

Ordinance No. 408-2023

**By Council Members Kazy and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing and installing replacement sewers and repairing and rehabilitating existing sewers and sewer connections, relining sewers, and constructing and repairing catch basins and manholes at various locations throughout the City on an as-needed basis; and authorizing the Director of Public Utilities to enter into one or more public improvement requirement contracts for the making of the improvement, for a term of one or two years; and authorizing gifts, grants, or loans.

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 and installing replacement sewers and repairing and rehabilitating existing sewers, rehabilitating and relining sewers, rehabilitating and repairing sewer connections, and constructing and repairing catch basins and manholes at various locations throughout the City, on an as-needed basis (the “Improvement”), for the Division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one or two years for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to

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enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 3. That the Director of Public Utilities 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 4. That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the Improvement; including but not limited to, the Northeast Ohio Regional Sewer District for Stormwater Community Cost Share Program funding or other funding to implement the Improvement, that the Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

Section 5. That the Director of Public Utilities is authorized to apply for and accept loans to provide funding for the Improvement.

Section 6. That the Director of Public Utilities is authorized to enter into any loan agreements with various public entities, including but not limited to, the Ohio Environmental Protection Agency, for the Improvement. The agreements shall contain terms and conditions that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the loan funds; and appropriate the loan funds for the purposes described in this ordinance.

Section 7. That on execution of any loan agreement, the Director of Public Utilities is authorized to repay the loan funds in accordance with the terms and conditions of the Agreement, from funds approved by the Director of Finance.

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Section 8. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance.

Section 9. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 10. That the costs of the contract or contracts or other expenditures shall be paid from Fund Nos. 54 SF 001, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the NEORS D Stormwater Community Cost Share Program funds, from the fund or funds to which are credited the proceeds from any grant or loan received for this purpose, and/or shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amounts necessary for the work to be performed under the contract or contracts. (RQS 2003, RLA 2023-25)

Section 11. 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.

GB:nl
4-3-2023
FOR: Director Keane

