICAL AND BID PACKAGE 5-FIRE PROTECTION FOR THE HAYES BUILDING SUITE IMPROVEMENTS:

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It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Whereas, the Facilities Supervisor recommends the following bid date and time For Bid Package 1-General Trades; Bid Package-2 HVAC; Bid Package 3-Plumbing; Bid Package 4-Electrical And Bid Package 5-Fire Protection For The Hayes Building Suite Improvements;

Notice to bidders are posted on the Internet and may be viewed on Delaware County's web site at <http://www.co.delaware.oh.us> under the heading Current Bids.

Bids to be Opened at: **Delaware County Board of Commissioners
101 North Sandusky Street
Delaware, Ohio 43015**

for the following project: **HAYES BUILDING SUITE IMPROVEMENTS
140 N. SANDUSKY STREET
DELAWARE COUNTY, OHIO**

In accordance with the drawing and specifications prepared by:

Gardner Architects
5 E. Winter Street, Suite 300
Delaware, Ohio 43015

Hill Engineering
3 W. Central Ave.
Delaware, Ohio 43015

Sealed Bids with Unit Prices will be received for:

Description	Base Bid Estimate	Estimate of Alternates
Bid Package 1 General Trades	\$1,259,100	Alt #1 - \$131,400 Alt #2 - \$4,000 Alt #3 - \$6,850
Bid Package 2 HVAC	\$151,100	Alt #1 - \$21,900
Bid Package 3 Plumbing	\$98,300	N/A
Bid Package 4 Electrical	\$451,900	Alt #1 - \$54,750 Alt #2 - \$300
Bid Package 5 Fire Protection	\$67,400	Alt #1 - \$10,950

Until 10:00 AM October 15, 2009.

A **pre-bid meeting** will be held on **October 6, 2009** at 10:00 AM at:
Rutherford B. Hayes Services Building
Conference Room G35
140 North Sandusky Street
Delaware, OH 43015

Contract Documents may purchased directly from Key Blue Prints, 6175 Shamrock Court, Dublin, Ohio 43016. Prospective Bidders shall make prior arrangements with Key Blue Prints at (614) 761-7999 to purchase required quantities of plans and spec books.

A Bid Guaranty must be submitted with each bid over \$10, 000

The Contract Documents may be reviewed for bidding purposes without charge during the business hours at the following locations:

F.W. Dodge McGraw Hill/Builders Exchange
1175 Dublin Road
Columbus, Ohio 43215

Delaware County Facilities Management Office
1405 US Rte 23 North

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Delaware, Ohio 43015

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the **Bid Opening date of 10:00 AM on October 15, 2009** at 101 North Sandusky Street Delaware, Ohio 43015, For Bid Package 1-General Trades; Bid Package-2 HVAC; Bid Package 3-Plumbing; Bid Package 4-Electrical And Bid Package 5-Fire Protection For The Hayes Building Suite Improvements.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1140

SETTING BID OPENING DATE AND TIME FOR SNOW REMOVAL SERVICES FOR VARIOUS COUNTY PROPERTIES SERVICES FOR THE DELAWARE COUNTY:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Whereas, the Facilities Supervisor recommends the following bid date and time for Snow Removal Services for various County properties services for the Delaware County;

**PUBLIC NOTICE
INVITATION TO BID
ITB #09-05 SNOW REMOVAL SERVICES**

Notice to bidders are posted on the internet and may be viewed on Delaware County's web page at <http://www.co.delaware.oh.us> under the heading Current Bids.

Sealed bids will be received by the Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 at **10:00 AM on Monday, October 12, 2009**, at which time they will be publicly opened and read and the contract awarded as soon as possible, for Snow removal services for various County properties services for the Delaware County.

Each bid must contain the full name of every person or company interested in same, and be accompanied by an acceptable bid bond or certified check in the amount of \$500 made payable to the Delaware County, Ohio. Bid specifications may be obtained from Delaware County Commissioners Office, 101 N. Sandusky St., or Delaware County Facilities Management Office, 1405 US 23 North, Delaware, Ohio during normal business hours.

