

# Ordinance No. 488-2023

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

## AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing improvements to the North Coast Harbor identified under the Capital Improvement Plan; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director of Port Control to enter into various written standard purchase and requirement contracts needed for the purchase of lighting, signage, landscaping, and other outdoor furnishings and amenities, including labor and installation, to implement the Capital Improvement Plan, for the Department of Port Control.

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WHEREAS, under the Common Area Maintenance Agreement (the “CAM Agreement”) for the North Coast Harbor, the Rock and Roll Hall of Fame, Great Lakes Science Center, Cleveland Browns, and Cumberland Development are responsible for operating, maintaining, and securing the public areas of the North Coast Harbor; and

WHEREAS, under the CAM Agreement, the City is responsible for capital repairs; and

WHEREAS, in 2021, the City entered into contract with Osborn Engineering to draft a capital improvement plan to address needed capital repairs; 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 improvements to the North Coast Harbor identified under the Capital Improvement Plan, including but not limited to, replacing deteriorating infrastructure and repairing bulkheads, for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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Section 3. That the Director of Port Control 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 Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, for the necessary items of materials, equipment, supplies, and services needed for lighting, signage, landscaping, and other outdoor furnishings and amenities, including labor and installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. 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.

Section 5. 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 Port Control 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 6. That the costs of the standard and requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contracts, each of which purchases 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 the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 10 SF 112, 10 SF 113, and 11 SF 006. (RQS 3001, RLA 2023-38)

Section 8. 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.

AP:nl  
4-17-2023  
FOR: Interim Director Kramer

