

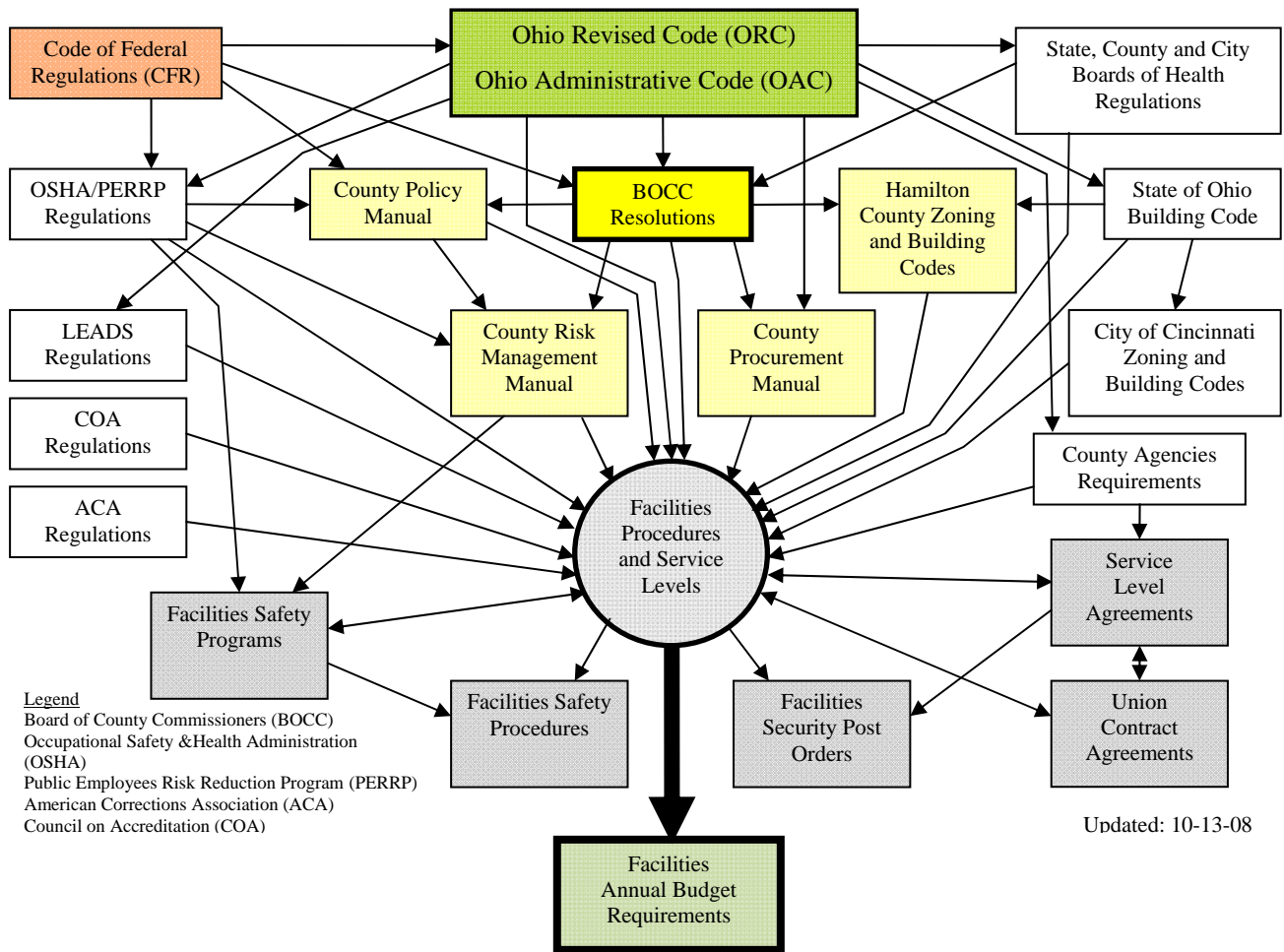
2009 Non-Mandated Expenditures Department Response

DEPARTMENT: COUNTY FACILITIES
 DEPARTMENT HEAD: Ralph Linne
 OCA TITLE: 060046 Project Management

Hamilton County departments and agencies have the opportunity to respond and provide insight to the Office of Budget and Strategic Initiatives (BSI) initial assessment as to non-mandated services. This response form should be used for each specific BSI assessment; not a general response for entire department. Take as much space as necessary for each question.

