

RECORD OF PROCEEDINGS

Minutes of

MUNSON TOWNSHIP TRUSTEES REGULAR

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held Tuesday, April 26, 20 22

The meeting was called to order at 6:33pm by Chair James McCaskey, with Trustees Andy Bushman and Irene McMullen and Fiscal Officer Todd Ray present. Mr. McCaskey led the Pledge of Allegiance.

Minutes

Andy Bushman moved to approve the minutes of the Trustees Regular Meeting Tuesday April 12, 2022, as presented. Irene McMullen seconded; with a unanimous vote, the motion carried. Mr. McCaskey noted that the Trustees had warrants to sign. The Trustees signed warrants 18651 through 18671 dated 4/26/22, totaling \$259,812.87, and 4/29/2022 bi-weekly payroll EFT vouchers 88 through 95, totaling \$8,943.67., and the 4/29/2022 monthly payroll EFT vouchers 96 through 101, totaling \$8,401.36.

Public Comment

Mr. McCaskey called for any public comment. Resident Dave Partington expressed concern that the Trustees would approve the proposed zoning amendment awaiting a public hearing. He believes that it forfeits Township authority to have the BZA limit commercial activity, and suggested the Trustees table the amendment rather than hold a hearing. Resident Joe Bastulli reasserted his opposition to the zoning change and feels he has not received clarity in answers to his questions. Resident Rich Ferlin restated his question about the process that guides the Zoning Commission to take up a topic and prepare changes to the zoning code.

FIRE DEPARTMENT

Munson Assistant Fire Chief Brian Gray reported that the two-day live burn training activity hosted the previous weekend was a tremendous success, with 35 area fire departments sending staff to participate. He expressed gratitude to Covia Corporation for their cooperation in donating the building and their generosity in allowing Munson Fire Department access to the structure to salvage valuable equipment, cabinets and furniture and to prepare the building for the training event. He was very pleased with all the work that Munson Fire staff invested in the training preparation and during the training. Asst. Chief Gray noted that the Department continued to provide emergency response and medical care to the Township throughout the training event, including an extremely quick response to a serious motorcycle accident in the Township on Saturday. He emphasized his pride and deep appreciation for the exceptional and outstanding, life-saving care that Munson provided for the injured riders and the rapid delivery of the victims to the ER Trauma Care at University Hospitals Geauga Medical Center. Asst. Chief Gray reported that Munson Fire also responded to and supplied water-shuttle support for a massive structure fire in Gerard, Ohio just as the training was wrapping up. The site of the fire was an hour drive from Munson and required dozens of trucks and teams to shuttle water. He noted that all other operations are going well and squad 4056 is back in service. He informed the Trustees that retired ambulance 4052 is ready for sale-disposal, and the sale will be important because Munson Fire will be replacing outdated on-board computers for trucks and ambulances. The Geauga County Sheriff office no longer supports the old technology on Munson vehicles, although they are functional for now. Asst. Chief Gray has quotes on the package of upgrade replacement computers, around \$35,000. He believes the sale value of the retired squad will likely cover most of the cost of the new computers. He closed by updating the Board that the Department has responded to 492 calls to date.

FISCAL OFFICER

Resolution 2022-13: American Recue Plan Act Funds

Andy Bushman moved to approve Resolution 2022-13, a Resolution to Authorize the Expenditure of American Rescue Plan Act Funds, exercising the option to accept the funds for revenue replacement and to expend them for provision of general government services. Irene McMullen seconded. With a unanimous vote, the motion carried. The Resolution, in its entirety, is included on a separate page of the minutes.)

RECORD OF PROCEEDINGS
MUNSON TOWNSHIP TRUSTEES REGULAR

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Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held Tuesday, April 26, 2022

Resolution 2022-14: Micro Purchasing Thresholds and Adopting a Uniform Guidance Procurement Policy

Irene McMullen moved to approve Resolution 2022-14, a Resolution to Authorize increasing the micro-purchase thresholds for expending American Rescue Plan Act Funds, and adopting a Uniform Guidance Procurement Policy to be followed when expending ARPA funds. Andy Bushman seconded. With a unanimous vote, the motion carried. (The Resolution, in its entirety, is included on a separate page of the minutes.)

