



**EDWARD FITZGERALD**  
Cuyahoga County Executive

## **Executive Order No. O2011-0007**

### **Authorizing Department of Public Works to Employ Labor and Materials by Force Account in accordance with Revised Code Section 5543.19**

WHEREAS, Ohio Revised Code Section 5543.19 provides:

(A) The county engineer may, when authorized by the board of county commissioners and not required by this section or other law to use competitive bidding, employ such laborers and vehicles, use such county employees and property, lease such implements and tools, and purchase such materials as are necessary in the construction, reconstruction, improvement, maintenance, or repair of roads by force account.

In determining whether construction or reconstruction, including widening and resurfacing, of roads may be undertaken by force account, the county engineer shall first cause to be made an estimate of the cost of such work using the force account project assessment form developed by the auditor of state under section 117.16 of the Revised Code. When the total estimated cost of the work exceeds thirty thousand dollars per mile, the county commissioners shall invite and receive competitive bids for furnishing all the labor, materials, and equipment necessary to complete the work in accordance with sections 307.86 to 307.92 of the Revised Code.

(B) The county engineer may, when authorized by the board of county commissioners and not required by this section or other law to use competitive bidding, employ such laborers and vehicles, use such county employees and property, lease such implements and tools, and purchase such materials as are necessary in the construction, reconstruction, improvement, maintenance, or repair of bridges and culverts by force account.

In determining whether such construction, reconstruction, improvement, maintenance, or repair of bridges or culverts may be undertaken by force account, the county engineer

shall first cause to be made an estimate of the cost of such work using the force account project assessment form. When the total estimated cost of the work exceeds one hundred thousand dollars, the board of county commissioners shall invite and receive competitive bids for furnishing all the labor, materials, and equipment necessary to complete the work, in accordance with sections 307.86 to 307.92 of the Revised Code. The county engineer shall obtain the approval required by section 5543.02 of the Revised Code.

WHEREAS, it is necessary for the Department of Public Works to employ labor and materials for the County's benefit; and,

WHEREAS, the Department of Public Works employs labor and materials within the budgetary parameters established by County Council.

NOW, THEREFORE, I, Edward FitzGerald, County Executive of Cuyahoga County, Ohio, by virtue of the powers vested in me by the Charter of Cuyahoga County and the laws of the State of Ohio, do hereby order and direct that:

**SECTION 1.** The Department of Public Works is hereby authorized to employ labor and materials and all other acts by force account in accordance with ORC 5543.19.

**SECTION 2.** All purchases/contracts necessary for any such work done by the Department of Public Works shall be approved in the normal course of business as is the case with any other purchases/contracts in accordance with the Cuyahoga County Contracting and Purchasing Procedures Ordinance, Cuyahoga County Ordinance No. O2011-0014, as amended.

**SECTION 3.** The authorization allowed herein shall continue without expiration or the need for any additional annual authorizations until the repeal of this Executive Order or the adoption of legislation by County Council, pursuant to home rule powers, to have the County no longer subject to the requirements of ORC 5543.19, whichever occurs first.

**SECTION 4.** This Executive Order shall go into effect on Sunday, January 1, 2012, and shall remain in force until rescinded by me or any of my successors.

I signed this Executive Order on Wednesday, December 28, 2011, in Cleveland, Cuyahoga County, Ohio.

  
Edward FitzGerald, County Executive