

# Ordinance No. 532-2023 AS AMENDED

By Council Members McCormack, Bishop  
and Griffin (by departmental request)

## AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing basement, roof, façade, HVAC, and electrical improvements to the West Side Market; authorizing the Director of Capital Projects to enter into one or more contracts for the making of the improvement; and to apply for and accept any gifts, grants or services from any public or private entity.

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WHEREAS, there is a developed concept and established goals for West Side Market (“the Market”) capital improvements, which have been prepared by leading public market experts and reviewed by the West Side Market committee, comprised of merchants, City officials, and stakeholders, to maximize the functionality and revenue-generational potential; and

WHEREAS, the unique design, time, budgetary, or other material requirements of this project can benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under a construction manager at risk 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 various public improvements to the Market, including but not limited to, reconfiguring and replacing the basement coolers and storage and constructing new food preparation areas, constructing roof and façade repairs, installing new heating, ventilation, and air conditioning systems, and performing electrical upgrades (the “Improvement”), for the Office of Capital Projects, by one or more construction-manager-at-risk (“CMAR”) contracts duly let for one or more phases of the Improvement to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction delivery method, the proposed design and construction costs, the schedule, the total life-cycle costs, the qualifications of the proposed design professional(s) and construction firm(s), and the objectives of the Improvement.

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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 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 Director of Capital Projects is authorized to apply for and accept any gifts, grants, or services to implement this ordinance from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive any gift, grant funds or services; and that any funds received are appropriated for the purposes described in this ordinance.

Section 4. That the cost of the Improvement authorized shall not exceed Ten-Million Dollars (\$10,000,000.00) and shall be paid from Fund No. 10 SF 400, from the fund or funds to which are credited any gift or grant funds accepted under this ordinance, and from any other funds approved by the Director of Finance. (RQS 0103, RL 2023-42)

Section 5. 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.

SKM:nl  
4-24-2023  
FOR: Director DeRosa

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REPORT  
after second Reading

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**READ FIRST TIME on APRIL 24, 2023**  
and referred to DIRECTORS of Capital Projects, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. 110 Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES

FILED WITH COMMITTEE

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