1. Are there elements of the BSI non-mandated services that you believe are mandated? If so, provide the specific Ohio Revised Code (ORC) citation, Code of Federal Regulation (CFR) and/or relevant case law information. Please be especially diligent if there is a specific service or staffing level prescribed by law.

Below is a Flow Chart showing the Laws, Rules, and Agreements which determine the budget and staffing levels for the Hamilton County Facilities Department (HCFD).



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The Director of County Facilities feels that **ALL SERVICES AND STAFFING**, provided under this OCA, are required in order to support the maintenance, construction, and renovation of BOCC owned and leased facilities as listed below:

- 230 East Ninth Street
- 237 William Howard Taft
- 250 William Howard Taft
- 264 William Howard Taft
- 2611 Highland Avenue
- Administration Building
- Alms & Doepke Building
- B&B Parking Lot
- 800 Broadway Building
- Clerk of Court's Record Center
- Communication Center
- Coroner's Office
- Courthouse - Hamilton County
- Hillcrest Training School Campus
- Justice Center – North Building
- Justice Center – South Building
- Juvenile Youth Detention Center
- Memorial Hall
- Parkhaus Garage
- Patrol Headquarters Complex
- Public Works Garage – Burlington
- Sheriff's Target Range

The following facility is owned by the City of Cincinnati and leased to Cincinnati Museum Center:

- Cincinnati Union Terminal – Project Management Services per Contract with BOCC

The following facility is owned by BOCC and leased to Southwest Ohio Workforce Investment Board:

- 1916 Central Parkway – Project Management Services per Lease with BOCC

Below are several sections of the ORC which clearly states this opinion:

ORC 307.01(A) states “(A) A courthouse, jail, public comfort station, offices for county officers, and a county home shall be provided by the board of county commissioners when, in its judgment, any of them are needed. The buildings and offices shall be of such style, dimensions, and expense as the board determines.

ORC 307.02 states “The board of county commissioners of any county, in addition to its other powers, may purchase, for cash or by installment payments, enter into lease-purchase agreements, lease with option to purchase, lease, appropriate, construct, enlarge, improve, rebuild, equip, and furnish a courthouse, county offices, jail, county home, juvenile court building, detention facility, public market houses, retail store rooms and offices

ORC 305.16 states “The board of county commissioners may employ a superintendent, and such watchmen, janitors, and other employees as are necessary for the care and custody of the court house, jail, and other county buildings, bridges, and other property under its jurisdiction and control.”

ORC 307.92 states “As used in sections 307.86 to 307.91, inclusive, of the Revised Code, “contracting authority” means any board, department, commission, authority, trustee, official, administrator, agent, or individual which has authority to contract for or on

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behalf of the county or any agency, department, authority, commission, office, or board thereof.”

ORC 4115.071 states “(A) Each contracting public authority that enters into a contract other than a contract for printing, binding, and related services, whose contractor and subcontractors are subject to sections 4115.03 to 4115.16 of the Revised Code shall, no later than ten days before the first payment of wages is payable to any employee of any contractor or subcontractor, designate and appoint one of its own employees to serve as the prevailing wage coordinator during the life of the contract. The duties of the coordinator shall include:

(1) Setting up and maintaining, available for public inspection including inspection by interested parties or affected employees, files of payroll reports and affidavits submitted by contractors and subcontractors pursuant to sections 4115.03 to 4115.16 of the Revised Code;

(2) Ascertaining from each contractor or subcontractor, at the beginning of performance under the contract, the dates during its life when payments of wages to employees are to be made;

(3) Receiving from each contractor or subcontractor, a copy of the contractor’s or subcontractor’s complete payroll for each date exhibiting for each employee paid any wages, the employee’s name, current address, social security number, number of hours worked each day during the pay period and the total for each week, the employee’s hourly rate of pay, the employee’s job classification, fringe payments, and deductions from the employee’s wages;

(4) Establishing and following procedures to monitor the compliance by each contractor and subcontractor with the requirement imposed by this section for timely filing of copies of payroll records;

(5) Receiving from each contractor or subcontractor upon completion of the public improvement and prior to final payment therefor the affidavit required by section 4115.07 of the Revised Code;

(6) Reporting any delinquency in the filing of the certified copy of the payroll and the affidavit to the chief officer of the contracting public authority and the director of commerce.