Resolution 2022-15: Fund Transfer

Andy Bushman moved to approve Resolution 2022-15, a Resolution to Authorize a transfer of funds within the General Fund. Irene McMullen seconded. With a unanimous vote, the motion carried. (The Resolution, in its entirety, is included on a separate page of the minutes.)

ROAD DEPARTMENT

Tim Woodcock from the Geauga County Engineers office was in attendance and presented the Board with legislation to move forward for bids to repave Fowlers Mill Road.

Resolution 2022-16: Repaving Fowlers Mill Road

Andy Bushman moved to approve Resolution 2022-16, to order the Asphalt Resurfacing of Sections A and B of Fowlers Mill Road. Irene McMullen seconded the motion; with a unanimous vote the motion carried. (The Resolution, in its entirety, is included on a separate page of the minutes.)

Cemetery Flowers for Memorial Day

Andy Bushman moved to approve the purchase of flowers from Burton Floral and Garden, in the amount of \$990. Irene McMullen seconded. With a unanimous vote, the motion carried.

Township Clean-up Day

Road Superintendent Kirk Walker advised that the crew has been working to assist seniors with hauling and disposing of trash as part of Township Clean-up Day on Saturday, and all is going well. Andy Bushman moved to approve the purchase of lunches for the crew working on Saturday, not to exceed \$100.00 Irene McMullen seconded. With a unanimous vote, the motion carried.

TOWNSHIP BUSINESS

Go Green Grant Purchase

Irene McMullen moved and Andy Bushman seconded to approve the purchase of two picnic tables constructed with recycled plastics (in accordance with the Go Green application) in the amount of \$3,558; with a unanimous vote, the motion carried.

NDCL Stream Restoration project

Mr. McCaskey moved to authorize Ms. McMullen to sign the required paperwork for the Notre Dame Cathedral Latin Stream Restoration/ EPA Grant quarterly report, and a request for reimbursement of funds. Andy Bushman seconded. With a unanimous vote, the motion carried.

Special Meeting: Hearing regarding property demolition

Andy Bushman moved to have the Board hold a Special Meeting Tuesday May 3rd at 6:30pm for the purpose of a hearing to meet with the property owner of 10416 Mayfield Rd. pursuant to RC 505.86. Ms. McMullen seconded; with a unanimous vote the motion carried.

Public Hearing : Zoning Amendment 2022-01

Andy Bushman moved to have the Board hold a Public Hearing on Zoning Amendment 2022-01 Tuesday May 24th at 5:30pm. Ms. McMullen seconded; with a unanimous vote the motion carried.

Other Business

No other business was presented.

Other Meetings

No meetings were reported.

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held _____ Tuesday, April 26, _____ 20__ 22__

Public Comment

Resident Rich Ferlin suggested that the Trustees take an opportunity for questions and discussion after a motion is seconded. Resident Joe Bastulli offered a follow-up comment requesting further clarification and answers to his questions.

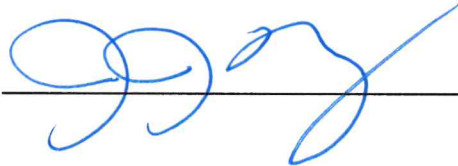
Encumbrances

Andy Bushman moved to approve the encumbrances for Tuesday April 26 as written. Irene McMullen seconded. Motion carried with a unanimous vote.

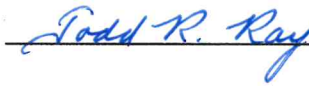
Geauga Township Association	Annual dues	\$280.00
Burton Floral and Garden	Cemetery flowers	\$990.00

Motion to Adjourn

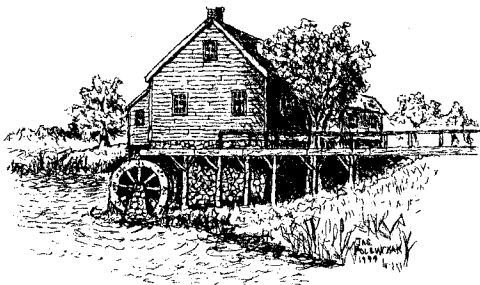
Andy Bushman moved to adjourn the meeting at 7:16pm. Irene McMullen seconded; motion carried with a unanimous vote.



