

Ordinance No. 544-2020

**By Council Members Johnson, Brancatelli
and Kelley (by departmental request)**

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvement; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works and Office of Capital Projects.

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, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances (the “Improvement”), for the Department of Public Works and Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 397-2020, passed June 3, 2020, the Director of Public Works or Capital Projects, as appropriate, 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 for a gross price 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 for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

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Section 3. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 397-2020, passed June 3, 2020, the Public Works or Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

Section 4. That the selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Capital Projects, as appropriate, for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Capital Projects, as appropriate, and certified by the Director of Finance.

Section 5. That the Director of Public Works or Capital Projects, as appropriate, 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 6. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 397-2020, passed June 3, 2020, the Director of Public Works or Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Director of Public Works or Capital Projects, as appropriate. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by

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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 terms. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Codified Ordinance Sections 131.67 and 181.101 to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinance Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

Section 7. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 397-2020, passed June 3, 2020, under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvement, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvement which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Improvement made.

Section 8. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Capital Projects, as appropriate, 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 9. That the Director of Public Works or Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants from any public or private entity; and for this purpose from any public or private entity; and that the appropriate Director is authorized to file all papers and execute all documents necessary

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to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 10 That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of bonds authorized Ordinance No. 397-2020, passed June 3, 2020, if the City sells such bonds and Fund Nos. 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, 20 SF 591, the fund or funds to which are credited grant funds or cash gifts received, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2020-40)

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.

SM:nl
7-1-20
FOR: Directors Cox and Spronz

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READ FIRST TIME on JULY 1, 2020

and referred to DIRECTORS of Public Works,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