(B) Any contracting public authority having a permanent employee with the title, powers, and functions described in division (A) of this section for the prevailing wage coordinator need not separately designate and appoint an employee for each public work contract entered into by the contracting public authority.

(C) Every contractor and subcontractor who is subject to sections 4115.03 to 4115.16 of the Revised Code shall, upon beginning performance under the contractor’s or subcontractor’s contract with any contracting public authority, supply to the prevailing wage coordinator of the contracting public authority a schedule of the dates during the life of the contract with the authority on which the contractor or subcontractor is required to pay wages to employees. The contractor or subcontractor shall also deliver to

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the prevailing wage coordinator a certified copy of the contractor's or subcontractor's payroll, within two weeks after the initial pay date, and supplemental reports for each month thereafter which shall exhibit for each employee paid any wages, the employee's name, current address, social security number, number of hours worked during each day of the pay periods covered and the total for each week, the employee's hourly rate of pay, the employee's job classification, fringe payments, and deductions from the employee's wages. If the life of the contract is expected to be no more than four months from the beginning of performance by the contractor or subcontractor, such supplemental reports shall be filed each week after the initial report. The certification of each payroll shall be executed by the contractor, subcontractor, or duly appointed agent thereof and shall recite that the payroll is correct and complete and that the wage rates shown are not less than those required by the contract.

(D) If it is found that a public authority or prevailing wage coordinator has not complied with this section, the director shall give notice thereof in writing to the public authority or prevailing wage coordinator. Sufficient time shall be allowed for compliance as the director deems necessary. At the expiration of the time prescribed in the notice, the director shall, in writing, inform the attorney general of the fact that notice has been given and that the public authority or prevailing wage coordinator to whom it was directed has not complied with it. On receipt thereof, the attorney general shall bring suit in the name of the state in the court of common pleas of the county in which the public authority is located, to require the public authority or prevailing wage coordinator to comply with this section.

FEDERAL REQUIREMENTS

The following are Federal Laws (copy in reference materials) that must be followed during the design, construction, and/or renovation of a County building:

- Davis-Bacon Act – Public – No.403-74th Congress – S.3303 – Prevailing Wage Requirements

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BOCC RESOLUTIONS

The following are resolutions (copy in reference materials) that must be followed during the design and renovation of County building:

- Resolution Adopting Hamilton County Purchasing Manual – Dated 4-15-1995
- Resolution Authorizing the Assistant Director of County Facilities to Act as Owner's Representative for Agreement with Cincinnati Museum Center – Dated 8-13-2008
- Resolution Approving the Hamilton County's GREEN Building Policy for New Construction and Major Renovations – Dated 4-23-2008
- Resolution Approving an Energy Policy for Hamilton County – Dated 4-23-2008
- Resolution Modifying Selection Procedures for Building Equipment Based on Life Cycle Costing – Dated 9-27-2000
- Resolution Modifying Selection Procedures for Professional Services of Architects, Engineers, Construction Managers and Environmental Professional – Dated 9-30-1998 – Per ORC
- Resolution Regarding Building Project Audits for the Benefit of Inclusion of People with Disabilities – Dated 3-21-2007

LEGAL DESIGN/CONSTRUCTION SERVICE LEVELS

The following are references other that ORC/OAC (total descriptions can be provided upon request) that must be followed during the design and renovation of County buildings:

- All design and construction activities shall be completed in full compliance with the Americans with Disabilities Act ("ADA") and Architectural and Transportation Barriers Compliance Board, Federal Register 36 CFR Parts 1190 and 1191, Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act ("ABA") Accessibility Guidelines; proposed rule, published in the Federal Register on July 23, 2004.
- Contractor(s) shall assure to BOCC that all services provided shall be completed in full compliance with the Americans with Disabilities Act ("ADA") and Architectural and Transportation Barriers Compliance Board, Federal Register 36 CFR Parts 1190 and 1191, Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act ("ABA") Accessibility Guidelines; proposed rule, published in the Federal Register on July 23, 2004.
- All design and construction activities shall be completed in full compliance with the City of Cincinnati Building Code within the City limits
- All design and construction activities shall be completed in full compliance with the Hamilton County Building Code when there is no other municipality which has adopted their own Building Code
- All construction activities shall be in full compliance with the OSHA regulations
- All construction activities shall be in full compliance with the EPA regulations

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2. Who are the recipients of the service or activity for the non-mandated service? How many recipients? Please note any internal customers, other county departments, jurisdictions, businesses, etc. If the service is geographic specific (i.e., a satellite probation office), please identify the neighborhood, township or municipality.
- Board Of County Commissioners
 - Auditor
 - Administrative Services
 - Board of Elections
 - Budget and Strategic Initiatives
 - Building Inspections
 - CAGIS
 - Cincinnati Museum Center (CMC)
 - Communications Center (911)
 - Community Development
 - Coroner's Office
 - Court of Appeals
 - Court of Common Pleas
 - Court of Domestic Relations
 - Court Jury Commissioner
 - CLEAR
 - Clerk of Courts
 - Economic Development
 - Emergency Management Agency
 - Engineer's Office
 - Environmental Services
 - Fairgrounds
 - Family and Children First
 - General Health District (Board of Health)
 - Greater Cincinnati Automobile Dealers Association
 - Homeland Security (Regional)
 - Job and Family Services
 - Juvenile Court
 - Law Library
 - Mental Retardation and Developmental Disabilities Board (MR/DD)
 - Municipal Court
 - Personnel
 - Planning, Zoning and Community Development
 - Probate Court
 - Prosecutor's Office
 - Public Works
 - Public Defender's Office
 - Purchasing
 - Recorder's Office
 - River City Correctional Center
 - Sheriff's Office
 - Soil and Water
 - Treasurer
 - Veterans Service Commission
3. Are there county revenues associated with the non-mandated services? If so, please provide the methodology for any lost revenues. Please consider state or federal reimbursements, grants, fees, etc. Please note if the service or activity is included in the county's indirect cost plan.
- All services/activities under this OCA are in the county's indirect cost plan
 - Services provided to MRDD, Cincinnati Museum Center (CMC), and other County organizations for which when project(s) is funded with restricted funds and charged back to that funding source
4. If the county did not provide the non-mandated service, is there the potential for increased expenditures in another jurisdiction within Hamilton County? If so, please list the specific municipality and/or township. – N/A
5. Does the non-mandated service include Board of County Commissioner policy via resolution or motion? – Yes – These are noted above

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6. Are there contracts or agreements that preclude the elimination of a non-mandated service? If so, please provide the specific language as to termination and/or amendment terms.
Yes – Contract with Cincinnati Museum Center
7. What are the equipment/non-personnel expenditure considerations with discontinuing a non-mandated service? (i.e., surplus equipment). – N/A
8. Do any of the non-mandated services include employees represented by a bargaining unit? If so, please note the union and provide information as to reduction-in-force and job abolishment considerations. – N/A
9. For positions within non-mandated services, are there are special circumstances that preclude a traditional job abolishment process? Separation costs will be addressed centrally including leave balance payouts, unemployment compensation and severance (based on current Commission policy). - No
10. In addition to positions associated with non-mandated services, the Budget Office included a review of management layers, support staff, and currently vacant positions. Please comment on the impact of eliminating these positions.