Chairman



Fiscal Officer



Resolution Authorizing Expenditure from American Rescue Plan Act Funds

No. 2022-13

Be It Resolved by the Township Trustees of Munson Township

WHEREAS, this date, April 26, 2022, Trustee Andy Bushman moved the adoption of the following Resolution:

WHEREAS, the Township has received a distribution of monies (the “ARPA Funds”) from the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, Section 603(c) generally provides that:

(1) **USE OF FUNDS.** Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024 -

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, Department of Treasury Final Rule, published by the Federal Register on January 27, 2022, at Vol. 87, No. 18, 4438 – 4454, and effective April 1, 2022, provides in part that:

Treasury is including an option for recipients to use a standard allowance for revenue loss. Specifically, in the final rule, recipients will be permitted to elect a fixed amount of loss that can then be used to fund government services. This fixed amount, referred to as the “standard allowance,” is set at up to \$10 million total for the entire period of performance not to exceed the recipient’s SLFRF award amount.

WHEREAS, the Rule further observes based on extensive analysis by the Treasury that:

The \$10 million level is based on average revenue loss across state and local governments, taking into consideration potential variation in revenue types and losses and continued uncertainty faced by many recipients regarding revenue shortfalls.

WHEREAS, the Rule further clarifies that recipients can use SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the formula set forth in the Rule. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise.

WHEREAS, some common examples of “government services” identified by Treasury in the Rule and in the “Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule” (hereinafter “the SLFRF Overview of Final Rule”) are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- School or educational services
- Construction of schools and hospitals
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure

WHEREAS, the Treasury has recognized in the SLFRF Overview of Final Rule “Government services generally include any service traditionally provided by a government, unless Treasury has stated otherwise” and that “Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements.” and

WHEREAS, the SLFRF Overview of the Final Rule further states that funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including generally prohibiting:

- Offsetting a reduction in net tax revenue
- Deposit into pension funds
- Debt service or replenishing financial reserves
- Satisfaction of settlements or judgments
- Contributions to financial reserves or "rainy day" funds
- Use for projects that conflicts with or contravenes the American Rescue Plan Act
- Use in violation of Terms and Conditions of the award or conflict of interest requirements under the Uniform Guidance
- Use of funds in violation of other applicable laws and regulations or outside of SLRF program requirements

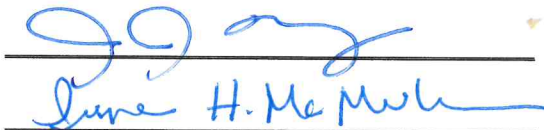
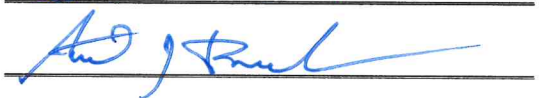
NOW THEREFORE, it is hereby RESOLVED by the Board that:

The Township elects to use the standard allowance and its presumption of revenue loss due to the public health emergency and to use the amount authorized herein to fund government services.

Trustee Irene McMullen seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

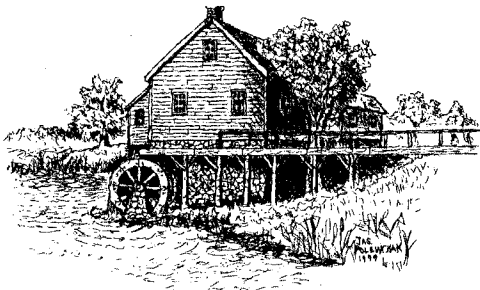
BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 26th day of April, 2022.

