

# Ordinance No. 427-2023

**By Council Members Kelly, Spencer,  
Howse, Bishop and Griffin  
(by departmental request)**

## AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing mechanical, electrical and plumbing improvements at Cudell Recreation Center, Thurgood Marshall Recreation Center, and Camp Forbes; and authorizing the Director of Capital Projects to enter into one or more contracts for the making of the improvement.

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WHEREAS, the unique design, time, budgetary, or other material elements of this project can benefit from the special care, coordination, and expeditiousness possible by performance of both the professional design services and the construction under a design-build approach contract with a single entity; 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing mechanical, electrical and plumbing improvements at Cudell Recreation Center, Thurgood Marshall Recreation Center, and Camp Forbes, by replacing the main air handling units, removing the existing systems, installation of new systems, and adding new controls (the "Improvement"), for the Office of Capital Projects, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the schedule, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm(s), and the other objectives of the Improvement.

The selection of the person, firm, or corporation to design and construct the Improvement shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Capital Projects after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Improvement. The contract or contracts shall be prepared by the

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Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 2. That the Director of Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 3. That the cost of the Improvement authorized shall be paid from Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 572, 20 SF 577, 20 SF 584, 20 SF 590, 20 SF 595, 20 SF 700, 20 SF 708, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and other funds approved by the Director of Finance. (RQS 0103, RL 2023-22)

Section 4 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.

JBM:uo  
4-10-2023  
FOR: Director DeRosa

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REPORT  
after second Reading

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**READ FIRST TIME on APRIL 10, 2023**  
**and referred to DIRECTORS of Capital Projects, Finance, Law;**  
**COMMITTEES on Municipal Services and Properties,**  
**Finance Diversity Equity and Inclusion**

REPORTS

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE, DIVERSITY, EQUITY  
and INCLUSION

FILED WITH COMMITTEE

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