Without an **Assistant Director – Project Management and Trades** there will be **NO ONE** in Facilities to perform the following:

- Functions as Project Manager for the Department of County Facilities since the position is no longer funded; responsible for managing the project division, including a comprehensive Master Space Plan which reviews the physical space assets for long and short term needs, real estate, space allocation, interior space planning; workplace specifications and standards, and architectural/engineering planning and design; monitor execution of work to be within the scope and guidelines of published approved contract documents; plans, coordinates and executes, at multiple administrative levels, project documentation and record review; confers with Director, Elected and Appointed Officials, Department Heads, Chief Deputies and others regarding projects and space needs; analyzes projects to include reports (Gantt chart), financial forecasting and capital improvement budgeting; assist Director in preparation of capital improvement budget; work in partnership with other management team members in scheduling and supervising Capital Improvement Projects (CIP).
- Manage outside contractors, vendors in performance of job duties and responsibilities; share responsibilities for department and perform duties of other Assistant Directors in his/her absence; participate in the negotiation of union contracts.
- Directs and oversees project and in-house union Trades (i.e., Plumbing, Carpentry, Electrical, Painting, Plastering and Ironworker) personnel in performance of duties (e.g., plans projects, schedules work flow; coordinates priorities; provides direction and ensures work complies with established policy and procedure; interviews job applicants; administers verbal and written discipline and employee terminations; evaluates employee

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- performance; adjusts grievances; approves leaves; etc.); participates in union negotiations; reviews work practices and departmental safety procedures with staff to ensure that safe work practices are followed daily; reports and corrects shortcomings in a timely manner; directs and manages architects and engineers as to the general scope and intent of assigned projects; participates in development of capital project budget; plan projects with in-house Building Trades and outside contractors;
- Plan and manage maintenance and construction projects, including Capital Improvement projects (e.g., confers with other Assistant Directors, Building Managers and Director to discuss project status, priorities, problems encountered, work schedules and other related matters; inspects projects in progress; identifies problems and implements corrective action; serves as department representatives in public meetings; initiate requests for projects from other departments; prepare estimates of cost; make projections of contingencies expenses; ensure purchases of contracts, goods, and services adhere to approved budget and constraints; review designs submitted by consulting, architectural, and engineering firms; supervise subordinate project managers; conduct meetings to coordinate work phases and functions; serve as owners representative with vendors, contractors, architects and engineers; review and processes vendor and/or contractor's pay requests; ensure work is completed in accordance with approved plans, specifications and budget).
 - Review and research contract documents as to applicability and ability to implement restorations and or building modifications within current physical and operational necessities and to be able to facilitate in-depth and detailed administration of assigned project; approves, accepts or declines work based on contract documents; direct and manage Project Team, chair/facilitate Pre-Bid Award and Job Progress Meetings; schedule work; prioritize project work; provide direction and ensure work complies with established County and State policies and procedures; prepare and submit contracts for Board approval.
 - Monitors Capital Improvement Budgets (CIPs).
 - BOCC legal representative for administrating the design and construction contracts for Cincinnati Museum Center (CMC); official contract with CMC staff; administrators contracts (review designs submitted by consulting, architectural, and engineering firms; supervise subordinate project managers; conduct meetings to coordinate work phases and functions; serve as owners representative with vendors, contractors, architects and engineers; review and processes vendor and/or contractor's pay requests; ensure work is completed in accordance with approved plans, specifications and budget)
 - Oversee and inspect construction and repair work in progress to insure quality of workmanship, compliance with codes and adherence to working drawings; ensure cost effective, efficient, responsive, quality work, delivering optimum customer service; inspect shops and trade areas to ensure they are maintained in proper, clean, safe and secure manner.
 - Maintain various records reflecting status of maintenance and construction projects, problems encountered and other related information; inform Director of work projects status on a weekly basis; prepare routine and special reports; prepare procedures; develop RFQs for professional services and negotiates contract terms; develop bid packages for contracts, services, projects; monitor contracts; evaluate and authorize contract changes
 - On call twenty-four hours a day, seven days a week, to respond to building emergencies.

