

Ordinance No. 371-2022

By Council Members Hairston and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Community Development to conduct an Exterior Paint Program; to enter into one or more written agreements with homeowners and tenants as an incentive to maintain the exterior of their homes by providing exterior paint and paint supplies through participating vendors, and in limited circumstances, the necessary labor needed to prepare and paint the homes; and authorizing the purchase by one or more standard and requirement contracts of paint, paint materials and supplies necessary to implement the Exterior Paint Program, including labor.

WHEREAS, the City of Cleveland has proposed to conduct an Exterior Paint Program for eligible Cleveland homeowners and tenants as an incentive to maintain the exterior of their homes and aid in reducing lead-based paint hazards by providing exterior paint and paint supplies through participating vendors, and in limited circumstances, the necessary labor needed to prepare and paint the homes; and

WHEREAS, the Exterior Paint Program will provide eligible owner occupants up to \$1,500 and eligible tenants up to \$750 for exterior paint and paint supplies through participating vendors; and

WHEREAS, this Council finds that the Exterior Paint Program has been approved by the Housing Advisory Board in compliance with the Ohio Constitution and statutory requirements and will enhance the availability of adequate housing in the City and will improve the economic and general well-being of the people of the City and it is in the public interest and a proper public purpose for the City to provide and/or assist in providing housing for individuals and families; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Community Development is authorized to enter into written agreements with eligible owner occupants and/or tenants as an incentive to maintain the exterior of their homes by providing paint and paint supplies through participating vendors, and in limited circumstances, the necessary labor needed to prepare and paint the homes. The legislative summary that includes a description of the program has been placed in **File No. 371-2022-A**, and is made a part of this ordinance as if fully rewritten herein.

Section 2. That the Director of Community Development is authorized to canvas and select, without competitive bidding, pre-qualified vendors to provide paint and paint materials for the Exterior Paint Program. The pre-qualified vendors must be able to provide the following:

- The physical location must be in the City of Cleveland
- Vendor must have standard business hours and open on Saturdays
- Vendor must have been in business for at least 5 years; handicap accessible and have available and in stock sufficient paint and paint supplies at all times
- Vendor must be able to accept vouchers, sign a written agreement to invoice for the vouchers as well as be able to accept return of unused supplies and paint

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- Vendor must agree to provide a satin exterior latex acrylic paint with at least a 25 year warranty for no more than \$50 a gallon; primer no more than \$30.00 per gallon.

Section 3. That the Director of Community Development is authorized to canvas and select, without competitive bidding, pre-qualified professional painters to prepare and paint a home, in limited circumstances for the Exterior Paint Program. The pre-qualified painters must be able to provide the following:

- painting, priming, and coating on multiple surfaces according to work specifications and manufacturer specifications, and follow quality and safety guidelines
- must have been in business for five years
- must be available to work at least six days a week, Monday through Saturday
- must be certified as an Environmental Protection Agency – Renovate, Repair, and Paint firm
- must agree to follow lead safe standards and not create lead hazards
- must agree to adequately prepare houses for painting, including scraping, cleaning, and identifying wood that needs to be replaced
- must agree to provide proper preparation for the present substrate on the house; which could be wood, shack shingles, brick, vinyl siding, or aluminum siding
- must agree to prepare and protect work surfaces with drop cloths and masking and be responsible for preparing and cleaning of job sites
- must agree to provide quality work and take corrective action for conditions that may affect job quality and follow historical guidelines for housing in historical areas
- must agree to follow safety protocols as identified in OSHA guidelines, be responsible for the setup and execution of tasks on scaffolding and ladders, ensure proper disposal of paint and paint waste, including paint chips/flakes from prepping the house
- must agree to utilize brush, spray gun, or paint roller to accurately paint various surfaces.

Section 4. That the cost of the paint and paint supplies will be reimbursed to the vendors for eligible owner occupants up to \$1,500 for exterior paint and paint supplies and up to \$750.00 for eligible tenants.

Section 5. That notwithstanding and as an exception to the provisions of Chapter 181 and 185 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified

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Ordinances of Cleveland, Ohio, 1976, with the pre-approved paint vendors and pre-approved painters for each or all of the following items: paint, paint materials and supplies needed to implement the Exterior Paint Program, including painters to prepare and paint a home, in limited circumstances, under the Exterior Paint Program, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Community Development without competitive bidding.

Section 6. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 7. That, under Section 108(b) of the Charter, purchases or procurements made under this Ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Community Development may sign all documents and do all things that are necessary to make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the written agreements, standard purchase, and/or requirement contracts, and other appropriate documents needed to complete the transactions authorized by this legislation shall be prepared by the Director of Law.

Section 9. That the written agreements, standard purchase, and/or requirement contracts may not exceed \$1,568,044.00 and will be paid from Fund No. 01-8006-6463, RQS 8006, RL 2022-41.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GEP:nl
4-18-2022
FOR: Director Hernandez

