A resolution pursuant to ORC 307.86 making a determination that a real and present emergency exists for exempting competitive bidding for supplies or services less than $100,000, in connection with efforts to address the Coronavirus

WHEREAS, ORC 307.86 addresses competitive bidding requirements and exceptions;  
WHEREAS, there are purchases exempt from competitive bidding when the board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists;  
WHEREAS, the reasons for the real and present emergency are detailed in the Executive Order of Governor DeWine (attached) relating to the Coronavirus cases documented in Ohio;  
WHEREAS, A work group of the County Administrator, EMA Director, Facilities Manager, and Human Resources Director are meeting weekly for as long as it is necessary to address this matter;  
WHEREAS, while the Governor has declared an emergency in order to in part streamline bidding and purchasing processes, and there is a similar avenue afforded to County Commissioners for exemptions of the bidding process;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF FAIRFIELD, STATE OF OHIO:

Section 1. That the Fairfield County Board of Commissioners makes a determination that a real and present emergency exists with respect to the Coronavirus in Ohio, evidenced by the state of emergency declared by Governor DeWine (see attached Executive Order of Governor DeWine).  
Section 2. That the Fairfield County Board of Commissioners resolve that purchases made by the county to address the Coronavirus with an estimated cost of under $100,000, such as for supplies or services, are exempt from the county competitive bidding process.  
Section 3. If any contract under this exemption is fifty thousand dollars or more, the county shall solicit informal estimates from no fewer than three providers who could perform the contract, before awarding the contract.  
Section 4. With regard to each such contract, the county shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires, if there are federal funds used for the contract.
WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes; and

WHEREAS, currently, the Centers for Disease Control and Prevention (CDC) lists over 79 countries with confirmed cases of COVID-19. The CDC reports over 98,000 diagnosed cases worldwide with 3,380 deaths reported worldwide. The CDC has announced 164 confirmed and presumptive positive cases, with eleven deaths reported from the disease in the United States; and

WHEREAS, on January 23, 2020, the Ohio Department of Health issued a Director’s Journal Entry making COVID-19 a Class A reportable disease in Ohio; and

WHEREAS, on January 28, 2020, the Ohio Department of Health hosted the first statewide call with local health departments and healthcare providers regarding COVID-19; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

WHEREAS, on February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments and healthcare providers with updated guidance for COVID-19 and revised Person Under Investigation (PUI) criteria; and

WHEREAS, on February 3, 2020, the Ohio Department of Health trained over 140 personnel to staff a call center for COVID-19, in the event it was needed; and
WHEREAS, on February 5, 2020, the Ohio Department of Health began updating and notifying the media of the number of PUIs in Ohio every Tuesday and Thursday; and

WHEREAS, on February 6, 2020, the Ohio Department of Health updated all agency assistant directors and chiefs of staff on COVID-19 preparedness and status during the Governor’s cabinet meeting; and

WHEREAS, on February 7, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency met to conduct advance planning for COVID-19; and

WHEREAS, on February 13, 2020, the Ohio Department of Health conducted a Pandemic Tabletop Exercise with State agencies to review responsive actions should there be a pandemic in Ohio; and

WHEREAS, on February 14, 2020, the Ohio Department of Health held a conference call with health professionals across the state. The purpose of the call was to inform and engage the healthcare community in Ohio. Presentations were provided by the Department of Health, Hamilton County Public Health, and the Ohio State University; and

WHEREAS, on February 27, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency briefed the directors of State agencies during the Governor’s cabinet meeting regarding preparedness and the potential activation of the Emergency Operations Center; and

WHEREAS, on February 28, 2020, the "Governor DeWine, Health Director Update COVID-19 Prevention and Preparedness Plan" was sent to a broad range of associations representing healthcare, dental, long-term care, K-12 schools, colleges and universities, business, public transit, faith-based organizations, non-profit organizations, and local governments; and

WHEREAS, on March 2, 2020, the Ohio Department of Health activated a Joint Information Center to coordinate COVID-19 communications; and

WHEREAS, on March 5, 2020, the Ohio Department of Health hosted the Governor’s Summit on COVID-19 Preparedness, a meeting with the Governor, cabinet agency directors, local health department commissioners, and their staff; and

WHEREAS, on March 6, 2020, the Ohio Department of Health opened a call center to answer questions from the public regarding COVID-19; and

WHEREAS, on March 09, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio, creating a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio; and
WHEREAS, on March 09, 2020, the Ohio Emergency Management Agency activated the Emergency Operations Center; and

WHEREAS, in accordance with Ohio Revised Code section 5502.22, this Executive Order is necessary to authorize previously-alerted state departments and agencies to prepare to respond to this public health emergency as needed;

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution, the laws of this State and in accordance with Section 5502.22 of the Ohio Revised Code, do hereby order and direct that:

1. A state of emergency is declared for the entire State to protect the well-being of the citizens of the Ohio from the dangerous effects of COVID-19, to justify the authorization of personnel of State departments and agencies as are necessary, to coordinate the State response to COVID-19, and to assist in protecting the lives, safety, and health of the citizens of Ohio.

2. I hereby further request the Department of Administrative Services and other departments and agencies of the State to suspend purchasing and contracting requirements contained in Chapters 125 and 153 of the Revised Code, pursuant to Section 125.061 of the Revised Code, during the period of the emergency for the Ohio Emergency Management Agency and any other State agency participating in emergency assistance under this declaration, in order to procure any necessary resources or supplies to protect the health, safety, and welfare of the citizens of Ohio.

3. After consultation with the appropriate medical experts, the Department of Health shall create and require the use of diagnostic and treatment guidelines and provide those guidelines to health care providers, institutions and providers.

4. The Department of Health issue guidelines for private businesses regarding appropriate work and travel restrictions, if necessary.

5. State agencies shall develop and implement procedures, including suspending or adopting temporary rules within an agency’s authority, consistent with recommendations from the Department of Health designed to prevent or alleviate this public health threat.

6. This Proclamation does not require the implementation of the Department of Administrative Services Directive HR-D-11. Accordingly, State employees’ obligations to travel to and from work is not to be limited as a result of this proclamation.

7. All citizens are urged to heed the advice of the Department of Health and other emergency officials regarding this public health emergency in order to protect their health and safety.
8. Persons who believe that they have been subjected to excessive prices for essential consumer goods during this public health emergency should contact the office of the Ohio Attorney General at 800-282-0515.

I signed this Executive Order on March 09, 2020, in Columbus, Ohio, and it shall take effect immediately and remain in full force and effect until the emergency no longer exists, such time to be determined by the Director of Health and the Executive Director of the Emergency Management Agency in consultation with the Governor, who will coordinate State response efforts and terminate the emergency upon the recommendation of appropriate officials of the other responding State departments and agencies.

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State
307.86 Competitive bidding required - exceptions.

Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county or contracting authority, as defined in section 307.92 of the Revised Code, at a cost in excess of fifty thousand dollars, except as otherwise provided in division (D) of section 713.23 and in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. However, competitive bidding is not required when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and that determination and the reasons for it are entered in the minutes of the proceedings of the board, when either of the following applies:

(1) The estimated cost is less than one hundred thousand dollars.

(2) There is actual physical disaster to structures, radio communications equipment, or computers.

For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

(B)

(1) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies, part, or parts is limited to a single supplier.

(2) The purchase consists of services related to information technology, such as programming services, that are proprietary or limited to a single source.

(C) The purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, educational service center, township, or municipal corporation.
(D) The purchase is made by a county department of job and family services under section 329.04 of the Revised Code and consists of family services duties or workforce development activities or is made by a county board of developmental disabilities under section 5126.05 of the Revised Code and consists of program services, such as direct and ancillary client services, child care, case management services, residential services, and family resource services.

(E) The purchase consists of criminal justice services, social services programs, family services, or workforce development activities by the board of county commissioners from nonprofit corporations or associations under programs funded by the federal government or by state grants.

(F) The purchase consists of any form of an insurance policy or contract authorized to be issued under Title XXXIX of the Revised Code or any form of health care plan authorized to be issued under Chapter 1751. of the Revised Code, or any combination of such policies, contracts, plans, or services that the contracting authority is authorized to purchase, and the contracting authority does all of the following:

1. Determines that compliance with the requirements of this section would increase, rather than decrease, the cost of the purchase;

2. Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;

3. Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.

(H) Child care services are purchased for provision to county employees.

(I)

1. Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:

   a. The contracting authority is authorized by the Revised Code to lease the property.

   b. The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.

   c. The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.

   d. The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.
(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

(N) The purchase consists of used supplies and is made at a public auction.

Any issuer of policies, contracts, plans, or services listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer’s or prospective lessor’s name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of that action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and negotiate with issuers in accordance with that division at least every three years from the date of the signing of such a contract, unless the parties agree upon terms for extensions or renewals of the contract. Such extension or renewal periods shall not exceed six years from the date the initial contract is signed.

Any real estate appraiser employed pursuant to division (I) of this section shall disclose any fees or compensation received from any source in connection with that employment.

As used in division (N) of this section, “supplies” means any personal property including equipment, materials, and other tangible assets.
A resolution pursuant to ORC 307.86 making a determination that a real and present emergency exists for exempting competitive bidding for supplies or services less than $100,000, in connection with efforts to address the Coronavirus

(Fairfield County Commissioners)

Upon the motion of Commissioner Jeffrey M. Fix, seconded by Commissioner David L. Levacy, this resolution has been Adopted:

Voting:

Steven A. Davis, President  Aye
David L. Levacy, Vice President  Aye
Jeffrey M. Fix  Aye

Board of County Commissioners
Fairfield County, Ohio

CERTIFICATE OF CLERK
It is hereby certified that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Fairfield County, Ohio on the date noted above.

Rachel Elsea
Board of County Commissioners
Fairfield County, Ohio