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Without a Facilities Construction Coordinator there will be NO ONE in Facilities to perform the following:

- Assist with the execution of work to be done within the scope and guidelines of published, approved contract documents; assist in planning, coordinating, and executing at multiple administrative levels, project documentation and record review; works with architects, engineers as to the general scope and intent of assigned projects; review and research contract documents as to applicability and ability to implement restorations and or building modifications within current physical and operational necessities and to be able to facilitate in-depth and detailed administration of assigned project; assist in preparing original designs for construction projects and capital improvements; review designs submitted by Design Consultants/Partners and makes appropriate recommendations for change; assist Project Team in Pre-bid, Award and Job Progress meetings; prepare and submit contracts for approval.
- Coordinate, plan, schedule and inspect Facilities construction and repair projects in progress by trades and contractors to insure quality of workmanship, compliance with policies, codes and adherence to working drawings and specifications; ensure cost effective, efficient, responsive, quality work, delivering optimum customer service; confer with Facilities Staff to discuss work projects, priorities, problems encountered, work schedules and other related matters; provide direction and guidance to contractors and/or in-house trades, inspecting projects and identifying problems and recommending corrective action; serve as departmental representative in meetings; reviews work practices and departmental safety procedures with trades to ensure that safe work practices are followed daily; report and correct shortcomings in a timely manner.
- Attend pre-construction meeting with contractors; manages and has responsibility to comply with the Ohio Revised Code 4115 guidelines for Prevailing Wage Projects; acts as Prevailing Wage Coordinator on assigned projects; ensure that the proper documents (i.e., prevailing wage schedule, proposal affidavits, and tax exempt certificate) are given to the contractor; ensure that prevailing wage criteria is met (e.g., meets with Inspectors and compares field notes with company payrolls and ensures that personnel are classified and paid appropriate prevailing wages, etc.); contact company representative to clear up discrepancies; verify wages at job site; inspect progress of projects and provide support to supervisor in administration of capital projects.
- Coordinate and administer various project management functions (e.g., construction contracts, project change orders, etc.); prepare and administer Escrow agreements, Notice of Commencement Letters, Notice of Furnishings, & respond to General Form Status Inquiries; research and prepare project and special correspondence.
- Review computerized estimates of partial payments, review final-quantities before final payment; finalize project records (e.g., makes sure proper final affidavits, wage are met before processing final payment).
- Assist with development of in-house trades budget; maintain supply inventories for trades and ensures purchases adhere to approved budget and constraints; perform responsible and/or complex duties of a precise, technical, or special nature by creating computerized spreadsheets for the purpose of reporting, documenting, and updating pertinent construction project data and bar coding design documents (including cataloging & sorting).
- Prepare, maintain and update various records and reports (e.g., operational, drawings, financial, statistical, etc.); compile and summarize data; searches, retrieve and file documents (including drawings, specifications, & manuals),

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& record keeping of department personnel when necessary; coordinate oversized moves with various personnel/agencies involved; respond to inquiries and complaints.

NOTE: Part of the duties of this position is acting as the Prevailing Wage Coordinator as required by ORC 4115.071 for construction, service and maintenance contracts. Without this position there can be serious legal problems and lawsuits.

11. What is the performance impact of not providing the non-mandated service? For example, wait times, waiting lists, case loads, operating hours and other consequences of not providing the service. - The Director of County Facilities feels that **ALL SERVICES AND STAFFING ARE MANDATED.**

12. Are there any alternatives that result in savings to the general fund? – No - In 2007, County Facilities maintenance functions were reviewed by the Competition and Efficiency Committee. The report found that County Facilities managed properties to the best, most cost-effective standards and recommended that "the County Administration should move forward with encouraging consolidating property maintenance within the Facilities Department to the largest extent possible."

13. Are there more efficient ways to deliver a mandated service that may allow for the savings to offset the cost of a non-mandated service? - No

14. Is there an opportunity to transfer any non-mandated expenditures to another funding source (i.e., restricted fund or grant)? – Yes, a percentage of wages for both Assistant Director and Facilities Construction Coordinator can be charges to OCA 060100 – CMC Capital Levy Tax

15. Does your department have any fees that could be raised to offset the cost of a mandated service? - No

Other Considerations and Comments: