

FEBRUARY 3, 2022

The Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting and current transfers, appropriations and bills. At 9:00 a.m. the meeting was called to order by President Harold G. Montgomery. Roll Call: President Harold G. Montgomery, present; Vice President M. Eugene Greene, present; Commissioner Q. Jay Stapleton, present.

The President entertained a motion for approval of the January 27, 2022 minutes. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

2022 Canine Shelter Weekly Report

Week Ending	Came in	Adopted	Reclaimed	Euthanized	Out to Rescue	MIA	Died (Natural or unknown Causes)	Destroyed (in field)	Total Out	Remaining at shelter	Out to County Foster	In from County Foster	Died in Foster (Natural or Unknown Causes)	Total in Foster
1/30	7	0	0	0	0	0	0	0	0	20	0	2	0	4

FINANCIAL REPORT REVIEW

County Administrator Melissa Clark presented the Commission with the following financial report:

- The January 2022 Financial Reports for comparison with the January 2021 Financial Reports. The following was noted during the review:
 - 1/1/2021 beginning cash balance was \$2,676,785.01
 - 1/1/2022 beginning cash balance was \$2,708,800.25
 - Difference of \$32,015.24
 - 1/31/2021 ending cash balance was \$1,206,392.39
 - 1/31/2022 ending cash balance was \$1,044,816.79
 - Difference of \$(161,575.60)

AIRPORT INDEPENDENT FEE ESTIMATE SERVICES - CMT

County Administrator Melissa Clark presented the Commission with proposal letter from Greg Heaton, Vice-President and Aviation Group Manager for Crawford, Murphy & Tilly (CMT) to provide the County with an Independent Fee Estimate for professional design and construction phase services of the Terminal Building Replacement Project at the Gallia-Meigs Regional Airport. CMT proposes to provide Gallia County with the FAA required independent fee estimate of Delta Airport Consultants proposed detailed design and project program documents preparations including contract documents and technical specifications for a lump sum amount of \$2,500, noting they are available to complete the fee estimate tasks immediately upon confirmation and receipt of scopes of work and would have them complete within 3 business days from our notice to proceed.

CMT's proposal letter has been shared with Delta Airport Consultants who advised CMT's proposal is a fair and reasonable price based on their past experience in this regard. County Administrator Clark noted she has received Grant Administrator Karen Sprague's recommendation for the Commission to proceed with approval of hiring CMT to perform the FAA required Independent Fee Estimate for Delta Airport Consultants proposed professional design and construction phase services of the Terminal Building Replacement Project at the Gallia-Meigs Regional Airport. Further Ms. Sprague's email noted these costs will be paid for from the project grant at a minimum 95% grant/5% local match split. Mr. Potoczak with Delta Airport Consultants has advised the County can ask for an amendment to the current FAA AIP grant at the end of the project during grant closeout to be reimbursed for all eligible administrative costs, including this CMT fee and county staff costs for Ms. Sprague to administer the grant should those costs exceed the current grant award for administration of \$2,334.

Based on these recommendations, Mr. Montgomery entertained a motion to approve hiring CMT at the rate of \$2,500 to perform the FAA required Independent Fee Estimate of Delta Airport Consultants proposed design & engineering fees. M. Eugene Greene made and Q. Jay Stapleton seconded the motion. Roll call votes: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

**OWDA COOPERATIVE AGREEMENT FOR REFINANCING WASTEWATER PROJECT
BIDWELL PORTER & KANAUGUA ADDISION SEWER**

County Administrator Melissa Clark presented the Commission for signature three (3) OWDA Fresh Water Refinance Loan Cooperative Agreements and estimated term sheets for the refinancing of USDA Series 2000A, USDA Series 2000B, and USDA Series 2013. The estimated terms are as follows:

- OWDA Loan #9608 (refunding BP USDA Series 2000B) = Estimated Loan Amount \$152,160.50 with Estimated interest rate of 1.33%
- OWDA Loan #9609 (refunding KA USDA Series 2013) = Estimated Loan Amount \$1,750,878.88 with Estimated interest rate of 1.83%
- OWDA Loan #9610 (refunding BP USDA Series 2000A) = Estimated Loan Amount \$1,243,812.50 with Estimated interest rate of 1.33%

President Montgomery entertained a motion to approve and sign the three (3) OWDA Cooperative Agreements as presented. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion to sign the agreements as presented. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

FEBRUARY 3, 2022

RESOLUTION SUBGRANT AGREEMENT- TIM LALLY CHEVROLET

County Administrator Melissa Clark presented the Commission with Resolution for Subgrant Agreement with Tim Lally Chevrolet. This document was provided and recommended by Bricker & Eckler

On January 20, 2022 Gallia County awarded the bid for three (3) Sheriff Department Patrol Vehicles to Tim Lally Chevrolet in the amount not to exceed \$164,385.25. Gallia County, the grantor, intends to direct a portion of its American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Funds for the purchase of the three (3) Sheriff Department Patrol Vehicles. As per the Subgrant Agreement, the subgrantee, Tim Lally Chevrolet, agrees to comply with all requirements of the U.S. Department of Treasury and the U.S. Treasury Office of Inspector General.