Township Trustees

Attest: Todd R. Ray
 Township Fiscal Officer



Resolution Authorizing Increase in Micro-Purchase Threshold and Adopt Uniform Guidance Procurement Policy

RESOLUTION NO. 2022-14

Geauga County, Ohio

Be It Resolved *by the Township Trustees of Munson Township*

WHEREAS, on this date, April 26, 2022, Trustee Irene McMullen moved the adoption of the following Resolution:

WHEREAS, the Township has received a distribution of monies (the “ARPA Funds”) from the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, expenditure of ARPA funds is subject to the federal Uniform Guidance requirements set forth in 2 C.F.R. 200; and

WHEREAS, the Township is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, 2 C.F.R. 200.318 requires all recipients of federal funds to maintain documented procurement standards and policies; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and

(3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

WHEREAS, under Ohio law, Townships are required to conduct competitive bidding purchases and contracts if such purchases and contracts exceed the following threshold:

1. Purchase of materials, machinery, and tools to be used in constructing, maintaining and repairing roads and culverts, where the amount involved exceeds \$50,000. R.C. 5549.21.
2. Contracts for the maintenance or repair of roads, where the amount involved exceeds \$45,000. The board must advertise once, not later than two weeks prior to the letting of the contract, in a newspaper of general circulation in the township. The award must be to the lowest responsible bidder. R.C. 5575.01.
3. Contracts for the construction and erection of a memorial building or monument when the amount involved exceeds \$50,000. R.C. 511.12(B).
4. Contracts for equipment for fire protection, mechanical resuscitation, underwater rescue and recovery, and communication estimated to exceed \$50,000. R.C. 505.37 and 505.376.
5. Contracts for street lighting systems where the cost exceeds \$50,000. R.C. 515.01.
6. Contracts for street lighting improvements where the cost exceeds \$50,000. The board shall accept the lowest and best bid, if the successful bidder meets the requirements of section 153.54 of the Revised Code. The board may reject all bids. R.C. 515.07.
7. Contracts for building modifications for energy savings pursuant to R.C. 505.264, where the estimated cost exceeds \$50,000 (with certain exceptions). Award must be to the lowest and best bidder in accordance with the provisions of R.C. 307.86 to 307.92.
8. Contracts for private sewage collection tiles where the cost exceeds \$50,000. R.C. 521.05. The successful bidder must meet the requirements of R.C. 153.54.

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the Township desires to adopt higher micro-purchase thresholds than those identified in 2 C.F.R. §§200.67, 200.321(a), and 48 C.F.R. § 2.101.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

1. In compliance with the Uniform Guidance, and specifically 2 C.F.R. 200.318, the Township adopts the attached Uniform Guidance Procurement Policy to be used for all expenditures of ARPA funds.
2. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of Ohio law, the Township hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. §200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

- A. \$50,000 for the purchase of materials, machinery and tools to be used in constructing, maintaining and repairing roads and culverts;
- B. \$45,000 for contracts for the maintenance or repair of roads;
- C. \$50,000 for contracts for the construction and erection of a memorial building or monument;
- D. \$50,000 for contracts for equipment for fire protection, mechanical resuscitation, underwater rescue and recovery, and communication;
- E. \$50,000 for contracts for street lighting systems;
- F. \$50,000 for contracts for street lighting improvements;
- G. \$50,000 for contracts for building modifications for energy savings, subjects to the exceptions set forth in R.C. 307.86 to 307.92; and
- H. \$50,000 for contracts for private sewage collection tiles.

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until the 2022 fiscal year of the Township, but shall not be applicable to Federal financial assistance awards issued prior to April 26, 2022, including ARPA funds.

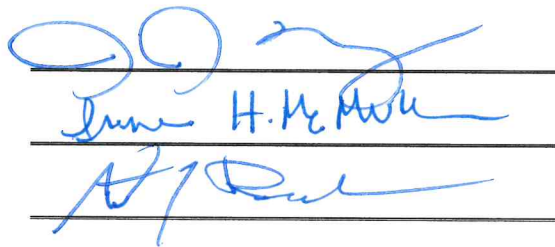
3. In the event that the Township receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Township shall comply with the more restrictive threshold when expending such funds.

4. The Township shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

Trustee Andy Bushman seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 26th day of April, 2022.



Two handwritten signatures in blue ink are written over two horizontal lines. The first signature is more stylized, and the second signature is more legible, appearing to read "H. McArthur".

Township Trustees

Attest: Todd R. Ray
Township Fiscal Officer

Uniform Guidance Procurement Policy American Rescue Plan Act Funds

I. Purpose

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

II. Policy

- A. Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with ARPA funds.

The requirements of this Policy also apply to any subrecipient of the funds.

All ARPA-funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance or “UG”) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. All applicable local, state, and federal procurement requirements will be followed when expending federal funds. Should the state of Ohio have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract in compliance with state and federal law.
- D. No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. Contract Requirements.** All contracts paid for in whole or in part with ARPA funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R. Part 200, Appendix II. (See Article VII).
- F. Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

- G. Settlement of Issues Arising Out of Purchase.** Township is responsible for the settlement of all contractual and administrative issues arising out of procurements and shall use good administrative practices and sound business judgment.

III. General Procurement Standards and Procedures

- A. Necessity – Avoid Duplicative Items.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items.
- B. Use of Federal Excess and Surplus Property.** Best practice is to consider use of federal excess and surplus property prior to buying new items when feasible and less expensive.
- C. Use of Intergovernmental Agreements and Cooperative Purchasing.** Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- D. Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- E. Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- F. Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- G. Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a “Not to Exceed” amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.
- H. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and “or equal” must be included in the description.

- I. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- J. Minority Businesses, Women's Business.** Steps to be taken to comply with federal requirements to ensure that minority and women owned businesses and enterprises (M/WBE) are used when possible, include, but are not limited to:
- a. Placing qualified M/WBE on solicitation lists;
 - b. Assuring M/WBE are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small businesses and M/WBE;
 - d. Establishing delivery schedules, when feasible, to encourage M/WBE participation;
 - e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
- K. Documentation.** Documentation detailing history of procurement must be maintained, including the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract.
- L. Cost and Price Analysis.** A cost or price analysis is required all procurements exceeding \$250,000. A cost analysis requires evaluating the separate cost elements, including profit, and a price analysis requires evaluation of total price. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- Profit is to be negotiated as a separate element in the cost analysis. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work
- M. Contract Requirements.** All contracts must be written and incorporating the provisions referenced in Section II.E of this Policy.
- N. Contractor Oversight.** Oversight of the contractor is required to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- O. Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.

P. Geographic Preference. No contract shall be awarded on the basis of a geographic preference unless permitted by the UG.

Q. Property. 2 C.F.R. 200.311-316 will be followed for the acquisition and disposition of real property and equipment purchased with ARPA funds.

R. Domestic Preference. Will, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States.

IV. Specific Procurement Procedures: Purchase Contracts and Service Contracts (except for Architect/Engineer professional Services)

A. Micro-purchase: Less than \$10,000 (or up to \$50,000 if Township self-certified a higher threshold pursuant to pursuant 2 C.F.R. 320(a)(1)(iv) with the exception of maintenance or road repair contracts, which have a threshold of \$45,000) shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)(1)) or comparable Ohio law, whichever is more restrictive:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, purchases must be distributed among qualified suppliers.

B. Small Purchases: \$10,000 (unless self-certified to higher micro purchase threshold but **less than \$250,000**; shall be procured using the UG “small purchase” procedure (2 C.F.R. § 200.320(a)(2)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources;
2. Cost or price analysis is not required;
3. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible);
4. Award the contract to the lowest responsive qualified source.

C. Large Contracts – Sealed Bid: exceeds \$250,000 shall be procured using a “sealed bid” procedure or competitive proposal method. Sealed bid (2 C.F.R. § 200.320(b)(1)) will be used for publicly solicited for a firm fixed-price contract; preferred method for procuring construction.

Conditions for Sealed Bid:

1. Cost or price analysis conducted prior to bidding;
2. A complete, adequate, and realistic specification or purchase description is available;
3. Two or more responsible bidders are willing and able to compete effectively for the business; and
4. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

Procedures:

1. Complete specifications must be made available to all bidders.

2. Publicly advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids.
 - a. The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
3. All bids will be opened at the time and place prescribed in the invitation for bids, and must be opened publicly;
4. Awarded in writing to lowest responsive and responsible bidder.
 - a. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.
 - b. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
5. Any or all bids may be rejected if there is a sound documented reason.

D. Large Contracts – Competitive Proposal: exceeds \$250,000 “competitive proposal” procedure (2 C.F.R. § 200.320(b)(2)) will be used for a fixed-price or cost-reimbursement type contract is awarded. Generally used when conditions for sealed bid are not appropriate.

1. Request for proposal (RFP) will be publicized;
2. RFP will identify all evaluation factors and their relative importance;
3. RFP will be solicited from an adequate number of qualified offerors;
4. Any response to RFP will be considered to the maximum extent practical;
5. Will evaluate RFPs based upon written method for conducting technical evaluations of RFP’s received; and
6. Contract will be awarded to most responsible bidder whose RFP is most advantageous, which price and other factors identified in RFP.

V. Specific Procurement Procedures: Contracts for Architectural and Engineering Services

A. Micro-threshold: Contracts less \$50,000 may be selected through the “direct selection” process available in R.C. 153.71:

1. Select a most qualified single design professional or firm from those who have submitted statement of qualifications in the preceding year; and
2. Negotiate contract to include fair and reasonable fee agreement.

B. Small Contracts: Contracts more than \$50,000 and less than \$250,000 shall follow Ohio’s Qualifications-Based Selection (QBS) policy, as set forth in R.C. 153.65-153.73:

1. Publicize Requests for Qualifications (RFQ) which is to include:
 - a. Description of project sufficiently detailed to allow for adequate RFQ;
 - b. Project budget and anticipated funding;
 - c. Anticipated project schedule;
 - d. Specific services to be provided by the architect or engineer;
 - e. Deadline; and
 - f. Cannot require RFQ to include fee or estimate.

2. Evaluate the statements of qualifications submitted by interested engineers and architects and – using a specific set of scoring criteria – rank them in order of their qualifications for the project at hand; and
3. Negotiate a contract, including scope of services and fee, with the most highly ranked professional:
 - a. If unable to negotiate a contract with the most highly ranked, notify said firm in writing of termination and begin negotiations with the next most highly ranked.

C. Large contracts: Contracts more than \$250,000 shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(b)(2)(iv)) as follows:

1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms;
 - a. Price (other than unit cost) shall not be solicited in the RFQ.
 - b. Geographical location may be selection criteria (2 C.F.R. 200.319(c)).
2. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ;
3. Proposals must be solicited from an “adequate number of qualified sources”;
4. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm;
5. Consider all responses to the publicized RFQ to the maximum extent practical;
6. Evaluate qualifications of respondents and select the most qualified firm;
7. Once a firm is selected, negotiate fair and reasonable compensation. If negotiations are not successful, repeat negotiations with the second-best qualified firm;
8. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated.

Limitations:

1. Competitive proposal method for selecting A/E services can only be used for architectural and engineering professional services
2. Cannot be used for other services even if those services can be performed by architectural and engineering firms (such as general consulting services)

VI. Noncompetitive Proposals

Procurement by noncompetitive proposals for purchases over the micro-purchase threshold are permitted only when one or more of the following apply:

- A. Sole Source.** Item is available from only one source. The justification for and lack of available competition for the item shall be documented.
- B. Emergency.** Sole source procurement permitted when there is a public emergency, which exists when the time required to act in accordance with regular procurement procedures would endanger life or property.

- C. Inadequate Competition.** When competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

VII. Conflicts of Interest

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with ARPA funds. This policy also applies to any subrecipient of the funds.

The employee or body responsible for managing the ARPA funds shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including subrecipients, of the requirements of this policy and any additional prohibitions or requirements.

A. Agency Conflicts of Interest. In addition to the prohibition against self-benefiting from a public contract under R.C. 2921.42 and 2921.43, no officer, employee, or agent of the Township may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

1. the employee, officer, or agent involved in the selection, award, or administration of a contract;
2. any member of his or her immediate family;
3. his or her partner; or
4. an organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

B. Agency Gifts. In addition to the prohibition against accepting gifts and favors from vendors and contractors prohibited by Ohio Ethics Law, officers, employees, and agents of the Township are prohibited from accepting or soliciting gifts, gratuities,

favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value, valued at less than \$25, which fall into one of the following categories may be accepted:

1. promotional items;
2. honorariums for participation in meetings; or
3. meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

C. Contractors' Conflict of Interest. Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.

D. Violations. Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.

VIII. Contract Requirements Pursuant to Part 200, Appx II

A. Remedy provisions – *applies to all contracts exceeding \$250,000.* Contract must address administrative, legal, and legal remedies in the event a contractor breaches the terms of the contract.

B. Termination Clause – *applies to all contracts exceeding \$10,000.* Contract must contain termination clause, including the manner in which it will be effected.

C. Equal Employment Opportunity – *applies to all construction contracts.* Contractor must agree to comply with all provisions set forth in 41 C.F.R. Part 60-1.4(b), including, but not limited to:

Prohibiting discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity, national origin, or for inquiring about, discussing, or disclosing compensation. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity or national origin.

D. Contract Work Hours and Safety Standards Act - *applies to contracts in excess of \$100,000 that involve the employment of mechanics or laborers.* Contractor must comply with the Act (40 USC 3702 and 3704), as supplemented by Department of Labor regulations (29 CFR Part 5). The Act requires, in part:

1. Computation of the wages of every mechanic and laborer on the basis of a standard work week of 40 hours.

2. Work in excess of the 40-hour work week for compensation at rate of not less than one and a half times the basic rate.
3. Prohibition of work in conditions which are unsanitary, hazardous or dangerous.

Note: Act not applicable to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

E. Rights to Inventions Made Under a Contract or Agreement - *applies to contracts with small businesses or nonprofits for the performance of experimental, developmental or research work.* Contract must incorporate patent rights clause at 37 CFR 401.14 by reference.

F. Clean Air Act and the Federal Water Pollution Control Act - *applies to contracts exceeding \$150,000.* Contractor must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

G. Debarment – *applies to all contracts.* No contract shall be awarded to a contractor included on the Ohio or Federal debarred bidder's list.

H. Byrd Anti-Lobbying Amendment - *applies to contracts exceeding \$100,000.* Contractors must file the required certification:

1. Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. 1352.
2. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
3. In this context, "tier" references the awarding agency, as well as contractors and any subcontractors.

I. Recovered Materials – *applies to purchases of items which cost \$10,000 or more during the course of a fiscal year.* Contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, specifically the guidelines set forth in 40 CFR part 247.¹

1. In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired:

¹ See <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>

- a. Competitively within a timeframe providing for compliance with the contract performance schedule;
 - b. Meeting contract performance requirements; or
 - c. At a reasonable price.
2. The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

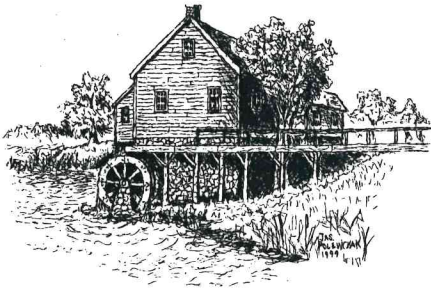
J. Domestic Preference – *applies to all contracts.* As appropriate, and to the extent consistent with law, the contractor should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. This includes, but is not limited to iron, aluminum, steel, cement, and other manufactured products.