The County reserves the right to reject any and all bids, in whole or in part, to waive any defect in any or all bids, to accept the bid or part it deems to be the lowest and best. Bids shall be submitted in a sealed envelope marked "Sealed Bid for Snow Removal Services." No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the Bid Opening date of **10:00 AM on October 12, 2009** at 101 North Sandusky Street Delaware, Ohio 43015, for Snow Removal Services for various County properties services for the Delaware County;

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1141

IN THE MATTER OF ACCEPTING A CERTIFICATE OF SUBSTANTIAL COMPLETION TO PETERSON CONSTRUCTION COMPANY CENTRIFUGE DEWATERING FACILITY IMPROVEMENTS AT THE OLENTANGY ENVIRONMENTAL CONTROL CENTER, CONTRACT DCRSD 08-01:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS the Board of County Commissioners have previously executed an agreement with Peterson Construction Company (Contractor) to complete the improvements know as DCRSD 08-1: Centrifuge Dewatering Facility Improvements at the Olentangy Environmental Control Center, and

Whereas Section 14.04 of the General Conditions of the Contract Documents permits the Contractor to request for substantial completion when he feels the work is considered ready for its intended use, and

Whereas the contract documents require the Engineer to evaluate the request, and

Whereas Malcolm Pirnie Inc (MPI) is the Engineer for the project, and

Whereas Peterson Construction has notified MPI and Sewer District staff in writing on July 14th, 2009 that the work was substantially complete, and

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Whereas MPI with the County Sewer District staff's assistance has evaluated the request, and

WHEREAS MPI and the County Sewer District staff considered the work substantially complete and has provided the County with a tentative certificate of Substantial Completion, and

Whereas MPI has submitted a definitive certificate of Substantial Completion with a list of items to be complete or corrected before final payment to the Sewer District staff, and

Where as Sewer District staff concurs with the MPI's recommendations, and

WHEREAS County staff recommends accepting the Certificate of Substantial Completion for the centrifuge dewatering project, as detailed in Section 14.04 of the General Conditions of the Contract Documents

THEREFORE be it resolved that the Board of County Commissioners accept a Certificate of Substantial Completion to Peterson Construction Company Centrifuge Dewatering Facility Improvements at the Olentangy Environmental Control Center, contract DCRSD 08-01.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1142

IN THE MATTER OF APPROVING A CHANGE ORDER FOR THE CENTRIFUGE DEWATERING FACILITY IMPROVEMENTS (DCRSD 08-1) AT OLENTANGY ENVIRONMENTAL CONTROL CENTER:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas the County has previously awarded the Centrifuge Dewatering Facility Improvements (DCRSD 08-1) at the Olentangy Environmental Control Center to Peterson Construction Company Incorporated (Contractor), and

Whereas County Sewer District staff has provided construction management and administration for the project, and

Whereas Malcolm Pirnie, Inc.(MPI), serving the role as the Engineer for project, has provide guidance to County staff on technical issues for the project, and

Whereas the Contractor has requested a 30 day contract extension to completed the required final performance testing of the newly installed equipment, and

Whereas this request is a zero cost increase to the contract, and

Whereas the contract value for excavation and backfill was not completely used during the course of the project, and

Whereas the unused excavation and backfill line item provides a credit back to the County, and

Whereas both the County staff and MPI have reviewed the change request by the contractor and the credit amount from the unused bid item, and

Whereas County Sewer District staff and MPI concur that the change order items as provided in Change Order No. 4 are in the best financial and operational interest of the County, and

Whereas both the County Sewer District staff and MPI recommend approval of the change order requests as provided in Change Order No. 4, and

Therefore be it resolved that the Board of County Commissioners approve Change Order No. 4 to the Centrifuge Dewatering Facility Improvements (DCRSD 08-1) at the Olentangy Environmental Control Center.

