CITY OF MEDINA
AGENDA FOR COUNCIL MEETING

May 11, 2015
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (April 27, 2015)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Confirmation of mayor's appointment.

Jim Monhollen – Civil Service Commission – Exp. 6-30-21

Notices, communications and petitions.

Unfinished business.

Introduction of visitors.
(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.
Ord. 60-15
An Ordinance authorizing Forfeiture of Real Property located at 360 Foundry Street, known as Permanent Parcel #028-19A-16-011 to the City of Medina.
(emergency clause requested)

Res. 61-15
A Resolution authorizing the adoption of the Disadvantaged Business Enterprise Program Update for the City of Medina.

Ord. 62-15
An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the Ryan Road Reconstruction Project.

Ord. 63-15
An Ordinance amending Ordinance No. 200-14 passed December 8, 2014. (Amendments to 2015 Budget)

Res. 64-15
A Resolution authorizing the participation in the Ohio Department of Transportation's Cooperative Purchasing Program for the purchase of sodium chloride (rock salt).
(emergency clause requested)

Council comments.

Adjournment.

MEDINA CITY COUNCIL
April 27th, 2015, Regular Session

Opening:
Medina City Council met in regular, open session on Monday, April 27th, 2015. The meeting was called to order at 7:30 p.m. by President of Council John Coyne. Christopher Spry representing the 4th grade Webelos Scout Pack #3527 from Waite Elementary, led the Pledge of Allegiance.

Roll Call:
The roll was called with the following members of Council present J. Coyne, B. Hilberg, B. Lamb, P. Rose, J. Shields, and D. Simpson. M. Kolesar was absent.

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Patrick Patton, Dan Gladish, Nino Piccoli, Jansen Wehrley, Jonathon Mendel, Mike Wright and Chief Painter.

Minutes:
Mr. Shields moved that the minutes from the regular meeting on April 13th, 2015, as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, B. Lamb and P. Rose.

Reports of Standing Committees:
Finance Committee: Mr. Coyne stated the Finance Committee met prior to Council, our next meeting will be in two weeks.

Health, Safety & Sanitation Committee: Mr. Rose stated they have one item on the agenda this meeting.

Public Properties Committee: Mr. Shields stated they tentatively scheduled to meet on Wednesday, May 13th at 4:30 pm prior to the budget meeting and will confirm at next council meeting.

Special Legislation Committee: Mr. Lamb had no report.

Streets & Sidewalks Committee: Mr. Simpson had no report.

Water & Utilities Committee: Mr. Kolesar was absent.

Requests for Council Action:

Finance Committee
15-074-4/27 – Budget Amendments
15-075-4/27 – General Liability Insurance Renewal
15-076-4/27 – Forfeiture of Property – 360 Foundry Street
15-077-4/27 – Update Disadvantaged Business Enterprise Plan – Medina Airport
15-078-4/27 – Bids, Ryan Road Reconstruction
15-079-4/27 – Authorize Granger Rd. Low Head Dam Removal

Public Properties Committee
15-080-4/27 – Construct 24'x40'x15' Pole Barn w/ Concrete Floor - Parks

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

1) Healthy Strides - The walks will continue at various county parks with different health professional talks and walks on the second and fourth Saturday of each month from April 11 and concluding Oct. 24. Good exercise, good information, and good way to see the many county parks and the amenities they have to offer. Walks and talks are both done in an hour, 9 a.m. to 10 a.m. Park locations will be on the Healthy Medina Website – www.healthymedina.com or Medina County Park's website www.medinacountyparks.com .
2) Love Medina - Local church groups will meet at 8:30 a.m. on Saturday, May 2 at Medina City Garage to service our local seniors' homes with maintenance needs, painting, cleanup, etc. Thanks to all involved churches/volunteers.
3) National Day of Prayer events – Thursday, May 7th at 7 a.m. Mayor's Prayer Breakfast at Williams On the Lake - $15 tickets available in the Mayor's office and local churches; Noon prayer service on Square (rain location is United Church of Christ Congregational; 7 p.m. evening service at Medina Community Church, 416 South Broadway St. See further info or purchase tickets online at website www.ndopmedina.com .
4) May is Older Americans month - Proud of the programs the city has implemented to assist our local seniors remain in their homes including our Senior/Disabled Snow Plow Program; Healthy Medina; Love Medina; and Rebuilding Together.
5) Healthy Medina Kickoff was Saturday, January 10, 2015. There is still time/room to sign up.

Keith Dirham, Finance Director, states there are 3 items on the agenda and he will address them when they come up. Mr. Dirham reported he continues to work on the budget process. Mr. Dirham thanked everyone for Mr. Kolesar on all their help with the Earth Day cleanup, mentioning the Boy Scouts and Girl Scouts. A big thank you to Mr. Kolesar for organizing this yearly event.

Greg Huber, Law Director, Had no report.

Chief Berarducci, Police Chief, was absent and had no report.

Kimberly Rice, Economic Development Director, was absent and had no report.

Jonathon Mendel, Planning Community Director, had no report.

Chief Painter, Fire Chief, reported the Fire Department will be hosting First Aid, CPR and fire extinguisher training for the general public and for any businesses in town. Contact Station #1 for more details.

Mike Wright, Recreation Center Director reported the Spring/Summer Brochure is available at the Rec Center and on the website at www.medinarec.org . The next scheduled Rec. Advisory Committee meeting will be Thursday May 21st at 7:30 a.m.

Jansen Wehrley, Parks and Recreation Director, stated they have many projects in process, including baseball field renovations, basketball court construction at Reagan Park, pavilion renovation at Huffman Park and the paving of a connector trail at Sam Masi Park to the Champion Creek Multi-Purpose Trail; as well as constructing a playground at Jay Cee Park. Jansen thanked Councilman Mark Kolesar for his annual Earth Day Cleanup. Friendly reminder to all residents to please avoid parking on the grass at all City Parks, especially during sporting events. The Police Department will be making announcements prior to issuing any citations. The Forestry Department has completed the Spring Tree Planting Project on Brandywine Dr., Goldcrest Dr., Shagbark Trail and Beechwood Dr. A total of 220 trees were replanted, all ash tree replacements. City Arborist may be contacted for any questions at 330-722-9031.

Dan Gladish, Building Official, had no report.

Patrick Patton, City Engineer, reported that tomorrow the stabilization process will begin on Lake Rd. reconstruction and continue all week. Paving will begin the following week during pm hours. Eastgate Residential Drainage Project is complete.

Nino Piccoli, Service Director, reported the Cities of Medina and Wadsworth submitted bids to the Medina County Solid Waste District with respect to the single stream recycling drop off services. Weather permitting will initiate the street repair program with asphalt.

Notices, Communications and Petitions:

Liquor Permit:

Mr. Shields moved not to object to the transfer of a C-1 and C-2 permit from ANABY, LLC, dba Medina Marathon to WJF Investment Corporation, dba Medina Marathon, 429 S. Court Street. Motion seconded by Mr. Simpson and approved by the yea votes of D. Simpson, J. Coyne, B. Hilberg, B. Lamb, P. Rose, and J. Shields.

Unfinished Business: There was none.

Introduction of Visitors: There were none.

Introduction and Consideration of Ordinances and Resolutions:

Ord. 46-15:

An Ordinance amending Section 133.01 of the codified ordinances of the City of Medina, Ohio relative to Association Memberships. Mr. Shields moved for the adoption of Ordinance/Resolution No. 46-15, seconded by Mr. Simpson. Mr. Dirham stated when a Department head or city employee wishes to join an organization it has to be approved by Council and this section of the code deals with that list of approved organizations. Some changes are updates where name changes have occurred and a few additions from the Building Dept. that pertain to plumbing inspections. These are educational organizations. The roll was called and Ordinance/Resolution No. 46-15 passed by the yea votes of J. Coyne, B. Hilberg, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 47-15:
An Ordinance authorizing the expenditure of $15,000.00 to the Medina County Society for the Prevention of Cruelty to Animals (SPCA) for animal related services for the years 2014 and 2015. Mr. Shields moved for the adoption of Ordinance/Resolution No. 47-15, seconded by Mr. Simpson. Mr. Rose stated the SPCA asked for increased donations, prompting Mr. Rose to look into their finances, resulting in some improvements with data collections being specific to the city an animal was rescued from. Income will be supplemented by obtaining change cans at cash registers and other management controls. The roll was called and Ordinance/Resolution No. 47-15 passed by the yea votes of B. Hilberg, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 48-15:
An Ordinance repealing Ordinance No. 76-07, passed May 14, 2007 and Sections 505.16, 505.17, and 505.18 of Chapter 505 of the codified ordinances of the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 48-15, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 48-15, seconded by Mr. Simpson. Mayor Hanwell stated there was a situation involving an investigation dealing with a vicious or dangerous dog. It came to the Assistant Law Director's attention that ORC Section 955.221 prohibited the city from having ordinances that were in conflict with the state codes. Our ordinances that are being asked to be repealed were in fact in conflict. It makes more sense to follow the state code. Emergency is needed due to our existing ordinances being unenforceable. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg and B. Lamb. The roll was called and Ordinance/Resolution No. 48-15 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne and B. Hilberg.

Ord. 49-15:
An Ordinance authorizing the Mayor to execute a Memorandum of Understanding with the Medina County Board of Commissioners to provide fixed route public transportation services within the City of Medina for the period of January 1, 2015 through December 31, 2015. Mr. Shields moved for the adoption of Ordinance/Resolution No. 49-15, seconded by Mr. Simpson. Mr. Mendel stated this money would be going to fund it through the balance of this year. The city's contribution would be $45,000.00 of which $11,300.00 of that will be paid through CDGB funds with the balance paid out of General Fund. The roll was called and Ordinance/Resolution No. 49-15 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, B. Lamb and P. Rose.

Res. 50-15:
A Resolution of the Council of the City of Medina, Medina County, and State of Ohio, certifying that when a municipal obligation was incurred sums were lawfully appropriated in the funds to satisfy the obligation and sufficient sums currently exist to satisfy this obligation. Mr. Shields moved for the adoption of Ordinance/Resolution No.50-15, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 50-15, seconded by Mr. Simpson. Mr. Dirham stated this is to pay for legal services in an employment law matter. The services have already been rendered and that is why we need the

emergency clause. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 50-15 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, B. Lamb, P. Rose, and J. Shields.

Ord. 51-15:
An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2015 Concrete Street Repair Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 51-15, seconded by Mr. Simpson. Mr. Patton stated this is their annual project to remove and replace various sections of pavement throughout the town. We are asking for $600,000.00 total. The roll was called and Ordinance/Resolution No. 51-15 passed by the yea votes of B. Hilberg, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 52-15:
An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2015 Concrete Pavement and Joint Sealing Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 52-15, seconded by Mr. Simpson. Mr. Patton stated this is also an annual program and by completing the joint sealing program we are extending the life of our concrete pavements. The roll was called and Ordinance/Resolution No. 52-15 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne and B. Hilberg.

Ord. 53-15:
An Ordinance authorizing the Mayor to execute a Memorandum of Understanding with the Medina County Soil and Water Conservation District to provide certain public education and outreach requirements on behalf of the City of Medina for the City's NPDES Permit. Mr. Shields moved for the adoption of Ordinance/Resolution No. 53-15, seconded by Mr. Simpson. Mr. Patton stated the city is required to obtain and maintain the NPDES permit through the Ohio EPA and as part of that permit there are six different requirements. The Medina County Soil and Water Conservation District is taken the responsibility for completing two of those requirements. They are asking us to enter into another memorandum of understanding to allow them to continue that service for us. The roll was called and Ordinance/Resolution No. 53-15 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and B. Lamb.

Ord. 54-15:
An Ordinance authorizing the Mayor to execute a Subsidy Stipulation Agreement between the Public Utilities Commission of Ohio, the Wheeling and Lake Erie Railway Company and the Ohio Rail Development Commission, relative to the installation of gates and flashers at the West Smith railroad Crossing. Mr. Shields moved for the adoption of Ordinance/Resolution No. 54-15, seconded by Mr. Simpson. Mr. Patton stated the PUCO came into the diagnostic analysis of this crossing and they determined that lights and gates are mandated there. There is no cost to the city. The roll was called and Ordinance/Resolution No. 54-15 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, B. Lamb and P. Rose.

Ord. 55-15:
An Ordinance authorizing the Mayor to enter into Amendment No. 5 to the Agreement with Delta Airport Consultants, Inc. to rehabilitate the Transient Apron at the Medina Municipal Airport. Mr. Shields moved for the adoption of Ordinance/Resolution No. 55-15, seconded by Mr. Simpson. Mr. Huber stated we have a working agreement with Delta Consultants and this allows them to design and engineer the work necessary for resurfacing the transient parking space and design and install the retention basin that will catch surface water runoff. The roll was called and Ordinance/Resolution No. 55-15 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, B. Lamb, P. Rose, and J. Shields.

Ord. 56-15:
An Ordinance authorizing the Mayor to enter into a Wellness Services Agreement between the Medina Community Recreation Center and Medina Hospital, A Cleveland Clinic Hospital, for a Wellness Partnership. Mr. Shields moved for the adoption of Ordinance/Resolution No. 56-15, seconded by Mr. Simpson. Mr. Wright stated this is to continue funding for another 3 years for Healthy Medina which serves the community for our health and wellness needs. This agreement and the following contract have been reviewed and approved by our Law Dept. Mr. Simpson stated he has to abstain due to the Cleveland Clinic being his employer. The roll was called and Ordinance/Resolution No. 56-15 passed by the yea votes of J. Coyne, B. Hilberg, B. Lamb, P. Rose and J. Shields. D. Simpson abstained.

Ord. 57-15:
An Ordinance authorizing the Mayor to enter into an Agreement with the State of Ohio, Department of Natural Resources (ODNR) for funding for handicapped parking spaces at the Medina Community Recreation Center. Mr. Shields moved for the adoption of Ordinance/Resolution No. 57-15, seconded by Mr. Simpson. Mr. Wright stated this is for a 15 year contract between the City and State to secure $30,000.00 of funding for handicapped park spaces at the Recreation Center in the event that the city and the schools rescind our 50 year lease agreement in the next 15 years. The state will require the city to reimburse the state $30,000.00. The roll was called and Ordinance/Resolution No. 57-15 passed by the yea votes of B. Hilberg, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 58-15:
An Ordinance amending Ordinance No. 200-14, passed December 8, 2014.
(Amendments to 2015 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 58-15, seconded by Mr. Simpson. Mr. Dirham stated a couple of these are for projects at Bicentennial Commons, the surveying and the roof at the Firehouse and the rest are transfers and one reduction which is mechanic salaries. The roll was called and Ordinance/Resolution No. 58-15 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne and B. Hilberg.

Ord. 59-15:
An Ordinance authorizing the Mayor to enter into an Agreement with USI Midwest, LLC for the City's Property, Casualty, and General Liability Insurance for the period of April 1, 2015 through March 31, 2016. Mr. Shields moved for the adoption of Ordinance/Resolution No. 59-15, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to

Ordinance/Resolution No. 59-15, seconded by Mr. Simpson. Mayor Hanwell explained this is the city's property, casualty, and general liability insurance and the emergency is needed because the policy runs from April 1st this year and would like to pay as soon as possible. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, B. Lamb and P. Rose. The roll was called and Ordinance/Resolution No. 59-15 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and B. Lamb.

Council Comments:

Mr. Shields reminded residents that Tuesday, May 5th at 7 p.m. at Heritage Elementary School is Ward 3 & Ward 4 community meeting.

Mr. Rose reminded residents that Tuesday, May 5th is also primary day and an election day.

Mr. Lamb stated the Western Reserve Land Conservancy is having an open house this Saturday for the Medina Marsh from 10-2 p.m. A family event.

On Wednesday, May 6th at 7 p.m. the 2nd meeting with residents of North Elmwood and West Friendship Street being held at the Smart House. That district will be called the Water Tower District.

Mr. Coyne stated the Municipal Court meeting regarding the construction of the new Municipal Court will be held on May 4th at 4 p.m.

A JEDD meeting with Montville Township will be here at City Hall on May 7th at 4 p.m.

CPF Meeting (3 cities) on May 12th at 6 p.m. in the City Hall Rotunda.

Adjournment:

There being no further business before Council, the meeting adjourned at 8:06 p.m.

_____

Kathy Patton, CMC - Clerk of Council

_____

John M. Coyne, President of Council

ORDINANCE NO. 60-15

AN ORDINANCE AUTHORIZING FORFEITURE OF REAL PROPERTY LOCATED AT 360 FOUNDRY STREET, KNOWN AS PERMANENT PARCEL #028-19A-16-011 TO THE CITY OF MEDINA, AND DECLARING AN EMERGENCY.

WHEREAS: The subject real property located at 360 Foundry Street known as Permanent Parcel #028-19A-16-011 has been advertised twice and offered for sale and not sold for want of bidders, pursuant to a foreclosure proceeding pending in the Medina County Court of Common Pleas pursuant to Case No. 14 CIV 0779.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Medina City Law Director is hereby authorized and directed to request forfeiture of the subject property know as Permanent Parcel #028-19A-16-011 to the City of Medina, Ohio.

SEC. 2: That the Mayor and Law Director are hereby authorized to execute and sign any necessary documents that will effectuate transfer of all right, title, claim and interest of the subject property to the City of Medina.

SEC. 3: That a copy of the Notice of Failure of Sale of Delinquent Land, Case No. 14 CIV 0779 is marked Exhibit A, attached hereto, and incorporated herein.

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that 10 day notice has been provided by the court; wherefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

ORD 60-15
Exh. A

COMMON PLEAS COURT

15 APR -9 AM 10: 04

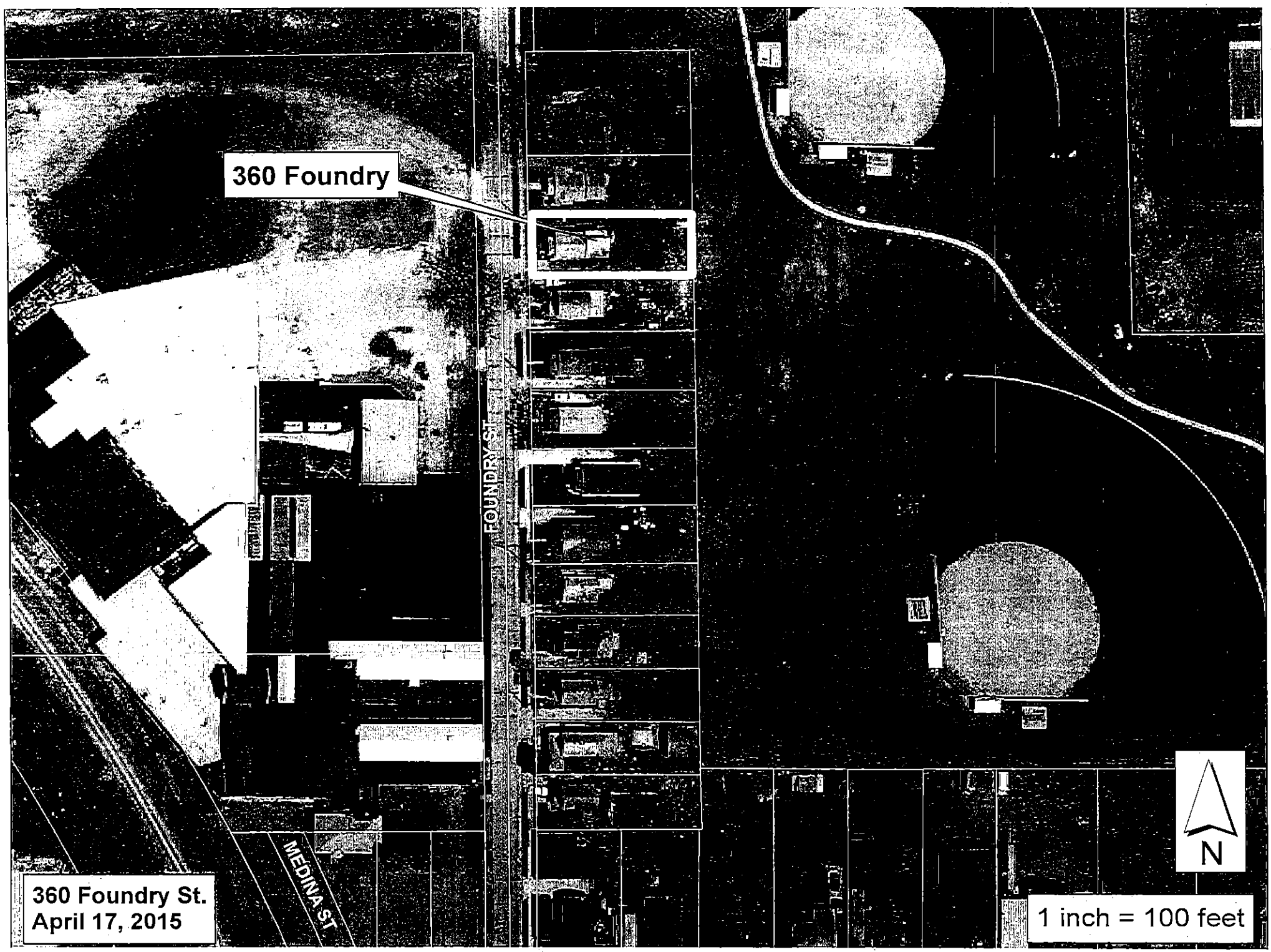
FILED
DAVID B. WADSWORTH
MEDINA COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
MEDINA COUNTY, OHIO

IN THE MATTER OF THE FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES BY ACTION IN REM	**CASE NO. 14 CIV 0779**
	JUDGE CHRISTOPHER J. COLLIER
JOHN A. BURKE, COUNTY TREASURER OF MEDINA COUNTY, OHIO	**ENTRY OF SALE TO CITY OF MEDINA PER REVISED CODE §5722.03**
Plaintiff,	
v.	
PARCEL OF LAND ENCUMBERED WITH DELIQNUENT TAX LIENS, PERMANENT PARCEL NUMBER 028-19A-16-011, et al.	
Defendant(s).	

This matter is before the Court upon the failure of sale of delinquent land, Permanent Parcel Number: 028-19A-16-011, for want of a minimum bid, after being offered for sale at one sale pursuant to Revised Code §5722.03.

Medina City, an electing subdivision, determined the land herein to be non-productive land, and pursuant to Revised Code §5722.03(C), so notified the Medina County Prosecutor's Officer of its decision to acquire such land prior to its advertisement and sale, which advertisement set forth the City's selection of the land for acquisition as non-productive land and that if no bid for the appropriate amount specified was received the land would be vested in the name of Medina City.


360 Foundry
FOUNDRY ST
MEDINA ST
360 Foundry St.
April 17, 2015
N
1 inch = 100 feet

RESOLUTION NO. 61-15

A RESOLUTION AUTHORIZING THE ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM UPDATE FOR THE CITY OF MEDINA.

WHEREAS: When financial assistance exceeds $250,000, the Department of Transportation (DOT) requires the establishing of a Disadvantaged Business Enterprise (DBE) Program as a condition of receiving the financial assistance; and

WHEREAS: Ordinance 25-09, passed March 9, 2009 established a Disadvantaged Business Enterprise Program for the City of Medina; and

WHEREAS: The plan has been revised and requires readopting.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the adoption of the Disadvantaged Business Enterprise Program 2015 Update for the City of Medina is hereby authorized.

SEC. 2: That a copy of the Disadvantaged Business Enterprise Program 2015 Update is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Resolution shall be in full force and effect at the earliest period allowed by law.

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

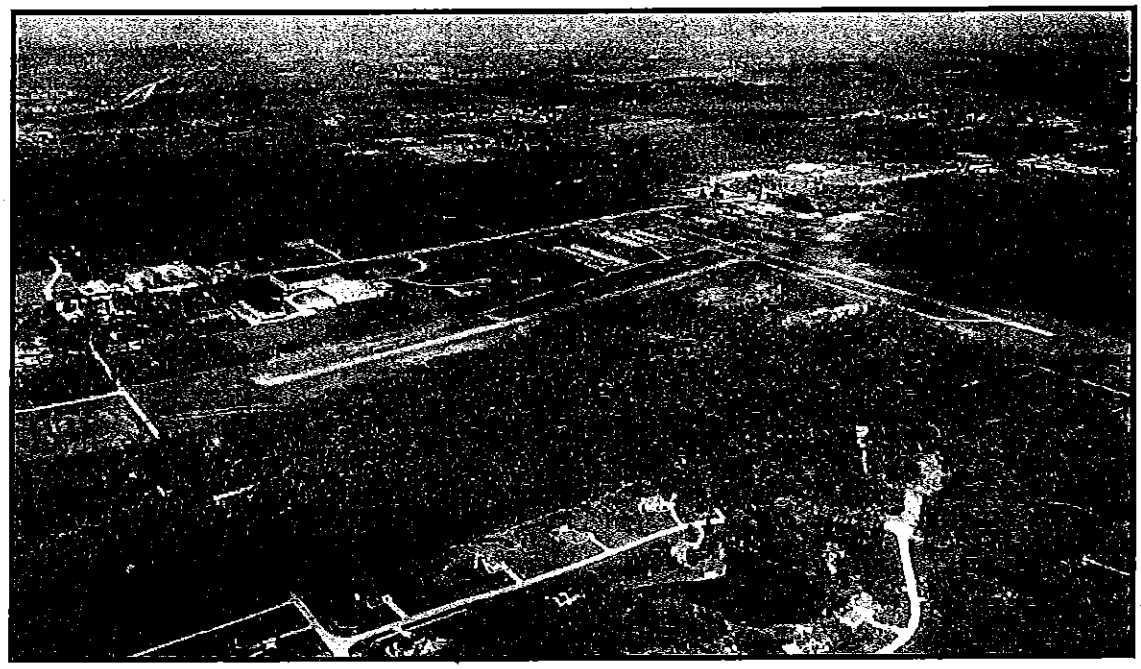
Effective date –

Res. 61-15
Exh. A

MEDINA MUNICIPAL AIRPORT

CITY OF MEDINA
132 N. ELMWOOD AVE.
MEDINA, OHIO 44256

DISADVANTAGED BUSINESS ENTERPRISE PLAN



Original adoption Date: April, 2009

Updated Plan Adoption Date: xxxxxxxx, 2015 (current plan)

CITY OF MEDINA

Section 26.1, 26.23 Objectives/Policy Statement

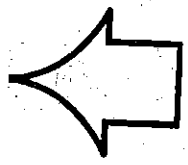
The *City of Medina* owner of the Medina Municipal Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The *City of Medina* has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the *City of Medina* has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the *City of Medina* to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The *City Engineer* has been delegated as the DBE Liaison Officer. In that capacity, the *City Engineer* is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the *City of Medina* in its financial assistance agreements with the Department of Transportation.

The City of Medina has disseminated this policy statement to all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The distribution is accomplished by inclusion in project legal notifications.



Dennis Hanwell, Mayor Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

The *City of Medina* is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The *City of Medina* will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The *City of Medina* will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the *City of Medina* will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11

(b) You must continue to provide data about your DBE Program to the Department as directed by DOT operating administrations.

We will report DBE participation to DOT/FAA as follows:

> We will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B to this part. We will also report the DBE contractor firm information either on the FAA DBE Contractor's Form or other similar format. We will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2015 reports due December 1, 2015.

Bidders List: 26.11(c)

The *City of Medina* will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information utilizing the sample form in Attachment 3.

Section 26.13 Federal Financial Assistance Agreement

The *City of Medina* has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a) - Each financial assistance agreement the *City of Medina* signs with a DOT operating administration (or a primary recipient) will include the following assurance:

> The *City of Medina* shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The *City of Medina* shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The *City of Medina* DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the *City of Medina* of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

[*Note: This language is to be used verbatim, as it is stated in 26.13(a).*]

Contract Assurance: 26.13b – *The City of Medina* will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the *City of Medina* deems appropriate, which may

include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.

[*Note: This language is to be used verbatim, as it is stated in 26.13(b)*]

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The *City of Medina* is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds $250,000 in FAA funds in a federal fiscal year. We are not eligible to receive DOT financial assistance unless DOT has approved our DBE program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended. We do not have to submit regular updates of our program, as long as we remain in compliance. However, we will submit significant changes in the program for approval.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this DBE Program.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Pat Patton
City Engineer
132 N. Elmwood Ave.
Medina, Ohio 44256
Telephone Number: (330) 725-8861
Fax Number: (330) 722-9045
E-mail Address: ppatton@medinaoh.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the *City of Medina* complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the *Mayor of the City of Medina* concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of four to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes City of Medina's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Acts as liaison to the Uniform Certification Process.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the *City of Medina* to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. (Currently there are none. Should that change the *City of Medina* will as with all projects make them aware of any upcoming project's).

Section 26.29 Prompt Payment Mechanisms

The *City of Medina* has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor.

We will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. We will use the following method to comply with this requirement:

Hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

The City of Medina will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the *City of Medina.* When *the City of Medina* has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

The City of Medina will provide appropriate means to enforce the requirements of this section. These means include:

The *City of Medina* will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

The City of Medina will include the following clause in each DOT-assisted prime contract:

> The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the *City of Medina.* The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the *City of Medina*. This clause applies to both DBE and non-DBE subcontractors.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the *City of Medina* or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE

subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Section 26.31 Directory

The *City of Medina* uses the State of Ohio DBE directory, maintained by the State.

The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The state UCP revises the Directory on a regular basis. The Directory may be found at http://www.dot.state.oh.us/dbe/Pages/UCP.aspx.

Section 26.33 Over-concentration

The *City of Medina* has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The City of Medina has not established a business development program at this time.

Section 26.37 Monitoring and Enforcement Mechanisms

The City of Medina will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts.

3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.

4. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to

DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering small business participation.

The City of Medina has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The *City of Medina's* small business element is incorporated as Attachment 10 to this DBE Program. We will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The City of Medina does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The City of Medina will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds $250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the City of Medina will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Primary (GAs, Relievers and State DOTs)	Alaskan, Eastern, & Great Lakes	August 1, 2013 (2014/2015/2016)	August 1, 2016 (2017/2018/2019)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the *City of Medina* does not anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds $250,000 during any of the years within the three-year reporting period, we will not develop an overall goal; however this DBE Program will remain in effect and the City of Medina will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

(c) Step 1. The first step is to determine the relative availability of DBEs in the market area, "base figure". We will use *DBE Directories and Census Bureau Data,* as a method to determine our base figure. The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts.

If we use a bidders list, we will do the following: Determine the number of DBEs that have bid or quoted (successful and unsuccessful) on your DOT-assisted prime contracts or subcontracts in the past three years. Determine the number of all businesses that have bid or quoted (successful and unsuccessful) on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number of all businesses to derive a base figure for the relative availability of DBEs in your market. When using this approach, we will establish a mechanism (documented in our goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on our DOT-assisted contracts.

Any methodology we choose will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in our market. We understand that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.]

(d) *Step 2.* Once we have calculated a base figure, we will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at our overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

26.45 (g)(1) In establishing the overall goal, the *City of Medina* will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the *City of Medina's* efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the *City of Medina's* goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. We will document in our goal submission the consultation process that we engaged in. Notwithstanding paragraph (f)(4) of this section, we will not implement our proposed goal until we have complied with this requirement.

In addition, the *City of Medina* will publish a notice announcing our proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on our official internet web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal will be posted on our official internet web site. We will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our principal office and that the *City of Medina* and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. **The public comment period will not extend the August 1st deadline.**

All advertisement for construction and non-construction project will be listed in the following local newspaper:

- Medina Gazette

Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

We will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT.

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator we will express our overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.45(f) - Prior Operating Administration Concurrent

The *City of Medina* understands that we are not required to obtain prior operating administration concurrence with our overall goal. However, if the operating administration's review suggests that our overall goal has not been correctly calculated

or that our method for calculating goals is inadequate, the operating administration may, after consulting with us, adjust our overall goal or require that we do so. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to § 26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.47 Failure to meet overall goals.

The *City of Medina* will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

If the *City of Medina* awards and commitments shown on our Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will do the following in order to be regarded by the Department as implementing your DBE Program in good faith:

(1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;

(2) Establish specific steps and milestones to correct the problems we have identified in our analysis and to enable us to meet fully your goal for the new fiscal year;

(3) [Recipient] will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

(a) The *City of Medina* will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

(1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to

small businesses, by means such as those provided under §26.39 of this part.

(2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

(3) Providing technical assistance and other services;

(4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

(5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;

(6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

(7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

(8) Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

(9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

Section 26.51(d-g) Contract Goals

The *City of Medina* will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39..

If our approved projection under paragraph (c) of this section estimates that we can meet our entire overall goal for a given year through race-neutral means, we will

implement our program without setting contract goals during that year, unless it becomes necessary in order meet our overall goal.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

Pat Patton, City Engineer is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as
R*esponsive.*

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

In our solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, we will require the following:

(1) Award of the contract will be conditioned on meeting the requirements of this section;

(2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section:
(i) The names and addresses of DBE firms that will participate in the contract;
(ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
(iii) The dollar amount of the participation of each DBE firm participating;

(iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
(v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
(vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and

(3) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section:

Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures;

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (b)(2) of this section before the final selection for the contract is made by the recipient.

Administrative reconsideration (26.53(d))

Within 7 (seven) business days of being informed by the *City of Medina* that it is not *responsive* because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: *Greg Huber, Law Director, 132 N. Elmwood Ave., Medina, Ohio, (330) 722-9070 or email at ghuber@medinaoh.org*. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g)

We will include in each prime contract a provision stating:

> The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains your written consent as provided in this paragraph 26.53(f); and
>
> That, unless our consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

We will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

We will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) without our prior written consent. This includes, but not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

(4) The listed DBE subcontractor fails or refuses to execute a written contract;

(5) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;

(6) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.

(7) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;

(8) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;

(9) We have determined that the listed DBE subcontractor is not a responsible contractor;

(10) The listed DBE subcontractor voluntarily withdraws from the project and provides to us written notice of its withdrawal;
(11) The listed DBE is ineligible to receive DBE credit for the type of work required;
(12) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
(13) Other documented good cause that we have determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to us its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise us and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why we should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (*e.g.*, safety), we may provide a response period shorter than five days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

The *City of Medina* will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that we established for the procurement. The good faith efforts shall be documented by the contractor. If we request documentation from the contractor under this provision, the contractor shall submit the documentation to us within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

We will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that we deem appropriate if the prime contractor fails to comply with the requirements of this section.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

> The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the *City of Medina* to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal has been established for this contract (See Attachment 5 for percent or the most current Goal Update on file with the City). The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.
>
> The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

If the firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, we will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The *City of Medina* will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards as established by the State of Ohio. For information about the certification process or to apply for certification, firms should contact:

Ohio Department of Transportation
Division of Construction Management
Office of Small and Disadvantaged Business Enterprises
1980 W. Broad Street, MS 4190
Columbus, Ohio 43223
1-800-459-3778

The certification application forms and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The *City of Medina* utilizes the Unified Certification Program (UCP) administered by the State of Ohio. The UCP will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local

law Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

The following are the citations for confidentiality, which is the safeguarding from disclosure of trade secrets or proprietary information, including confidential business or personal financial information:

A. The Freedom of Information Act: The Federal statues, at 5 U.S.C. §552, contain the Federal Freedom of Information Act, which, under "exemption 4" allows for an exemption from public disclosure of trade secrets, and commercial or financial information.

Notwithstanding any provision of Federal or state law, we will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, we will transmit this information to DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The *City of Medina,* contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If we violate this prohibition, we are in noncompliance with this part.

ATTACHMENTS

Attachment 1 Regulations: 49 CFR Part 26 or website link
Attachment 2 Organizational Chart
Attachment 3 Bidder's List Collection Form
Attachment 4 DBE Directory or link to DBE Directory
Attachment 5 Overall Goal Calculations
Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
Attachment 7 DBE Monitoring and Enforcement Mechanisms
Attachment 8 DBE Certification Application Form
Attachment 9 State's UCP Agreement
Attachment 10 Small Business Element Program

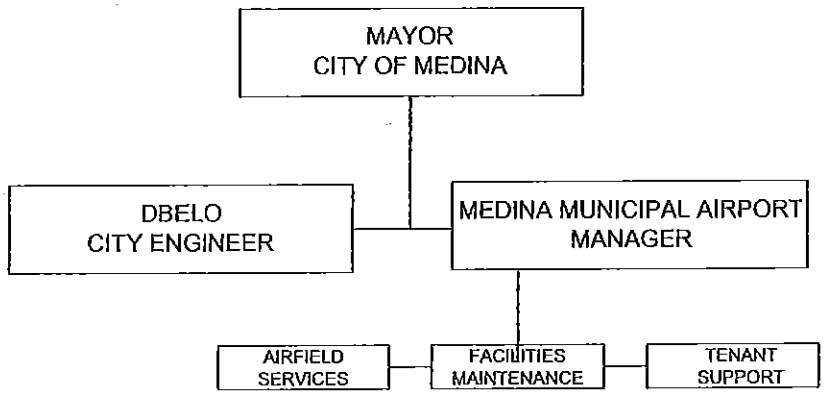
ATTACHMENT 1

Regulations: 49 CFR Part 26, link to website

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

ATTACHMENT 2
Organizational Chart

MEDINA MUNICIPAL AIRPORT ORGANIZATIONAL CHART



ATTACHMENT 3

Bidder's List Collection Form

(SAMPLE BIDDERS LIST COLLECTION FORM)

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million

ATTACHMENT 4
DBE DIRECTORY

The *City of Medina* uses the Ohio Department of Transportation DBE directory. For copies contact either the Ohio Department of Transportation at 1-800-459-3778 or visit their web page at:

http://www.dot.state.oh.us/dbe/Pages/UCP.aspx

ATTACHMENT 5
Section 26.45: Overall DBE Three-Year Goal Methodology

DBE Methodology
The following methodology reflects the updated DBE goals for the project or projects listed. All other sections of the DBE program remain as contained in the adopted DBE Program dated **March, 2009** unless shown below.

Amount of Goal
The City of Medina has set an overall goal for FY2015 of 1.00% of the Federal financial assistance received that will be expended to DBE firms on FAA assisted construction and non-construction contracts.

Given the amount of FAA assisted contracts the City of Medina expects to let during this fiscal year, which totals approximately $470,000; this means that the City of Medina has set an overall goal of expending 1.00% or $4,700 utilizing DBE business during this fiscal year.

Table 1 – Anticipated DOT/FAA Assisted FY 2015 Projects

Project Description	Project Amount
Construction Services – Transient Parking Apron	$470,000
TOTAL	**$470,000**
FAA (90%)	$423,000
LOCAL (10%)	$ 47,000

Method
The following is a summary of the method the City of Medina used to calculate this goal:

STEP 1: 26.45 (c)
The City of Medina, in developing its overall goal and methodology, utilized the suggested procedures contained in Part 26.45 C-1, (I.e. using DBE directories and census data/NAICS Codes to establish a base figure for Step 1. Also, the suggestions in Part 26.45 D-1 (i)(ii), regarding consideration of additional adjustment factors, including the possibility of information from disparity studies and/or "the current capacity of DBE's to perform work in your FAA assisted contracting program, as measured by the volume of work DBE's have performed in recent years" were used as part of this methodology. Details of the application of this methodology approach are presented below.

Determination of the Market Area of the Study
Based on discussions with the City of Medina and reviewing recent project accomplishments bid at the Airport, the normal market area for the Airport consists primarily of Medina County. As a result of this data the City of Medina chose Medina County because the Airport is located within Medina County and the majority of the Airport contracting takes place in the specified area.

Determination of Relevant NAICS Codes

Work classifications for all Ready, Willing and Able (RWA) enterprises were obtained from the North American Industry Classification System (NAICS) prepared by the U.S. Census Bureau at the following website: http://www.census.gov/epcd/www/naics.html

Table 2 – Anticipated NAICS Codes

Project Description/Anticipated Services	2012 NAICS Code
1. Rehabilitate Transient Parking Apron	
Highway Construction	237310
Geotechnical Services	541380
Seeding & Mulching	561730

Determination of Relative Availability of DBE's in Market Area compared to All Firms

Availability of DBE's, for the NAICS Codes anticipated, was obtained from the Ohio Unified Certification Program at the following website: http://www.dot.state.oh.us/Divisions/ContractAdmin/Pages/default.aspx Using the NAICS codes for Medina County resulted in firms listed as follows in Table 3.

Table 3 – Available DBE's and CBP's by Anticipated NAICS Codes

NAICS Code	Category Description	DBEs [1]	CBPs [2]
237310	Highway Construction	1	9
541380	Geotechnical Services	0	1
561730	Seeding & Mulching	0	88
TOTAL:		1	98

1. DBE's in description of services from Ohio DBE Directory as obtained from their website on January 22, 2015.
2. CBP's in NAICS Code from U.S. Census Bureau 2012 County Business Patterns for the Counties listed were oblained from Census Bureau website on January 22, 2015.

Determine the Step 1 DBE Base Figure

The method used to calculate the relative availability of DBE's is in accordance with 26.45(c) (1) utilizing DBE Directories and Census Bureau Data to calculate the ratio of Ready, Willing and Able (RWA) DBE's in the market to all RWA CBP enterprises in the market produces the base figure. Using the NAICS code methodology the DBE Base Figure is as follows:

$$\text{FY 2015 Base Goal} = \frac{\text{RWA DBE's}}{\text{RWA CBP Firm}} = \frac{1}{98} = 1.00\%$$

The calculated base figure for FY2015 is 1.00%

STEP 2: 26.45 (d)

Adjustments to the DBE Base Figure

After the Step 1 DBE Base Figure has been developed, the regulations (49 CFR Part 26(d)) require that additional evidence in the jurisdiction of the City of Medina be examined to determine what adjustment, if any, is needed to the base figure in order to arrive at the overall goal.

The next step in our goal setting process is intended to adjust the participation the recipient would expect in the absence of discrimination. Our history of DBE achievements was based on information for the three (3) years prior to the current fiscal year. The DBE participation accomplishment during this period is presented below.

Table 4 – Previous three (3) years accomplishments:

Report Period	Approved DBE Goal	Total DBE % Achieved	Achieved Over/Under
2012	1.90%	0.20%	-1.70%
2013	1.90%	0.00%	No grant
2014	1.90%	0.00%	No grant
Median	1.90%	0.00%	-1.70%

Adjusted Goal (Average of Base Figure with three-year accomplishment median):

Median of previous three (3) years accomplishments: 0.00%

If the City of Medina decided to adjust the goal based on the calculations the goal would be .50% (0.00% + 1.00% = 1.00% / 2 = 0.50%). However, based on the proposed projects for FY15 the Airport feels there is a possibility that they may meet the proposed goal of 1.00%. Therefore the Airport will maintain the proposed goal of 1.00%.

Consultations and Public Participation

The City of Medina is unaware of any disparity studies relative to our market area. Nor have we identified any other evidence relating to discrimination specific to our market area. We are continuing to monitor and investigate information that is related to goal setting and barriers confronting DBE's. This market area is based upon the fact that the substantial majority of bidders come from this area and the substantial majority of contracting dollars have been expended with firms from this area.

Prior to letting construction and non-construction contracts, the City of Medina will undertake a consultation with minority, women's and general contractor groups to determine whether they can direct the City of Medina to information about past discrimination in public contracting; discrimination in private contracting; discrimination credit; bonding or insurance; data on employment, self-employment, training or union apprenticeship programs; and/or data on firm formation. These consultation meetings will include dates, times, and locations of the meetings, as well as meeting descriptions.

All advertisement for construction and non-construction project will be listed in the following local newspaper:

- Medina Gazette

Process

The City of Medina will normally submit its overall goal to the FAA on August 1st of each year. Before establishing the overall goal each year, the City of Medina will consult with state and local organization representing various contractors, minority contractors and women contractors that are interested in the DBE program to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and the City of Medina's efforts to establish a level playing field for the participation of DBE's.

Following this consultation, we have published, in the above mentioned newspaper, a notice of the proposed overall goal informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the office of the Mayor for thirty (30) days following the date of the notice, and informing the public that the City of Medina and the FAA will accept comments on the goals for (45) days from the date of notice. Normally, we will issue this notice by June 1st of each year. The City of Medina has received no comments in response to the public notice. The City of Medina will notify the FAA if any comments are received.

Our overall goal submission to the FAA will include a summary of information and comments received during this public participation process and our responses.

The City of Medina will begin using our overall goal on October 1st of each year, unless we have received other instructions from the FAA.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

The City of Medina will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The City of Medina will use a combination of the following race-neutral means to increase DBE participation:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.

2. Disseminating information on contracting procedures and specific contract opportunities by including DBE organizations on the mailing lists for bidders to increase their awareness of upcoming contracting opportunities at the Airport.

The City of Medina estimates that, in meeting the overall goal of 1.00% we will obtain 0.00% from race-neutral participation and 1.00% through race-conscious measures.
The following is a summary of the basis of our estimated breakout for race-neutral and race-conscious DBE participation:

The reason for this is that the City of Medina has limited history of past DBE participation upon which to base a race-conscious/race-neutral breakout. Therefore, the City of Medina will meet their goal of 1.00% using race-conscious measures. In the future, the City of Medina will make good faith efforts to meet the maximum feasible portion of their goal with race-neutral measures.

Contract Goals (26.51)
The City of Medina will use contract goals to meet any portion of the overall goal it does not project being able to meet using race-neutral means. Contract goals are established so that, over the course of the grant, DBE's have the maximum amount of opportunities to participate in the projects listed.

PUBLIC NOTICE

The City of Medina hereby announces its fiscal year 2015 through fiscal year 2017 goal of 1.00% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goals and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at 132 N. Elmwood Ave., Medina, Ohio 44256 for 30 days from the date of this publication.
Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

Mr. Greg Huber, Law Director
City of Medina
132 N. Elmwood Ave.
Medina, Ohio 44256

Or

Ms. Nancy Cibic
Federal Aviation Administration
Office of Civil Rights - Room 440
2300 E. Devon Ave.
Des Plaines, IL 60018

Contract Goals

The City of Medina will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of RN means.

The City of Medina will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work).

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

(Published: _____, 2015 in the Medina Gazette)

ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

[*Forms 1 and 2 should be provided as part of the solicitation documents.*]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of ____ % DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of ____%) is committed to a minimum of ____% DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ _____

(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is $ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By _____Date: _____
(Signature)

_____
(Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

Submit this page for each DBE subcontractor.

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The *City of Medina* has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to the Ohio Revised Code;

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

ATTACHMENT 8
DBE Certification Application Form

The *City of Medina* uses the Ohio Department of Transportation DBE application form. These forms can be obtained by emailing:

DOT.SDBE@dot.state.oh.us

You can contact The Ohio Department of Transportation with any questions or comments at 800-459-3778 (toll free)

U.S. Mail to: Office of Small and Disadvantaged Business Enterprise
1980 W. Broad Street, MS 4190
Columbus OH 43223

OR

by visiting the Web Page for the Ohio Unified Certification Program page at:

www.OhioUCP.org

ATTACHMENT 9

State's UCP Agreement

The City of Medina utilizes the State of Ohio's DBE program and services and does not certify DBE contractor's on their own but rather defers to the State of Ohio program. All contractors wishing to be certified should contact the State of Ohio DBE program based on attachment 8 above.

ATTACHMENT 10

Small Business Element

It is recommended that you include the following components and notes:

1. Objective/Strategies

As part of this program element you may include, but are not limited to, the following strategies:

(1) In multi-year design-build contracts or other large contracts (e.g., for "megaprojects") requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.

(2) On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.

(3) Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.

(4) To meet the portion of your overall goal you project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

2. Definition

- *DBE firms should be identified in the Small Business element of the recipient's DBE program as eligible for the program unless there is a DBE micro-Small Business Program element in place.*
- *Size standard should be consistent with 49 CFR 26.5 and must be no larger than the Small Business Administration's size standards. DBE firms and small firms eligible for the program should be similarly sized to reduce competitive conflict between DBE and non-DBE firms.*
- *Personal Net Worth standards (optional) – should be consistent with 49 CFR Part 26 thresholds.*

3. Verification

- The *City of Medina* diligently attempts to minimize fraud and abuse in the SB element of its DBE program by verifying program eligibility of firms.

4. Monitoring/Record Keeping

- Information will be gathered during the bidding process and records maintained in those files.

5. Implementation Timeline

- The *City of Medina* implemented a "Small Business" element in April of 2012.

6. Assurance

- *Include the following assurances:*
  1. *assurance that the program is authorized under state law;*
  2. *assurance that certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;*
  3. *assurance that there are no geographic preferences or limitations imposed on any federally assisted procurement included in the program;*
  4. *assurance that there are no limits on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and*
  5. *assurance that aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.*
  6. *assurance that the program is open to small businesses regardless of their location (i.e., that there is no local or other geographic preference).*

Fostering Small Business Participation	
Sponsor's Name:	City of Medina
Airport Name:	Medina Municipal Airport
City, State:	Medina, Ohio
AIP Number:	3-39-0053-pending
Federal Fiscal Year:	

In accordance with Section 26.39 the following detailed list shall be completed by Prime Contractor(s) for Construction Work Items as well as by Prime Contractor(s) for Professional Services Work Items. Note: The firms listed below may or may not be certified DBEs.

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		

(Duplicate form as necessary.)

ORDINANCE NO. 62-15

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR COMPETITIVE BIDS AND TO AWARD A CONTRACT TO THE SUCCESSFUL BIDDER FOR THE RYAN ROAD RECONSTRUCTION PROJECT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor is hereby authorized and directed to advertise for competitive bids and to award a contract to the successful bidder for the Ryan Road Reconstruction project in accordance with plans and specifications on file in the office of the Mayor.

SEC. 2: That the estimated cost of the project, in the amount of $1,258,000.00, is available as follows: $566,920.00 in Account No. 380-0682-54414, $364,000.00 in Account No. 380-0682-54414, $219,144.00 in Account No. 108-0682-54414, and $107,936.00 in Account No. 108-0682-54414.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

ORDINANCE NO. 63-15

AN ORDINANCE AMENDING ORDINANCE NO. 200-14, PASSED DECEMBER 8, 2014. (Amendments to 2015 Budget)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Ordinance No. 200-14, passed December 8, 2014, shall be amended by the following additions:

Account No./Line Item	Additions
106-0190-50111 (Weigh Station)	24,000.00
106-0190-51121 (Weigh Station)	3,400.00
106-0190-51126 (Weigh Station)	400.00
106-0190-51123 (Weigh Station)	400.00
380-0682-54414 (Ryan Road-OPWC grant)	566,920.00 *
380-0682-54414 (Ryan Road-OPWC loan)	364,000.00 *
108-0682-54414 (Ryan Road-city funds)	219,144.00 *
108-0682-54414 (Ryan Road-county funds)	107,936.00 *

SEC. 2: That Ordinance No. 200-14, passed December 8, 2014, shall be amended by the following reductions:

Account No./Line Item	Reductions
106-0101-50111 (Weigh Station)	24,000.00
106-0101-51121 (Weigh Station)	3,400.00
106-0101-51126 (Weigh Station)	400.00
106-0101-51123 (Weigh Station)	400.00

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

* - new appropriation

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

RESOLUTION NO. 64-15

A RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.

WHEREAS: Section 5513.01(B) provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges or Universities to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor hereby requests authority in the name of the City of Medina to participate in the Ohio Department of Transportation contracts for sodium chloride (rock salt), Contract 018 and agrees:

1) To purchase an estimated salt tonnage of 4,800 tons (stockpile capacity 1,600 tons) exclusively from the vendor awarded the sodium chloride contract for the county in which said political subdivision is located;

2) To be bound by the terms and conditions of the contract;

3) To be responsible for payment directly to the vendor for the quantities purchased under the contract; and

4) To be responsible for resolving disputes arising out of participation in the contract and, to the extent allowable under Ohio law, hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01(b).

Minimum Order = 1 truckload/22 tons without piler or 200 tons with piler

Stockpile Location:	781 West Smith Road Medina, OH 44256
Stockpile Capacity:	1,600 tons
Tons Required:	4,800 tons (estimated)

Participating Political Subdivisions are intended beneficiaries under this contract and are real parties in interest with the capacity to sue and be sued in their own name without joining the state of Ohio, Ohio Department of Transportation. By signing and returning this agreement, you will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of this contract may invalidate participation for the following winter season.

Political subdivisions will be required to submit a new participation agreement form every year indicating storage capacity and stating salt needs for the contract period.

SEC. 2: That a copy of the Agreement is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to the Ohio Department of Transportation, Office of Contracts, Purchasing Services, prior to the mailing of Invitation 018 each year.

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 5: That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the contract is due by May 18, 2015; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

ORD. 64-15
Exh. A

OHIO DEPARTMENT OF TRANSPORTATION

All Sites ohio.gov State Agencies Online Services Search ODOT

ODOT Home Divisions Construction Management/Contract Sales Contracts Winter Fil Contract - Sodium Chloride (Rock Salt)

PLEASE READ BEFORE SUBMITTING:

By submitting the below participation form and a resolution/ordinance for the Winter-Use Salt Contract (018-16) you will be bound to purchase at least 90% of the salt quantities requested. Conversely, you will be able to purchase up to 110% of the salt quantities requested. After the deadline noted below, you cannot change your position or back out of this contract at any time. NO EXCEPTIONS. The Winter salt contract will be valid from November 1, 2015 through May 31, 2016. Orders may be placed beginning November 1st. Once an order has been placed, your salt supplier will have seven (7) calendar days to deliver the balance of your order. You will be responsible for placing all orders and making payments directly to your salt supplier. You will also be responsible for settling all contract disputes between your Political Subdivision and your awarded salt supplier.

The Winter-Use Contract will be put out to bid approx. May 19th and bids will open around June 16th. We will share the bid results by email shortly thereafter.

This participation form AND your Resolution/Ordinance must be submitted by no later than 5:00PM on MONDAY, MAY 18th. The Department will NOT accept your salt request if you fail to attach a completed Resolution or Ordinance to the form (first field on the form). NO EXCEPTIONS. After May 18th, you will not be given an opportunity to withdraw or reduce your requested tonnage from the contract.

PLEASE NOTE: YOU MUST ATTACH AN APPROVED RESOLUTION/ORDINANCE TO YOUR FORM. EVEN THOSE WHO HAVE ALREADY SUBMITTED ONE FOR THE SUMMER CONTRACT FORM MUST RE-ATTACH IT TO THEIR WINTER FORM. YOU MAY USE THE SAME RESOLUTION/ORDINANCE FOR EITHER CONTRACT.

HOW TO VERIFY THAT YOUR FORM WAS SUCCESSFULLY SUBMITTED

It is your responsibility to verify that your submitted form has been received and that the tonnages you have requested are correct. We have provided a link below that you can use to check to make sure your form was submitted properly and that all information is correct.

Winter Use -> http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/salt-winter.doc

Please note: This link is set to update every night to include all of the data submitted that day, so your submission will NOT immediately appear on this list when you click submit. Please check back after 11:00am the following day to make sure everything submitted is correct.

MAKING CHANGES TO ALREADY SUBMITTED FORMS

If you need to make any changes to your information once you have already submitted the form you must do so by no later than **5:00 PM on Monday, May 18th.**

To make changes you can simply re-submit the form and it will automatically overwrite all of the information on the form you had previously submitted. Therefore, you must fill out the form in its entirety in order for your changes to be made. Please check back the next day after 11:00am to ensure that your changes were made.

Winter Fill Contract

Thank you for your submission.

County: Adams

Political Subdivision: City of Medina

Authorized Person: Nino Piccoli

Street: 781 W. Smith Road

City: Medina

State: Ohio

Zip: 44256

Contact for Ordering: Bill Davis

Email: bdavis@medinaoh.org

Phone: 330-722-9082

1st Stockpile Address - Include Zip: 781 W. Smith Road

1st Stockpile Tons Required: 4,800