M. Eugene Greene made and Q. Jay Stapleton seconded a motion to approve the Resolution and sign the Subgrant Agreement with Tim Lally Chevrolet as presented. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

CERTIFICATION OF COUNTY-WIDE COST ALLOCATION PLAN

County Administrator Melissa Clark presented the Commission with a certificate of the county-wide cost allocation plan FY 2020 for use in 2022 prepared by Maximum, Inc. for approval and signing. President Montgomery entertained a motion to approve and sign the cost allocation plan certification. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

2022 CEBCO GRANT AGREEMENT

County Administrator Melissa Clark presented the Commission with the 2022 CEBCO Wellness Grant Agreement. CEBCO provides grant funding for program and administrative activities related to the employee wellness program. Ms. Clark noted mandatory wellness grant requirements for qualification of the program. President Montgomery entertained a motion to approve and sign the 2022 CEBCO Wellness Grant Agreement. M. Eugene Greene made and Q. Jay Stapleton seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

RESOLUTION SELF-CERTIFYING \$50,000.00 MICRO-PURCHASE THRESHOLD FOR USE OF FEDERAL FUNDS

County Administrator Melissa Clark presented the Commission with Resolution Self-Certifying \$50,000 Micro Purchase Threshold for Use of Federal Funds. Ms. Clark noted the policy was drafted and recommended by Bricker & Eckler.

M. Eugene Greene introduced the following resolution and moved for its passage:

SELF-CERTIFYING \$50,000.00 MICRO-PURCHASE THRESHOLD FOR USE OF FEDERAL FUNDS

WHEREAS, the County is, from time to time, the recipient of Federal grant funding (such "Federal Funds"), which it uses to purchase goods and/or services; and

WHEREAS, when using the Federal Funds, the County must comply with the procurement requirements of the Uniform Guidance, including the use of approved procurement methods found in 2 CFR § 200.320; and

WHEREAS, 2 C.F.R. § 200.320(a)(ii) provides that the County may award "micro-purchases" without soliciting competitive price or rate quotations, where the County determines the price of such "micro-purchase" to be reasonable; and

WHEREAS, 2 C.F.R. § 200.320(a)(iii) and (iv) allow the County to self-certify a "micro-purchase" threshold up to \$50,000 on an annual basis, where such threshold is consistent with State law; and

WHEREAS, Section 307.86 of the Ohio Revised Code provides that the County need not engage in competitive bidding for any purchase less than \$50,000.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Commissioners find that a \$50,000 micro-purchase threshold is consistent with the \$50,000 bidding threshold established in R.C. 307.86; and

2. That the Commissioners hereby self-certify a \$50,000 micro-purchase threshold for any expenditure of Federal Funds, as permitted by 2 C.F.R. § 200.320(a)(iii) and (iv), for the current fiscal year; and

3. That, accordingly, any purchase which does not exceed \$50,000, whether or not such purchase uses Federal Funds, shall not be subject to competitive procurement, consistent with both R.C. 307.86 and 2 C.F.R. § 200.320(a).

Seconded by Q. Jay Stapleton, and after discussion, a roll call vote was taken

Roll call:

Mr. Montgomery	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
Mr. Greene	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
Mr. Stapleton	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay

ADOPTED: this 3rd day of February, 2022

of Harold Q. Montgomery, President

of M. Eugene Greene, Vice President

of Q. Jay Stapleton, Commissioner

RESOLUTION – PROCUREMENT PROCEDURES FOR FEDERAL GRANT FUNDS

County Administrator Melissa Clark presented the Commission with updated County Procurement Procedures for Federal Grant Funds. Ms. Clark noted the policy was drafted and recommended by Bricker & Eckler. President Montgomery entertained motion to approve the Procurement Procedures for Federal Grant funds. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

FEBRUARY 3, 2022

**GALLIA COUNTY PROCUREMENT OF GOODS AND SERVICES
USING FEDERAL GRANT FUNDS**

From time to time, the Board of Commissioners of Gallia County, Ohio, is the recipient of federal grant funds. The County recognizes that, as the grantee or subgrantee of federal funds, it may be subject to certain restrictions in the methods of procurement used to expend those funds. See, e.g., 2 CFR 200.318. The County will expend such funds in accordance with the budget submitted and approved for the funds and shall avoid the purchase of unnecessary or duplicative items. The County will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. In addition to the County's other contracting and procurement ordinances, policies and practices, the following principles will be used in procuring goods and services when those goods and services will be purchased with federal grant funds. In case of a conflict between this Policy and the County's other contracting and procurement ordinances, policies and practices, the more restrictive provision shall control when goods and services will be purchased with federal grant funds.

Conflicts of interest. Individuals involved in purchasing decisions shall exercise particular care to avoid conflicts of interest. To this end, no employee, officer, or agent of the County shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- (i) The employee, officer, or agent,
- (ii) Any member of his immediate family,
- (iii) His or her partner, or
- (iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The County's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub agreements. The County reserves the right to establish minimum rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. Violation of this provision on conflicts of interest may endanger the County's access to federal funds and will subject the violator to discipline, up to and including termination.

Cost and Price Analysis. the County requires some type of cost/price analysis for every purchase made with federal grant funds **more than the Simplified Acquisition Threshold set forth in 2 CFR 200.88, currently \$250,000, including contract modifications.** The purpose of the cost/price analysis is to ensure that the County is obtaining goods and services for a fair and reasonable price. Comparison of competitive bids, proposals, or quotes, without more, is generally sufficient to determine that a price is fair and reasonable. As a starting point, the County will make an independent estimate before receiving bids or proposal. Price analysis may be accomplished by a comparison of price quotations and/or current published market prices together with discounts. Cost analysis is a review and evaluation of each element of cost to determine if the price is reasonable.

The County must negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Types of Procurement. The County will generally use one of four methods to procure goods and services:

- (1) Micro-Purchases;
- (2) Small purchase procedures;
- (3) Sealed bids;
- (4) Procurement by competitive proposals.

Consistency with State Law. The thresholds provided in this resolution describe the requirements of Federal law. State law may prescribe a different threshold in certain scenarios. The County will comply with the more stringent threshold where both State and Federal procurement law applies to a purchase.

Micro-Purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold set forth in 2 CFR 200.67, or higher amount permitted by 2 CFR 200.320(a)(1)(iv). **The County may self-certify, on an annual basis a micro-purchase threshold of \$50,000.** To the extent practicable, the County will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the County considers the price to be reasonable. The County may use any other procurement method which complies with state and federal law for purchases which would qualify as "micro-purchases."

Small Purchase Procedures. Small purchase procedures are used for purchases of less than the Simplified Acquisition Threshold and are less formal than sealed bidding and competitive proposals. When making a small purchase, the County will encourage competition to the extent possible and will normally seek at least three quotations from vendors, if time and the market permits. The County may use any other procurement method which complies with state and federal law for purchases which would qualify as "micro-purchases."

Sealed Bids. For sealed bidding to be feasible, the following conditions should be present:

- (A) A complete, adequate, and realistic specification or purchase description is available;
- (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.

Sealed bidding is designed to identify the contractor who can meet the County's requirements for the best price and is the preferred method for procuring construction when conditions (A)-(C) are present. The process is best used for bidding familiar, standard items. It is vital that all the bidders are submitting their bids on comparable goods and/or services to ensure that a comparison of prices will be meaningful. As a result, the Invitation for Bids (the "IFB") should contain all the information necessary for the vendor to submit a valid bid:

- The product(s) should be described in detail.
- Specifications should be clear, concise, and complete.
- Quantity, quality requirements, packaging, F.O.B. point, payment terms, and warranty, delivery and inventory requirements should all be included in the IFB.

If there are changes to the specifications prior to bid opening, the County will notify all bidders of the changes and allow sufficient time for the bidders to factor the changes into their bids. The IFB should always contain a statement that the County reserves the right to reject all bids and to readvertise the purchase in the County's sole discretion.

Procurement by Competitive Proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. A Request for Proposal (the "RFP") should be used for obtaining services such as consulting, advertising, publication, maintenance, and computer programming. The RFP should:

- Clearly define an acceptable level of performance for the vendor and a definite time frame for achieving this goal.
- Ask the vendor to describe the qualifications of those individuals who may be involved in implementing the goals and objectives of the RFP.

FEBRUARY 3, 2022

- Ask for all the information contained in an IFB (see above) but also can ask for input from the vendors on issues such as how they would meet a specific objective, what unique contributions they would make toward achieving the goals outlined in the proposal, and what alternative proposals they would offer.

The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

It is vital that anyone who wishes to submit a proposal be informed about the factors that will go into selecting a source for the goods and services. The County will have a written method of conducting technical evaluations of the proposals received and for selecting recipients. To accomplish this, the County will determine the factors that will be used to judge proposals and the weight given to each factor before it solicits the proposals. This information will be contained in the RFP itself. Except for A/E procurements as described above, price will always be a factor in the source selection process, though it will not always be determinative of the award. The County reserves the right to award the contract based on the proposal that is most advantageous to the County and that allows for the efficient administration of the grant/subgrant.

Noncompetitive Proposals. In certain limited circumstances, the County may use noncompetitive proposals to purchase goods and/or services. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under micro-purchases, small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies:

- (A) The item is available only from a single source;
- (B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (C) The awarding agency authorizes noncompetitive proposals; or
- (D) After solicitation of several sources, competition is determined inadequate.

Federal regulations require that profit be negotiated as a separate element when noncompetitive proposals are used.

Time and Materials Contracts Discouraged. The County may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the County is the sum of:

- (A) The actual cost of materials; and
- (B) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Protest Procedures. The County will use its established protest procedures to handle and resolve disputes relating to the County's procurements using federal grant funds.

Records. The County shall maintain records sufficient to detail the history of each procurement, in accordance with federal audit requirements and its own Records Retention Schedule. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Q. Jay Stapleton moved to adopt the Resolution. Seconded by M. Eugene Greene, and after discussion, a roll call vote was taken

Roll call:

Mr. Montgomery Yea Nay
 Mr. Greene Yea Nay
 Mr. Stapleton Yea Nay

ADOPTED: this 3rd day of February, 2022

/s/ Harold G. Montgomery, President
/s/ M. Eugene Greene, Vice President
/s/ Q. Jay Stapleton, Commissioner

DJFS – JOHN GEE BLACK HISTORICAL CENTER

Director Dana Glassburn discuss plans for his staff to visit on 2/22/2022 Tuesday the John Gee Black Historical Center for community education, history and celebration, and invited the Commissioners to join them. No action taken.

DJFS – TRAVEL REQUEST

Department	Name	Date	To	Re
DJFS	Dana Glassburn	2/10	Columbus, Ohio	ODJFSDA Mtg

The President entertained a motion to approve travel requests as submitted. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

EXECUTIVE SESSION - LEGAL

At 10:55 a.m. the President entertained a motion to enter into executive session with Assistant Prosecutor Randy Dupree, Auditor Robert J. Jacks, County Administrator Melissa Clark and Treasurer Steve McGhee to discuss a legal matter. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea. Returned to regular session at 11:34 a.m.; no action taken.

PROPERTY LINE

Daniel Ours met with the commission to follow up on a discussion on 11/23/2021. Mr. Ours noted he had the property surveyed at a cost of \$3,500.00. Mr. Montgomery noted they would, as property owners of adjoining property, seek legal advice on the property lines noted in the survey and sharing the cost of the survey. No action taken.

FEBRUARY 3, 2022

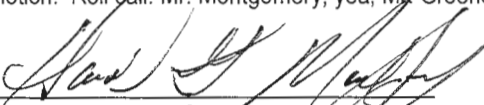
BIDWELL PARK - JEREMIAH 29:7

Scott Howell and Marlin Griffin on behalf of Jeremiah 29:7, a non-profit organization met with the commission to discuss their intent of building a community park in Bidwell, Ohio that they have leased from OOMPD and noted will own in fifteen years. Their first project will be to build a shelter house at an estimated cost \$25,000.00. They asked if the Commissioners could help in anyway. The Commissioner agreed this would be a positive impact on the community and would seek legal advice from the Gallia County Prosecutor to see if they can help. No action taken. Jeremiah 29:7 next meeting is next Tuesday 2/8/2022.

* 1:30 pm – The Commissioners Harold G. Montgomery, M. Eugene Greene and Q. Jay Stapleton, and County Administrator Melissa Clark met with Granger and DLZ for the Jail OAC meeting in the Granger field office conference room, 537 2nd Ave. Gallipolis, Ohio.

ADJOURN

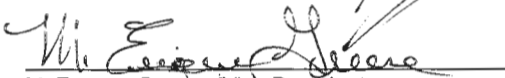
The President entertained a motion to adjourn at 4:00 p.m. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.



Harold G. Montgomery, President



Anette L. Brown, Clerk



M. Eugene Greene, Vice President



Q. Jay Stapleton, Commissioner