Change Order No. 4

Date of Issuance: 8/27/2009 **Effective Date:** _____

Project: OECC Centrifuge Dewatering Facility	Owner: Delaware County Board of Commissioners	Owner's Contract No.: DCRSD 08-1
Contract: Centrifuge Dewatering Facility Improvements		Date of Contract: 02/08
Contractor: Peterson Construction Company		Engineer's Project No.: DCRSD 08-1

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The Contract Documents are modified as follows upon execution of this Change Order:

Description: Return of funds to County from additional excavation and backfill budgeted items not used during construction, 30 day time extension as a result of previously approved changes to project description and to complete final performance testing of centrifuge.

Attachments: (List documents supporting change): Supporting justification documentation from County staff.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>2,850,000.00</u>	Original Contract Times: ☛ Working days ☛ Calendar days Substantial completion (days or date): <u>No Change</u> Ready for final payment (days or date): <u>No Change</u>
Increase from previously approved Change Orders No. <u>1</u> to No. <u>3</u> : \$ <u>20,013.21</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>3</u> : Substantial completion (days): <u>No Change</u> Ready for final payment (days): <u>No Change</u>
Contract Price prior to this Change Order: \$ <u>2,871,013.21</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>No Change</u> Ready for final payment (days or date): <u>No Change</u>
Decrease of this Change Order: \$ <u>27,333.00</u>	Increase of this Change Order: Substantial completion (days or date): <u>No Change</u> Ready for final payment (days or date): <u>30 days</u>
Contract Price incorporating this Change Order: \$ <u>2,843,680.21</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>No Change</u> Ready for final payment (days or date): <u>30 days</u>

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1143

IN THE MATTER OF APPLYING FOR AMERICAN ELECTRIC POWER GRIDSMART SELF DIRECT PROGRAM FOR IMPROVEMENTS MADE TO THE OLENTANGY ENVIRONMENTAL CONTROL CENTER:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas American Electric Power (AEP) operates energy efficiency and demand response programs , and

Whereas these programs allow for the entities such as the County to apply for monetary credits for self implemented energy saving efforts, and

Whereas the Sewer District has recently installed biosolids dewatering facilities (centrifuge) at the OECC, and

Whereas these improvements will allow the OECC to reduce its peak and overall electric demand that are required to process biosolids, and

Whereas Sewer District staff has assembled and completed the necessary documentation and paperwork for submittal to AEP, and

Whereas Sewer District staff recommends signature of and submittal of the Self Direct Project application to AEP.

Therefore be it resolved that the Board of County Commissioners sign the Self Direct Project application and submit the application and necessary documents to AEP.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1144

IN THE MATTER OF REQUESTING STATEMENTS OF QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR DELAWARE COUNTY CODE COMPLIANCE:

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It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, Delaware County Code Compliance is authorized and required to perform reviews of commercial building construction documents prior to issuance of the appropriate permits; and

Whereas, for the authority to review and approve commercial building plans, the Ohio Building Code requires Code Compliance to maintain in its employment or under contract at least one person holding a certification as a Plans Examiner; and

Whereas, a Plans Examiner is required by the Ohio Board of Building Standards to be a registered professional engineer or registered architect by the State of Ohio; and

Whereas, the Ohio Revised Code sections 153.65 to 153.71 requires the County to qualify professional engineering and architectural services for the contract services contemplated above,-and

Whereas, Code Compliance recommends the following procedure to be implemented to qualify and short list firms to provide the desired services:

**DELAWARE COUNTY CODE COMPLIANCE DEPARTMENT
QUALITY BASED SELECTION PROCEDURE FOR PROFESSIONAL SERVICES**

The Delaware County Code Compliance department uses a Quality Based Selection Process conforming to the requirements of Ohio Revised Code Sections 153.65 to 153.71.