K. Prohibition on Contracting for Covered Telecommunications Equipment or Services – *applies to all contracts.* Consistent with Public Law 115-232, Section 889, Contractors are prohibited from obligating or expending funds to:

1. Procure or obtain;
2. Extend or renew a contract to procure or obtain; or
3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

Covered Telecommunications Equipment and Service Under this Provision:

1. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
2. For the purposes of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by:
3. Telecommunications or video surveillance services provided by such entities or using such equipment;
 - a. Hytera Communications Corporation;
 - b. Hangzhou Hikvision Digital Technology Company; or
 - c. Dahua Technology Company (or any subsidiary or affiliate of such entities).
4. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense . . . reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.



Resolution Authorizing a Fund Transfer

Resolution 2022-15

Be it resolved by the Trustees of Munson Township, in a regular session on the 26th day of April, with the following members present, James J. McCaskey, Andrew J. Bushman and Irene H. McMullen, that

Andy Bushman moved the adoption of the following resolution:



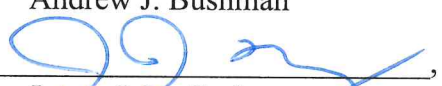
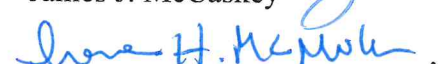
That the 2022 Permanent Appropriation be amended, as follows:

Transfers Within Funds

In the General Fund, a within fund transfer, as follows:

\$2,035.50 to 1000-760-730-0220 Improvement of sites – Fire Department
from 1000-930-930-0000 Contingencies

Irene McMullen seconded the motion and the roll being called, resulted as follows:

<u></u>	Voting <u></u>
Andrew J. Bushman	
<u></u>	<u>yes</u>
James J. McCaskey	
<u></u>	<u>yes</u>
Irene H. McMullen	

Attest: , April 26, 2022
Todd Ray, Fiscal Officer

Resolution No. 2022-16

RESOLUTION TO ORDER
THE ASPHALT RESURFACING OF SECTIONS A-B OF FOWLERS MILL ROAD, TR-0108
Munson Township, Geauga County

WHEREAS, the Munson Township Board of Trustees, Geauga County, has determined by unanimous vote in Resolution # 2207 that the public convenience and welfare require the improvement of Fowlers Mill Road (TR-0108) from Mayfield Road (U.S. 322) to Wilson Mills Road (CH-0008), in Munson Township, and authorized the Geauga County Engineer to prepare engineering plans in accordance with Section 5573.01 of the Ohio Revised Code; and

WHEREAS, the Geauga County Engineer has completed the specifications and estimates for the improvements, and has filed the specifications with the Board; and

WHEREAS, the Board has reviewed the specifications and estimates and finds them acceptable; and

WHEREAS, the cost of such improvement will not be excessive in view of the public utility thereof; and

WHEREAS, the Board is satisfied that the public convenience and welfare require the proposed improvements.

NOW THEREFORE, BE IT RESOLVED that the Board in accordance with Section 5573.06 of the Ohio Revised Code hereby orders that such improvements proceed.


BE IT FURTHER RESOLVED that the Board hereby adopts the specifications and estimates for such improvements, the costs of which shall be paid from local funding sources in accordance with Section 5573.07 of the Ohio Revised Code.


BE IT FURTHER RESOLVED that the Fiscal Officer of the Board is hereby ordered to let this project for bids in accordance with Section 5575.02 of the Revised Code. The bids shall be let upon a unit price basis. Bids shall be received by Todd Ray, Fiscal Officer, until 12:45 PM official local time on May 20, 2022. Bids received will be publicly opened and read aloud at 1:00 PM the same day.


BE IT FURTHER RESOLVED that the Fiscal Officer of the Board is hereby instructed to transmit a certified copy of this resolution to the Geauga County Engineer.

Voting thereon:


Vote:



Andrew J. Bushman


James J. McCaskey


Irene H. McMullen

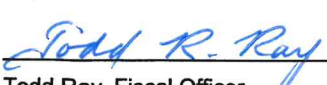


yes

yes

I, Todd Ray, the Fiscal Officer of the Board certify that the foregoing is a true and correct copy of the acceptance of the resolution adopted at a legally convened Board meeting held on

April 26, 2022.



Todd Ray, Fiscal Officer