SECTION 1 – GENERAL PROCESS FOR QUALITY BASED SELECTIONS

The procedure for procurement of professional services for the purpose of plan examination services using a Professional Engineer or Architect is summarized as follows:

- (1) Public notice requesting statements of qualifications (ORC-153.67);
- (2) Statements of Qualifications (SOQ) submitted by the interested firms for evaluation;
- (3) Evaluation of Statements of Qualifications (interviews may be required during evaluation of SOQs) by Delaware County Code Compliance Evaluation Committee (Committee);
- (4) Ranking of firms based upon evaluation by Delaware County Code Compliance Evaluation Committee (Committee);
- (5) Recommendation of firms to be short-listed (pre-qualified) to the Board of Commissioners;
- (6) Distribution of a Request for Technical Proposal (RFTP) to short listed firms for the desired professional services;
- (7) Submission of technical proposal including cost of proposed services (in sealed envelope) by firm;
- (8) Negotiations of scope and fee by the County; and
- (9) Presentation of proposed contract to the Board of Commissioners for approval.

SECTION 2 - SCOPE OF DESIRED SERVICES

The firm, partnership, corporation or individual shall have commercial plan review services in accordance with the adopted State of Ohio building codes as one of its major disciplines.

SECTION 3 - CONTENT OF CONSULTANT'S STATEMENT OF QUALIFICATIONS

1. Statement of Qualifications shall include, but is not limited to, the following:
2. A cover Letter of Interest.
3. An original and four copies of the Letter of Interest and Statement of Qualifications.
4. Name of firm, address and telephone number.
5. Names, qualifications, and experience of key personnel.
6. Name of project manager.
7. Copies of letters of recommendation from at least three (3) other public and private agencies reflecting the firm's past performance.
8. An outline of the firm's Quality Assurance and Management Program.

The Statement of Qualification is to be limited to 20 pages including resumes.

SECTION 4 - EVALUATION OF STATEMENT OF QUALIFICATIONS

For commercial plan examination services as required by the Ohio Building Code, the Delaware County Code Compliance Evaluation Committee shall evaluate all statements of qualifications received by the deadline established in the Public Notice and received within the past year as of the date of Public Notice. All other Qualifications on file older than one (1) year will be considered not current. The Evaluation Committee members shall be chosen by Delaware County. The Evaluation Committee shall then rank all

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firms it considers qualified to provide the required professional services. Evaluation of SOQs is based on the following criteria:

Statement of Qualification Evaluation Criteria (ORC-153.65 (D))

Competence and ability of the firm or individual to perform the required services as provided in the following table.

Evaluation Criterion	Points Available
Technical training and education of personnel	35 points
Experience of the personnel assigned to perform the work	25 points
Description of equipment, facilities, office location.	15 points
Description of how services have been successfully provided in the past	15 points
References	10 points
Total Points Available	100 points

SECTION 5 - FIRMS TO BE SHORT LISTED

The Evaluation Committee will rank the submitted Statement of Qualifications from highest to lowest point totals. The top **five (5)** firms will be recommended to the Board of County Commissioners to be short listed for services as delineated in the Advertisement for Request for Qualifications. Prior to requesting any Requests for Technical Proposals, the final list of pre-qualified firms shall be approved by the Board of Commissioners. When services are needed that fall under this procedure and determined necessary by Delaware County, all short listed firms will then be asked to provide a Technical Proposal and evaluated as detailed below.

SECTION 6 - REQUEST FOR TECHNICAL PROPOSAL

Section 6.1 - Content of County's Request for Technical Proposal (RFTP)

- A. A written invitation to short listed firms for the desired services.
- B. Evaluation criteria and respective weights.
- C. A basic Scope of Services (SOS). The SOS is intended to cover the basic services required for the proposed services. Should prospective consultants determine that additional services are necessary and/or that any services identified in the SOS are not necessary for successful completion of the services, the consultant should document these changes in SOS in their response to the RFTP.
- D. Consultants are advised when recommending changes in the SOS to first respond to the SOS exactly as set forth by the County. This includes preparing a basic SOS cost that includes all components of the RFTP even if recommending deletions and/or additions. Then each deviation from the basic SOS is to be documented separately in the proposal under an "if authorized" work item and shall identify any and all cost savings and/or increases. Each change in the SOS shall be evaluated based on its merit by the County.
- E. Notice of any required meetings, conferences or presentations.
- F. When, where and to whom the response to the RFTP is to be submitted.

Note: If a consultant feels a portion of the SOS is not clear, written notice shall be sent to the County requesting a review and a determination of action. If a discrepancy exists a written ADDENDUM to the RFTP shall be sent to each consultant.

Section 6.2 - Content of response to RFTP

Proposal should include, but is not limited to, the following:

- A. Name of firm, address and telephone number.
- B. Names, qualifications and experience of principals and key personnel that will be assigned to perform the services. Provide detailed information on these individuals so as to indicate their availability to work on the project.

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- C. Name of responsible firm member/project manager.
- D. Project statement as determined by consultant.
- E. Detailed Scope of Services in response to the Request for Proposal and Basic Scope of Services supplied by the County. Additions or deletions to the basic scope of services along with documentation of any cost savings or increases. The consultants are reminded to respond to the basic SOS in kind and submit additions or deletions as separate "if authorized" work items.
- F. A detailed cost proposal. Cost proposal shall include the hourly cost of commercial plans examinations, the cost of courier services, the cost of mileage and any reimbursable expenses. These costs shall be summarized in a computerized spreadsheet format. This cost proposal shall be submitted in a separate sealed envelope with the consultant's response to the RFTP. The basic SOS cost proposal shall cover those items as exactly contained in the basic SOS. Any cost associated with additions or deletions to the basic SOS shall be documented apart from the basic SOS cost as "if authorized" work.
- G. The County does not allow a net fee to be charged by the consultant for work performed by a sub-consultant. Administration and coordination costs may be included under the respective work items in the basic SOS cost proposal.
- H. Project schedule indicating the time frame for work activities, review time, turnaround time, etc.
- I. An original and three copies of the Technical Proposal and one copy of the sealed cost proposal are to be submitted

SECTION 7 - EVALUATION OF CONSULTANT'S RESPONSE TO RFTP & CONSULTANT RECOMMENDATION

A. Proposal Evaluation Committee

This Committee shall consist of selected members as determined by Delaware County.

B. Evaluation of Consultant's Response to RFTP

Each proposal shall be evaluated using the criteria and points established herein. Each member of the proposal evaluation committee shall evaluate all firms. These individual evaluations shall be combined into a consensus evaluation as the average score for each of the criteria and totaled for a composite score. The evaluation shall be performed using the criteria below. Should the difference in ranking after this evaluation be less than 5 points, then the cost proposals for all firms within the 5-point spread shall be opened. The cost proposal points shall then be added to the technical criteria points, and the top ranked offer shall be selected to enter into final contract negotiations. If more than a 5-point spread exists, the County shall enter into final contract negotiations with the top ranked offer, in which case the sealed cost proposals will be returned unopened to the unselected consultants after a contract has been executed with the successful firm.

C. Revised Proposals

Prior to completing evaluations, the proposal evaluation committee may request revisions to or clarification of the technical proposals, provided the same opportunity to revise or clarify is given to all firms.

D. Request for Technical Proposal Evaluation Criteria

Technical Proposal Evaluation Criterion	Points Available
Competence of the firm to perform the required service as indicated by Technical training and education	20 Points
Experience of the firm who would be assigned to perform the work	20 points
Quality and feasibility of the firm's technical proposal. Includes understanding and insight into the scope of services as contained in the RFTP	20 points
Project Schedule/Review Time	15 points

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Evaluation of additions or deletions to the basic SOS as recommended by the firm	10 points
Ability of the firm to perform the required service competently and expeditiously:	15 points
Past performance of the firm as reflected by the evaluation of the County and other previous clients of the firm	30 points
Total Points (without tie breaker)	130 points
Tie Breaker Criteria- Evaluation of hours and fees proposed	5 points
Total Available Points	135 points

SECTION 8 - CONSULTANT RECOMMENDATION

Once the proposal evaluation committee (Committee) has evaluated all proposals and ranked the firms, the Committee shall prepare a letter notifying each firm of its findings. Delaware County may then enter into contract negotiations with the highest ranked firm. This notification shall become a part of the contract file for the project.

SECTION 9 - FINAL CONTRACT NEGOTIATIONS AND AWARD

Delaware County shall establish the proposed terms and scope of services. Should the negotiations with the highest ranked firm be unsuccessful, then they shall be terminated and negotiations shall begin with the next highest ranked firm. This process shall continue until a contract is successfully negotiated. If none of the negotiations are successful, all of the short-listed firms that submitted a RFTP will be notified that the selection process has been terminated.

SECTION 10 - APPROVAL BY THE DELAWARE COUNTY BOARD OF COMMISSIONERS

Once the terms and conditions for the proposed scope of services have met the satisfaction of Delaware County via proposed contract documents and signed by the successful firm, the contract shall be presented to the Delaware County Board of Commissioners for approval.

SECTION 11 - FINAL EXECUTION OF CONTRACT

Upon execution by the Commissioners, the Code Compliance Department Supervisor shall notify the firm of the executed contract.

Furthermore be it resolved that the Board of County Commissioners perform the following:

1. Publicly advertise a Request for Statement of Qualifications for commercial plans examination in accordance with the State of Ohio mandated building codes for commercial structures. Statements of Qualifications will be received by the County until 4:00 p.m. on Friday October 9, 2009.
2. Receive and evaluate Statements of Qualifications in accordance with the DELAWARE COUNTY CODE COMPLIANCE QUALITY BASED SELECTION PROCEDURE FOR PROFESSIONAL SERVICES.
3. Present recommendation of firms to be short listed to Board of Commissioners.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1145

IN THE MATTER OF REJECTING A CHANGE ORDER REQUEST FOR THE LOWER SCIOTO WATER RECLAMATION FACILITY:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

Whereas the County has previously executed an agreement with the Concord Scioto Community Authority to construct certain wastewater conveyance and treatment facilities improvements, and

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Whereas this agreement is know as the Intergovernmental Cooperation Agreement (Lower Scioto Water Reclamation Facility), and

Whereas the detailed design of the proposed improvements have been provided by plans and specifications, and

Whereas, these plans and specifications have been approved by the Sanitary Engineer and the Board of Commissioners, and

Whereas the Concord Scioto Community Authority has proposed an extension of the treatment facilities incoming sanitary sewer, and

Whereas Concord Scioto Community Authority has estimated the design and construction cost of the extension at \$2,550,000, and

Whereas the Director of Environmental Services has analyzed this proposed extension based on cost, financial status of the Sewer District, constructability, and overall service that sewer extension could provide to the Lower Scioto Sanitary Sewer Service Area, and

Whereas the design and necessary investigations have not been completed and therefore creates undue risk for the County, and

Whereas competitive bidding should be used to procure the general contractor for the scope and size of the proposed project, and

Whereas the fee for the proposed change order has been evaluated and deemed not to be a financially sound decision for the County, and

Whereas access to the Lower Scioto Water Reclamation Facility is available through several directions without the need to approve the proposed change order, and

Whereas the Director of Environmental Services recommends that the Concord Scioto Community Authority's request be denied based on the lack of merit to the County's overall goals for sewer service to the subject area.

Therefore be it resolved that the Board of County Commissioners deny the request to extend the incoming gravity sewer as proposed by the Concord Scioto Community Authority.

Furthermore, be it resolved that the Board of County Commissioners request that the Concord Scioto Community Authority proceed with the installation of the improvements as detailed in the approved contract documents.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1146

IN THE MATTER OF APPROVING A CONTRIBUTION AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND COUNCIL FOR OLDER ADULTS:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Whereas, the County Administrator recommends approval of the following agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following agreement with the Council for Older Adults:

CONTRIBUTION AGREEMENT

The Board of County Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio, and Council for Older Adults, 800 Cheshire Road, Delaware, Ohio enter into this Contribution Agreement (the "Agreement") under the following circumstances:

WHEREAS, the Board of County Commissioners (the "Board") entered into various contracts with design professionals, construction managers, building contractors and others to purchase, to prepare the site, and to design and construct a taxpayer funded building at 800 Cheshire Road, Delaware, Ohio to be used as a senior citizens services facility (the "Facility"); and

WHEREAS, the Board designated Council for Older Adults (the "Council"), which has for many years administered monies for the support of senior citizens services in Delaware County, Ohio, to have primary

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responsibility to operate the Facility; and

WHEREAS, there remain existing claims regarding construction costs of the Facility; and

WHEREAS, the Board and the Council desire to continue the long-standing cooperative relationship between them;

THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the Board and the Council agree as follows:

1. Having previously paid \$581,655.00 for the cost to construct and equip the Facility, including a contribution of \$238,462.00 to the County, on April 30, 2009, the Council made a final payment of \$32,260.00 to Delaware County, toward the cost of constructing and equipping the Facility.
2. The Board accepts the Council's contribution of \$32,260.00, as the last payment the Council will make to Delaware County toward any existing claims for constructing or equipping the Facility.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Nay

RESOLUTION NO. 09-1147

IN THE MATTER OF WAIVING ANY CONFLICT OF INTEREST OF DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE BERLIN TOWNSHIP TRUSTEES REGARDING AMENDMENT TO LEASE AGREEMENT TO ALLOW DELAWARE COUNTY EMS AT BERLIN TOWNSHIP FIRE STATION:

MOTION: by Mr. Hanks, Seconded by Mr. Thompson, to approve and execute Resolution No. 09-1147 waiving any Conflict of Interest of the Delaware County Board of Commissioners and the Berlin Township Trustees regarding Amendment to Lease Agreement to allow Delaware County EMS at Berlin Township Fire Station.

WHEREAS, Pursuant to Ohio Revised Code Section 309.09, the Delaware County Prosecuting Attorney is charged, by himself or acting through his assistants (collectively "Prosecutor"), with acting as legal advisor to numerous Delaware County boards and office holders, as well as all Delaware County township boards and officer holders (individually "Client" and collectively "Clients"). At times, the Prosecutor is faced with a situation which places him in the position of potentially acting as legal advisor to more than one Client at the same time on the same case, matter, or issue (collectively "Issue"). Under such circumstances, the Clients may have the same or different positions on the Issue. Nevertheless, a conflict of interest exists by the Prosecutor simultaneously representing both Clients on the same Issue. The present situation, as described above, presents such a potential conflict of interest by placing the Prosecutor in the position of acting as legal advisor to more than one Client at the same time on the same Issue, and

WHEREAS, the undersigned recognizes the existence of the conflict of interest inherent in the present situation. The undersigned acknowledges that the nature of the above described conflict of interest has been fully and completely disclosed to the undersigned. The undersigned acknowledges that the conflict of interest has been fully explained to the undersigned, the undersigned fully understands the conflict of interest, that the undersigned has had the opportunity to ask the Prosecutor questions regarding the conflict of interest, and all questions that the undersigned may have about the conflict of interest have been fully answered by the Prosecutor to the undersigned's complete understanding and satisfaction. In light of the full and complete disclosure of the conflict of interest and having a complete understanding of the conflict of interest, the undersigned hereby voluntarily and of the undersigned's own free will gives the undersigned's informed consent for the Prosecutor to simultaneously act as legal advisor to the undersigned and all of the above named Other Clients and waives the conflict of interest. By giving such informed consent and waiving the conflict of interest the undersigned acknowledges and understands that the Prosecutor will simultaneously act as legal advisor to the undersigned and the above named Other Clients. The undersigned understands that the Prosecutor will do his best to individually represent each Client's interest whenever and wherever possible. Understanding this, the undersigned, by signing this Client Informed Consent and Waiver of Conflict of Interest, gives the Prosecutor the undersigned's full and complete informed consent and permission to simultaneously act as legal advisor to the undersigned and the above listed Other Clients in the present situation as described above, and

WHEREAS, the undersigned recognizes and understands that this Informed Consent and Waiver may be immediately withdrawn by the above named Client at any time by giving written notice to the Prosecutor signed by the above named Client stating that this Informed Consent and Waiver are withdrawn.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners, Delaware County, State of Ohio, that:

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1. The Board of County Commissioners waives any conflict of interest regarding the Amendment to Lease Agreement to allow Delaware County EMS at Berlin Township Fire Station.
2. The Delaware County Prosecutor's Office may continue to act as legal counsel for the Board regarding the Amendment to Lease Agreement to allow Delaware County EMS at Berlin Township Fire Station.

Vote on Motion Mr. Thompson Nay Mr. O'Brien Aye Mr. Hanks Nay

RESOLUTION NO. 09-1148

IN THE MATTER OF APPROVING A RESOLUTION FOR DELAWARE COUNTY TO ACCEPT A DONATED WOOD OFFICE DESK FROM JUDGE SPICER AND A COPY OF THE DELAWARE COUNTY BICENTENNIAL HARDBACK BOOK MEMORIALIZING THE 2008 BICENTENNIAL FROM TOMMY THOMPSON:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, Judge Kenneth Spicer has graciously donated his office desk to Delaware County , and

Whereas, Commissioner Tommy Thompson has graciously donated his copy of "A Look through our Lens" a hardback book memorializing the Delaware County Bicentennial to Delaware County.

NOW THEREFORE BE IT RESOLVED, that the Delaware County Commissioners accept the wood office desk from Judge Spicer and the Bicentennial Book from Commissioner Thompson

Vote on Motion Mr. O'Brien Aye Mr. Thompson Abstain Mr. Hanks Aye

RESOLUTION NO. 09-1149

IN THE MATTER OF APPROVING THE APPOINTMENT OF ALTERNATES TO THE DELAWARE COUNTY COMMISSIONERS BOARD'S REPRESENTATIVE TO THE BOARD OF REVISION:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Whereas, with Resolution No. 09-53 The Board Of Commissioners Approved The Appointment Of The Board's Representative To Various Boards And Commissions For 2009, and

Whereas, the Board of Revision appointment is Tommy Thompson, and

Whereas, the Board of Commissioners wishes to make alternate appointments for specific occurrences to the Board of Revision;

Therefore be it resolved, that the Board of Commissioners approve the following specific occurrence alternate appointments for the Board of Revisions:

Board of Revision alternate September 15, 2009-Letha George

Board of Revision alternate September 16, 2009-Ken O'Brien

Vote on Motion Mr. Hanks Aye Mr. Thompson Abstain Mr. O'Brien Aye

COMMISSIONERS' COMMITTEES REPORTS

Refer To Cd Minutes For Entire Record

Commissioner Hanks

- Associated Press Article-Small Business Optimistic Outlook
- Delaware County 8th Highest In Ranking Of Income Level
- Doug Price Reality Letter On Church Pews
- Attended The Finance Committee Meeting With Treasurer And Commissioner Thompson
- Attended The Fallen Heroes Memorial

Commissioner O'Brien

- Additional Comment On Article About Income Ranking
- Attended The EMA Open House-Well Attended

Commissioner Thompson

- Saturday Is The Boat Race And Motorcycle Event

RESOLUTION NO. 09-1150

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IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PENDING OR IMMINENT LITIGATION:

It was moved by Mr. O'Brien, seconded by Hanks to adjourn into Executive Session at 10:30AM.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1151

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn out of Executive Session at 11:22AM.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1152

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn the meeting.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

Todd Hanks

Ken O'Brien

Tommy Thompson